



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. I NO. 12**

## THE HANSARD

Wednesday, 26<sup>th</sup> October 2022

The House met at 9.30 a.m.

*[The Temporary Speaker (Hon. Farah Maalim) in the Chair]*

### PRAYERS

### PROCEDURAL MOTION

#### EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

**The Temporary Speaker** (Hon. Farah Maalim): Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. On behalf of the Leader of the Majority Leader, I beg to move the following Procedural Motion:

That, this House resolves to exempt the business appearing as Order 9 in today's Orders Paper from the provisions of Standing Order 43, being a Wednesday morning, a day allocated for business not sponsored by the Majority or Minority Party or business sponsored by a committee.

Hon. Temporary Speaker, today is usually, a day reserved for Members Private Bills and Motions, but given that we have something that we have to accomplish within the shortest time possible; and within the allotted time, I request that this House approves this Motion so that we can continue with the debate that we left pending yesterday.

I request that The Majority Whip, Hon. Osoro seconds this Motion.

I, thank you, Hon. Temporary Speaker.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. I second. It is very important for us to realise that we have serious business to dispense of in this House as far as the debate of the nominees is concerned; and their approval and voting. It is an exercise that takes a bit of time, and we hope to dispense of, within this Sitting.

Hon. Temporary Speaker, I second.

*(Question proposed)*

*(A technical hitch was experienced)*

**The Temporary Speaker** (Hon. Farah Maalim): It is now working. We can now go ahead and put the Question.

*(Question put and agreed to)*

*(Hon. Ali Raso rose on a point of order)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raso, what is your point of order?

**Hon. Ali Raso** (Saku, UDA): Thank you, so much, Temporary Speaker. I do not know if there are strangers in this House. I can see Hon. Duale in the House, yet he is a subject of discussion since yesterday. This House is about customs and traditions, which we are learning.

Hon. Temporary Speaker, could you inform the House if it is in order for Hon. Duale to be here this morning?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Order! This is not a subject for debate. Hon. Aden Duale is the Member of Parliament (MP) for Garissa Township. Until such a time that a writ is received or issued by the Speaker of the National Assembly that his seat is vacant, that is when he will cease being the Member of Parliament for that constituency.

**Hon. Aden Duale** (Garissa Township, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is out of order? That matter has been put to rest. Proceed and tell me what your point of order is. Are you sure you have the card?

**Hon. Aden Duale** (Garissa Township, UDA): Hon. Temporary Speaker, as a seasoned Deputy Speaker who served in the 10<sup>th</sup> Parliament, you have said it right. The ranking Member, Hon. Mbadi, will agree with me on precedence. We have vetted a number of nominees, including the late Gen. Nkaisserry, before. Until this House approves me, I am now a state officer. The moment I hear that the House has approved me and there is swearing in at State House, then I will send in my resignation letter to the Speaker. In this debate, I cannot contribute or vote, but I have the right to sit and listen on behalf of people of Garissa Township. I, therefore, do not even know why Hon. Alice Wahome is here. This is a privilege. If you allow me later in the afternoon, if you are in the Chair, I will give my final farewell or exit speech as I leave the Legislature to go to the Executive.

Therefore, Hon. Temporary Speaker, please protect me from the Hon. Members!

*(Laughter)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members! This matter has been put to rest. Hon. Duale that was a point of information and not a point of order, but it is well in line with precedence. You will have your moment in the afternoon to give your final speech before you proceed and take over the new responsibility.

Next Order!

## SPECIAL MOTION

### APPROVAL OF APPOINTMENT OF CABINET SECRETARIES, THE ATTORNEY GENERAL AND SECRETARY TO THE CABINET

THAT, taking into consideration the findings of the Committee on Appointments in its First Report on the Vetting of Nominees for Approval as Cabinet Secretaries, the Secretary to the Cabinet and the Attorney General, laid on the Table of the House today, and pursuant to the provisions of Articles 152(2), 154(2) and 156(2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House –

(i) approves the appointment of the following persons as Cabinet Secretaries –

	NOMINEE	STATE DEPARTMENT/OFFICE
(1)	Hon. Wycliffe Musalia Mudavadi, EGH	Office of the Prime Cabinet Minister
(2)	Hon. (Prof.) Kithure Kindiki, EGH	Cabinet Secretary, Ministry of Interior and National Administration
(3)	Prof. Njuguna Ndungú, CBS	Cabinet Secretary for National Treasury and Economic Planning
(4)	Hon. Alice Muthoni Wahome	Cabinet Secretary, Ministry of Water, Sanitation and Irrigation
(5)	Hon. Aden Bare Duale, EGH	Cabinet Secretary, Ministry of Defence
(6)	Ms. Rebecca Miano, MBS	Cabinet Secretary, Ministry of East African Community, the ASALs and Regional Development
(7)	Hon. Alfred Ngang'a Mutua, EGH	Cabinet Secretary, Ministry of Foreign and Diaspora Affairs
(8)	Hon. Aisha Jumwa Karisa Katana	Cabinet Secretary, Ministry of Public Service, Gender and Affirmative Action
(9)	Hon. Moses K. Kuria	Cabinet Secretary, Ministry of Trade, Investment and Industry
(10)	Hon. Rosalinda Soipan Tuya, CBS	Cabinet Secretary, Ministry of Environment and Forestry
(11)	Hon. Onesimus Kipchumba Murkomen, EGH	Cabinet Secretary, Ministry of Roads, Transport and Public Works
(12)	Mr. Zacharia Mwangi Njeru	Cabinet Secretary, Ministry of Lands, Housing and Urban Development
(13)	Ms. Susan Nakhumicha Wafula	Cabinet Secretary, Ministry of Health
(14)	Hon. Frankline Mithika Linturi	Cabinet Secretary, Ministry of Agriculture and Livestock Development
(15)	Mr. Eliud Okech Owalo	Cabinet Secretary, Ministry of Information, Communication and the Digital Economy
(16)	Hon. Ezekiel Machogu Ombaki, CBS	Cabinet Secretary, Ministry of Education

(17)	Mr. Davis Kimutai Chirchir	Cabinet Secretary, Ministry of Energy and Petroleum
(18)	Hon. Ababu Namwamba, EGH	Cabinet Secretary, Ministry of Youth Affairs, Sports and the Arts
(19)	Mr. Simon Kiprono Chelugui, EGH	Cabinet Secretary, Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSME) Development
(20)	Hon. Salim Mvurya, EGH	Cabinet Secretary, Ministry of Mining, the Blue Economy and Maritime Affairs
(21)	Hon. Florence Chepnetich Koske-Bore	Cabinet Secretary, Ministry of Labour and Social Protection

(ii) approves the appointment of Hon. Justin Bedan Muturi Njoka, EGH, as the Attorney General;

(iii) approves the appointment of Ms. Mercy Kiiru Wanjau, CBS, as the Secretary to the Cabinet; and,

(iv) rejects the appointment of Hon. Peninah Malonza, OGW, as the Cabinet Secretary for Tourism, Wildlife and Heritage.

*(Moved by Hon. Kimani Ichung'wah on 25.10.2022)*

*(Resumption of debate interrupted on 25.10.2022)*

**The Temporary Speaker** (Hon. Farah Maalim): I am informed that the Member who was contributing was the Member for Marsabit. Proceed, you have seven minutes, Hon. Member.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. Allow me to congratulate you, since it is my first time to speak after you were given that position.

Hon. Temporary Speaker, I will continue from where I left last evening. I want to now mention Peninah Malonza, who is one of the nominees. From the recommendations in the Report tabled before us, it is quite clear that she qualifies for the position, and she is equal to the task that is ahead of her. We had 21 nominees, and Peninah Malonza is qualified enough. She presented herself well. I wonder why we have drawn the attention of the entire nation on her and exposed her to this extent. That is why today, I join the other Hon. Members who have said that this lady qualifies fully for nomination as Cabinet Secretary (CS) and to lead any Ministry given to her.

When you look at her performance in the past in terms of her employment record, academic and professional qualifications, honours and awards as well as professional association and membership, she is among the top cream of the society. I, therefore, want to join others and say she qualifies for this position and we should not continue intimidating and exposing her further.

I also want to say something about Hon. Aisha Jumwa. She has been an MP and also a Commissioner in the Parliamentary Service Commission (PSC). She has served this country very well. She has always been bold enough to address whatever issues, and I believe that she is also qualified. The issue of her integrity or involvement in other things is beyond us. As long

as, she got all the clearances she needed to vie for this position, I do not see why we should continue condemning her.

Regarding Hon. Linturi, I sat with him in the Senate for five years in the 12<sup>th</sup> Parliament. I know his performance, qualifications and what he can do in the Ministry of Agriculture and Livestock Development, because of his background and passion. I support all the nominees in the Report tabled before us, especially Peninah so she can get the position.

When you look at the situation in our country, which I touched on last night, Kenyans are looking forward to a Government that can quickly put systems in place and start working. They are tired of seeing drama. They want performance and people to serve them so they can get out of the problems and challenges they are facing. Once again, mine is to call upon all the nominees – and I am happy that *Mhe. Duale* is here with us – once they are appointed and sworn in, they should get into business and serve Kenyans, because this is what every Kenyan is looking for.

Additionally, last night I touched on the economy of the country. We want CSs who will help us to revive our economy. They should go an extra mile not for themselves but for the country. There are some regions that did not manage to get a CS nominee. I believe the nominated CSs will represent them and give equal services. For instance, Marsabit which is the largest county in the country, needs proper services from all these nominees. So, that in case we need anything, the fact that we do not have a CS does not mean we will not get services like others. I plead and tell all the nominees to serve all Kenyans equally, they represent the entire country and we are waiting to see their performance.

Hon. Temporary Speaker, I support and it is my prayer that soon they will be sworn into office.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): The MP for Igambang'ombe.

**Hon Patrick Ntwiga** (Chuka/Igambang'ombe, UDA): Thank you, Hon. Temporary Speaker. I rise to contribute to this Motion on the vetting of CSs. Having gone through the Report, I wish to say the following.

I have looked at the Report and seen the objection of the Committee Members against Peninah Malonza. Having listened to the CS nominee during her presentation before the Committee, I think she is competent. They cannot just sit down as a Committee and judge people based on their oratory skills; how well, beautiful and fluently one can talk.

Hon. Temporary Speaker, in this country we had a President called His Excellency the late Mwai Kibaki, who did not have good oratory skills. However, he really transformed this country. When you look at the CSs, I believe that the President did not pick them from people who attended his inauguration party. I am sure that these are people whom he sat down with. The Kenya Kwanza Coalition has a manifesto which addresses tourism, laws, delegation and various other issues in this country. When the President was picking these nominees, I am sure that he sat down with them and conceived his manifesto. When he picked Hon. Linturi as the CS for Agriculture, I am sure that he sat down with him to ensure that he understood his goal in agriculture well. When the President picked Prof. Kithure Kindiki as the CS for Interior and National Administration, I am sure that he sat down with him and agreed on the way forward for security in this country. I listened to Hon. Aisha Jumwa. I served with her in the last Parliament. She is qualified to hold the position of CS. I urge this House to drop the sideshows and approve the CSs.

Regardless of our political affiliations and the coalitions we belong to, all of us went around this country and we promised Kenyans roads, water and good living standards. Since we were sworn in, it is now almost 60 days, and Kenyans are waiting for services. I urge this House to drop divisions and approve these CSs. As we talk right now, children are not attending school due to hunger, and Kenyans are waiting to see what we will do about that issue. It will

not be addressed by Kenya Kwanza Coalition, Azimio Coalition or any other coalition, but by other leaders in this House. As we debate on these CSs, I wish that we do not become a court.

I want to congratulate Hon. Linturi because of being genuine. When he appeared before the Committee, he volunteered to say that he had 35 civil cases in this country. You did not even have the list of the number. He could have said 31, 20 or 18. However, in his genuineness, he said that he had 35 civil cases in this country which would be resolved. We have a Constitution in this country that says that you are innocent until you are proven guilty. I urge this House not to become a court or a jury. Hon. Linturi and Hon. Aisha Jumwa were vying for gubernatorial positions after being approved to vie as leaders by all institutions in this country like the Ethics and Anti-Corruption Commission (EACC). If they won, they would be governors in this country. So, let us avoid the sideshows and approve these people to become CSs so that we can start serving this nation.

Finally, there are people who have been nominated from across the political divide. I heard Kenyans discussing the President's nominees, and they said that he nominated politicians, technocrats and professionals. At what point do you cease to be a technocrat; is it when you are elected? If you are a politician and a professional at the same time, it is an added advantage, because you deal with people both professionally and politically. We have an issue of crucifying nominees and calling them politicians. Being elected does not make you cease to be a professional at any particular time.

Hon. Temporary Speaker, the greatest challenge that the nominee for the position of Cabinet Secretary for Tourism, Wildlife and Heritage had is that she did not present herself well. She did not talk and answer the questions well. I still cannot get the measure of this well. As politicians, we believe that people who are good in oratory skills make the best leaders which is not true. We have people who can speak well but cannot change the living standards of their neighbours. This is unfair. The President nominated these people after sitting down with them, including the CS nominee for Tourism, Wildlife and Heritage. He ensured that she was competent to handle the docket and deliver the Kenya Kwanza manifesto. I am sure these are not people whom he picked from his inauguration party.

Hon. Temporary Speaker, I urge this House to drop the sideshows. Let us stop wasting time for Kenyans. Kenyans are waiting for service. Our term is five years. We have already wasted almost half of our term in sideshows and competing which side is stronger than the other. Finally, when we go back to Kenyans, they will not judge me as a Member of Kenya Kwanza Coalition. The people of Chuka/ Igambang'ombe will not judge me as an MP who supported the President or as a Member of the Kenya Kwanza Coalition; they will judge me based on the number of kilometres of tarmac roads that will be constructed in their constituency. They will also judge me based on the irrigation projects that I would have instituted in Chuka/ Igambang'ombe, and county headquarters in Kathwana, which is dormant and whether it will be functional or not. They will also judge me by the standards of the Chuka General Hospital in the county, which does not have a Level 5 Hospital since Independence; and whether we will have one or not. These sideshows will not add up when it comes to elections next time.

I know that many Members want to contribute to this Motion. I beg to submit that we approve all the nominees as they were presented in this House. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Mavoko.

**Hon. Peter Makau** (Mavoko, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. At the outset, I congratulate you on serving in the Chairperson's Panel. I know that you are an able leader who will guide this House accordingly.

Let me join my colleagues in contributing to this Motion by the Committee on Appointments. I also congratulate them for sitting for long hours, particularly the Hon. Speaker,

who was the Chairman of this Committee. I know that it was a gruelling exercise which was not easy. I have looked at the Report. After this country elected the President, Article 152 of the Constitution speaks of the Cabinet. The President makes his work easier through the Cabinet. I looked at the nominees, and I agree with the Report of the Committee.

There are some Members who have served in this House, including my friend, Hon. Duale, and Hon. Murkomen. When these colleagues are CSs, our work as Hon. Members might be easy, because we had difficulties accessing these CSs in the past. I also agree with the Members who say that this is the time that this House should stamp its authority and prove to Kenyans that Parliament is an independent Arm of Government. This House has powers to check the Executive. I know we are here campaigning for CSs to be appointed. This House must put its foot down. These nominees must know that this House has the powers to approve, recall or impeach them. I know that these Members have been queuing, in the past, at CSs offices for hours to see them. They can feel the pain now.

Hon. Temporary Speaker, if they are appealing to MPs to support them, then it is a wake-up call to them. Once they occupy these offices, they should listen to the representatives of Kenyans who elected us to this House, but not just to sit in those offices and be dictated by power. I do not agree with nominee 24. I agree with the Members that Ms. Peninah Malonza should not have been vindicated like that. When I looked at the parameter they used to reject her, I had questions. Does she have the relevant qualifications and papers? Has she been in employment? Has she served in Government? They are saying that she had no knowledge on the area that she was nominated for, and I want to agree with Members that some people get excited once they go for an interview. I want to urge this House that if we are going to pass that list as it is, then Hon. Peninah Malonza should not be discriminated against due to a parameter that was not applied to any other nominee. I would like to remind this House that in the 11<sup>th</sup> Parliament, we had a candidate who appeared shaky in front of the Committee on Appointments, but she went ahead to be a CS.

Hon. Peninah Malonza does not sit in the Ministry of Tourism, and the work of a CS is not necessarily to understand what happens. There is a Principal Secretary and technical staff. It was, therefore, unfair to ask her questions concerning tourism and culture. Leadership does not mean that you have to know everything. When she sits in that office, a woman of her stature will understand all that pertains to tourism and culture. I am sure that we will only gauge her performance once she has occupied that office. I urge this House to approve Hon. Peninah Malonza.

I want to appreciate Members, particularly Hon. Irene Kasalu, who has been trying to bring a Motion on how we can include Hon. Peninah Malonza in this list. I urge Members to support this Motion, because this lady's reputation has now been destroyed. I urge Members to approve Hon. Peninah Malonza's appointment to the Cabinet, because it will be a win for all women in this country. I am sure that once we approve that Motion, we will pass the list as it is and allow those CSs to help the President to deliver his manifesto so that we solve these issues. I saw the President saying that the price of *unga* will come down after one year. With the inclusion of this Cabinet, the President might be advised accordingly and the cost of *unga* and fuel will come down.

With those few remarks, I thank you so much.

**Hon. Temporary Speaker** (Hon. Farah Maalim): Member for Laikipia North.

**Hon. Sarah Korere** (Laikipia North, JP): Shukrani, Mheshimiwa Spika wa Muda. Ningependa kukupongeza kwa uteuzi wako kama msaidizi wa Spika. Ningependa kuchukua fursa hii kuwashukuru wapiga kura wa Laikipia Kaskazini kwa kunipa nafasi nyingine kuhudumu katika Bunge la Awamu ya Kumi na Tatu.

Mheshimiwa Spika wa Muda, Wabunge wote walioketi hapa siku ya leo walipigwa msasa na darubini na wapiga kura waliowachagua. Wote watakubaliana nami kwamba huko



kupigwa msasa na darubini waliopitia kwa wananchi haikuwa kazi rahisi. Kazi ya Bunge hili ni kuwapiga msasa wale waliopendekezwa na Rais kuwa mawaziri kwa sababu ya ustawi na maendeleo ya jamii ya Kenya.

Mheshimiwa Spika wa Muda, kazi inayomsubiri Rais wetu mpendwa wa nchi hii ni kubwa inayohitaji uadilifu na uaminifu, na bila shaka haiwezi kufanywa na watu ambao maadili yao yana tashwishi. Kutoka kwa jamii ya wafugaji, ningependa kumpongeza na kumshukuru Mheshimiwa Rais kwa maana ninapotazama watatu ambao wameteuliwa katika jamii ya wafugaji, akiwepo aliyekuwa Kinara wa walio wengi Bungeni, Mheshimiwa Aden Bare Duale, bila shaka maadili yao sio ya kutiliwa shaka ama tashwishi yeyote. Na zaidi ya hayo, ni watu ambao wako na utu na ubinadamu. Kwa mfano, ukimtaja Mheshimiwa Soipan Tuya, tangu Mungu alipoumba dunia haijatokea mwanamke wa jamii ya kimasaa kuwa waziri katika nchi ya Kenya. Uteuzi wa Mheshimiwa Soipan Tuya sio bora mama, bali ni mama bora. Hata kama tunataka akina mama wawe mawaziri na viongozi, hatuwezi kusema bora mama tu, bali ni mama bora. Mheshimiwa Spika wa Muda, ukiangalia huyo msichana wa kimasaa, ni mwanasheria, amekuwa Mbunge katika Bunge hili, na ameweza kuendeleza maendeleo mengi katika Kaunti ya Narok.

Ningependa kusema hivi: Ili Rais wetu aweze kushukisha bei ya unga na mafuta, ni sharti tupambane na ufisadi katika nchi hii. Na haitakuwa jambo bora kupitisha tu na kufanya Bunge hili kuwa mahali pa kupiga muhuri kila kitu. Wakenya wanatutazama, na wameweka matumaini yao kwetu. Sasa hivi, hali sio hali tena; wananchi wengi kule Kaskazini mwa nchi wanalala bila chakula, na watu wanakufa njaa.

Ukiangalia hali ya usalama, imekuwa si hali tena kwa sababu ya wizi wa mifugo na mauwaji ya kiholela. Kwa hivyo, wanaochukua nyadhifa hizi ni lazima wapigwe darubini sawasawa, na wawe watu ambao watakaohakikisha kwamba Wakenya watapata haki zao.

Mheshimiwa Spika wa Muda, nilikuwa natazama Katiba ya Kenya asubuhi hii, na Sura ya Nne inazungumzia haki ya Mkenya. Baadhi ya haki iliyozungumziwa ni haki ya Mkenya na mali yake kuwa salama. Lakini sasa hivi, wananchi wa Kitui wanahangaishwa na Wakenya wenzao. Ukitazama Laikipia Kaskazini, tunahangaishwa na majambazi wanaotoka kaunti jirani. Wengi wetu tumepokonywa haki yetu tuliyopewa na Katiba ya Kenya; haki ya mali na nafasi yetu kulindwa. Haki nyingine ambayo Wakenya wengi wamepokonywa ni elimu ya msingi, ambayo ni haki ya kila mtoto Mkenya.

Mheshimiwa Spika wa Muda, leo hii ukitembea Kaunti ya Baringo, haswa eneo Bunge la Tiaty, ambao ni majirani wangu, utapata kwamba miongoni mwa wale watu, zaidi ya asilimia sabini hawawezi kusoma wala kuandika. Lawama sio kwao, bali kwa Serikali ambayo imepokonya haki yao ya kimsingi ya elimu. Serikali inapowanyima wananchi wa Kenya haki zao za kisheria, inastahili wananchi hawa waishtaki Serikali yao. Naomba Mwenyezi Mungu kuwa wale watakaokuwa mawaziri, haswa wa Elimu na Usalama, watahakikisha kwamba tunarejeshewa haki zetu tulizonyimwa kwa miaka na mikaka.

Sura ya Sita ya Katiba ya Kenya inazungumzia maadili yanayoambatana na utumishi wa umma na watumishi wa umma. Mimi naomba Mungu kuwa hivi karibuni, tutaona Wakenya wenyewe wakikataa kuteuliwa iwapo wanajua wana madoadoa. Kuna baadhi yao ambao wana doa kulingana na maadili yao. Mimi kama mama sijui vile nitaingia kwa ofisi ya mtu aliye na shutuma ya ubakaji; nitakuwa na hofu sana. Ingekuwa jambo la busara iwapo ndugu zetu katika Kenya Kwanza wamekosa watu wenye maadili mazuri, wangetuomba upande huu, kwa kuwa tuna watu wengi. Nasema hivi kwa sababu singetaka kusikia eti mwanamke ameenda kutafuta kazi ama kutumikiwa katika ofisi ya umma kisha akabakwa. Mimi nina hofu na baadhi ya wengine wao. Ijapokuwa sitawataja, lakini wapo. Iwapo mtu amekiri kuwa ana kesi 35, hata akitunukiwa ile nafasi, akili yake haitatulia. Hataweza kututumikia akiwa na akili tulivu. Ijapokuwa ako na kesi haimaanishi kuwa ametenda yale makossa. Sasa hivi, anastahili apewe

nafasi ili azishughulikie kesi zake 35 halafu nafasi hii ipatiwe Wakenya wengine wasio na doa, kasoro wala tashwishi ili waweze kuwatumikia Wakenya .

Nikirejelea swala la Bi. Peninah Malonza, huyu mwanamke maskini analaumiwa kuwa hakuweza kuzungumza. Sio mara ya kwanza kwa wanawake kulaumiwa. Katika shamba la Edeni, Adamu ambaye alitangulia kula tunda walilokuwa wamekatazwa kula katika hilo shamba, alimlaumu Hawa kwa kosa lake, ilhali yeye ndiye aliyetangulia pale. Ni yeye angekataza lile tunda kuliwa. Wanataka kumfanya binti Malonza kama kafara bure. Iwapo ni kupita, basi sharti huyu binti pia apitishwe.

Shukrani, Mheshimiwa Spika.

*(Applause)*

**The Temporary Speaker** (Hon. Farah Maalim): The Member for Tigania West.

**Hon. John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to speak to this Motion. I thank the President for the diversity in the selection of the 24 nominees. They are very different, they are very representative in terms of their careers, background and academia. There is also a regional balance.

I thank the Committee for doing a good job. They asked probing questions and also did a good Report, which has informed the debate in this House. They have majorly explored a few areas, which I would like to highlight.

On integrity, it is in Chapter Six of the Constitution, and everybody can refer to it. They were looking for the demonstrable knowledge on topical, administrative and technical issues. They were also looking at requisite abilities, academic qualifications and professional experience. The Committee pronounced itself in giving us a Report and showing us the process which they undertook.

I would like to highlight a few issues that were covered in this Report. On compliance with taxation, all the nominees passed the test. On clearance with the Directorate of Criminal Investigations (DCI), only one had a few issues. On Higher Education Loans board (HELB), those who got loans from the HELB had cleared them. Seven of them did not find it necessary to take a HELB loan. I, therefore, see people who allow the less advantaged to benefit from such state provisions.

Hon. Temporary Speaker, I would like to single out Hon. Aisha Jumwa and Hon. Mithika Linturi. Who is Hon. Aisha Jumwa? From what we know and from the Report as it were, she has struggled all her life. She was elected the Kilifi Woman Representative. The Kilifi People trusted her with that position, and she did her job very well. Even though she did not win the gubernatorial race, she was not barred from contesting for that seat. Should we block her future in this respect? Have we not realised that she nearly defeated a man in the gubernatorial contest? She is a forthright and hardworking person. We should not deny her this opportunity. Kenyans are governed by the Constitution. We know that there is a matter that is pending in court. In fact, rumour has it that this matter has been settled. I may not allude to that. As an examiner at the university level, I award her 72 per cent.

Let me turn to Ms Peninah Malonza. She has an admirable career. She has experience in the private sector; she has been a Deputy Governor of Kitui, where she did a good job and left a track record. The problem that was cited by the Committee is her lack of knowledge on topical issues on matters tourism and wildlife. Are we hiring this lady as the consultant in tourism and wildlife, or as a policy maker? Policies are made from advisory. Since we were not looking for that, this lady deserves a 70 per cent.

All of us know about Hon. Mithika Linturi. He can be described in the Late Hon. Biwott's words, as 'a total man'. He does not take anything lying down; his name has been tarnished in this country because he stands as man, and speaks his mind. He says the truth as it

is. He has clearly articulated the failures of the previous regime. The regime has tarnished his name in return. There is a mention of cases, and someone has the audacity to say 35 cases. These 35 cases can be reduced to one case, because they come from the same source that we would not like to disclose. We do not wish to discuss such cases in the House. These are domestic matters. Although domestic matters might find themselves in court, we should allow the court to resolve these issues.

Hon. Mithika Linturi is also one of the people who have done a lot for this country. Let me demonstrate who Mithika Linturi is academically. His case was taken by the EACC to court, but the court pronounced his records to be right. His papers are okay. He has served the republic in many capacities. He has done very well as a private sector entrepreneur before he got into politics. He was the Igembe South MP for 10 years, and he has an impeccable development record in Meru. If you want to learn how development is done, go to Igembe South. My brother Hon. John Paul Mwirigi will tell you that he found a pedestal of development, which he is carrying on. His record was trusted by the Meru people when they gave him the Senatorial job. He took the Kiraitu Murungi government to task, and he has satisfied the Meru people.

He goes out of his way in service for humanity. He is known for charitable activities. He is paying Kshs1.2 million as school fees for 39 children from disadvantaged backgrounds. How many of us are doing that? This is not National Government Constituencies Development Fund (NG-CDF) bursary, but his money. On the other hand, he is also involved in food distribution to the disadvantaged. He supports institutions in social economic affairs.

He has never been mentioned in any inquiry report. He has never been laid off from any office because of poor performance or lack of performance. This is the man we need in the Ministry of Agriculture and Livestock, and I will tell you why. He is an innovative dealer, exactly what the ministry needs. He is an entrepreneur; we need to explore entrepreneurship in agriculture. He is a compassionate person; he is supporting people right now. We need such a compassionate person in a sector which supports 75 per cent of this economy. 75 per cent of the people of Kenya depend on agriculture. He is hardworking, and we need a hardworking person in the Ministry of Agriculture. Therefore, we need Hon. Mithika Linturi in agriculture. I would give Hon. Mithika Linturi 75 per cent. We need somebody who has feelings for people. He is a hardworking person, and that is what we need in the Ministry of Agriculture and Livestock Development. We need Mithika Linturi in the Ministry. In my considered opinion, I would rate him at 75 per cent, which is Grade A in university studies. Let us approve all the 24 nominees. I rest my case.

Thank you very much. I offer my remaining few minutes to my friend, Hon. Melly, so that we can go to another business.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Speaker, I want to take the cue from my colleagues to congratulate you on your election to the Speaker's Panel. I also thank the President for the good work that he did. The mix of politicians and professionals that he has nominated to the Cabinet is quite commendable. The nominees are also drawn from across the country. All the eight regions of the country are well represented by the presidential appointment.

The fact that the nominees come from or were formerly Members of Parliament has the feel of the people on the ground. Previously, most professionals in Cabinet did not understand what people on the ground wanted. The fact that we have Hon. Aden Duale, Hon. Kipchumba Murkomen and many others, who were formerly Members of Parliament and served for many years, means they will understand the needs presented to them by the Members of this House.

On Hon. Aisha Jumwa, she is a true bottom-up lady. She has risen through the ranks. She dropped out of school but that did not stop her. She went ahead and became a councillor.

She did her Form 4 exams and got a college certificate. I want to urge this House to approve her name because she has proven that life cannot stop because you dropped out of school in Form 1 or Form 2. She went ahead and vied for the position of Member of Parliament and governor. She was cleared to vie for the position of governor.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order! Order, Hon. Members! This is the august House. For God's sake, I have been away for 10 years but this place has to look like the august House. This is not a fish market, or *ngamia* market for that matter. If you have to consult, do so in absolute low tones. Let us treat this place as an august House and consult in low tones. If you want to consult loudly, there are a number of lounges at the back and in the front.

Proceed, Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker, for restoring order in the House.

On Hon. Linturi, this is an honest man. He articulated issues very well and admitted that he had 35 cases. The fact that he owned up and clarified the issues he has is good. In fact, he contested to be the governor of Meru and met all the requirements as per the law. The fact that a minority on the Committee have written a minority opinion rejecting his nomination or his nomination is not right.

On Hon. Peninah Malonza, she has a good academic record with two Master's degrees. She has led a number of NGOs. She has been a deputy governor. She has proved herself and received a number of international awards. Let us approve all these nominees and allow the Kenya Kwanza Government, under the leadership of President William Ruto, to start running.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Emuhaya.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker, for giving me this chance. First, I congratulate the Committee on Appointments, which looked at the various nominees. They were acting on our behalf and now we have a chance to see what they did.

Let me tackle one issue that has been spoken to by many Members—the issue of Malonza. Yesterday, after I heard that the Committee had not approved her nomination, I looked at videos of her performance because that seemed to be the main reason why she did not qualify.

*(Loud consultations)*

Hon. Temporary Speaker, protect me from Hon. Duale and his team, who are consulting loudly.

**Hon. Temporary Speaker** (Farah Maalim): Order, Hon. Members!

**Hon. Omboko Milemba** (Emuhaya, ANC): I went through those videos and realised that some of the questions that embarrassed the lady were very specific questions that required a technical person. We may not need such a person at the level of Cabinet Secretary. Some questions were so specific. For example, how much did we budget for compensation of families of those who were killed by wild animals? I thought that was too specific a question that may require a technical person to answer. Did you know that if a snake bit you, you are supposed to fill a P3 form? I know most of you are not aware. That may not be used as a basis to make judgment on you when you want to become a Cabinet Secretary for Tourism. We do not need to go in that direction.

When you are questioning or interviewing a person in an area, there are levels of questions. In the education fraternity, the levels are ranked in what is called Blue Moon's Pyramid. There are questions that require remembering, questions that require understanding and questions that require analysing. The highest level of questioning is the one that requires creativity. In the Competency Based Curriculum (CBC), we are training students to go to the level of creativity. The questions should, as much as possible, have been those that can lead to creativity and not those that require remembering. Budgets and other specific questions can be found on Google.

Two, I noticed an effect that in examination we call the *halo* effect. It is a situation where there is a tendency for previous experience to make you have an opinion on the following one. Given that the nominees were a mixture of politicians and non-politicians, there was possibly a tendency by the panel to be influenced by how the politicians were speaking. Therefore, when they faced a person who is not an accomplished politician, they had a *halo* effect. I think she should not be ruled out as a person who cannot work. She needs to be given a chance. I am looking forward to someone moving an amendment to the Motion. We should discuss the Motion with an amendment that Malonza should be included in Cabinet.

The last Cabinet had specific challenges. When framers of the Constitution decided that members of the Cabinet should not be politicians, it was because the Moi Cabinet had had many challenges. They were too loyal to the President at the expense of working for the people. The previous Cabinet equally suffered the same challenge. I want to ask those taking up Cabinet positions, including Hon. Aden Duale, to be people who will be loyal not only to the Executive but to the people of Kenya. Hon. Duale is seated here. I ask them to be loyal not only to the Executive but also to the people of Kenya, and more so Parliament.

*(Applause)*

We do not expect to see a Cabinet that will still be very arrogant; a Cabinet that will not be willing to answer Questions of Members of Parliament (MPs); and a Cabinet that runs like it is them to show it all.

We have had challenges and I will mention specific areas. For instance, there were serious challenges in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. I tried to reach the Cabinet Secretary for five years and I never saw him. I am happy that the Cabinet Secretary nominee for the Ministry of Interior and Coordination of National Government, Kindiki, is a gentleman who understands. It was impossible to deal with the previous Cabinet Secretary. He was operating at a level that you would not imagine. Another area was the Ministry of Education, Science and Technology where the Cabinet Secretary was a one-man show. He ran the whole show alone. As we approve these Cabinet Secretary nominees, I am appealing to this House to send them a signal that they should be responsible to the House.

I want to specifically deal with the area of education. The Cabinet Secretary nominee must be ready and know that, as he comes into office, he faces the CBC that is affecting the education system. He faces the issue of delocalisation, which is already on the Floor of this House. Thanks to the Member for Lurambi for having moved this Motion. He is faced with the issue of the Teachers Service Commission (TSC) and its role as both a regulator and an employer. He is faced with the issue of non-monetary collective bargaining agreements (CBAs) to the workers, specifically the teachers of Kenya. He further faces the issue of infrastructure in our schools and the transition of CBC. Furthermore, he is facing shortage of teachers in our schools, among other challenges. Therefore, he should come to the fore while ready to do this business.

As I conclude, the Committee did a good job but where I come from, in Western Kenya, it would also appear very weak for you to deal with several names—up to 24 names—and only come back home with one innocent lady as the only person whom you killed from your hunting expedition. It is a weakness. It is not a strength. I urge this House to pass the entire list of nominees as proposed.

Thank you, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. Farah Maalim): Member for Gilgil.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker for this opportunity.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Yegon, what is your Point of Order?

**Hon. Richard Yegon** (Bomet East, UDA): Thank you, Hon. Temporary Speaker. Some of us who are new in this House need to be heard and seen. I am among the MPs elected recently, as first timers. It is very difficult for us to be recognised or seen in this House. From when I made my maiden speech to now, I have not got another chance. I have been among the people who are first to come to this Chamber and log in, only to leave without saying anything. Yesterday I left at the last minute, at 7.00 pm. I was among the first people to log in yet I was not seen. We are equal.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. You are supposed to freeze when the Speaker is on his or her feet. You cannot keep on talking from the sides. For God's sake, let us protect the dignity of the House.

Hon. Yegon, I agree with you. I sympathise and empathise with your condition. The only thing you have to know is that I was here. Maybe, I have to bend to reach the microphone while standing. You have to appreciate that the only Members who were with me in the 10<sup>th</sup> Parliament and are here are less than 10. They are about five or six. I do not know who came in the last term or who came in this term. Whenever you have that kind of genuine concerns, please, register them with the Clerks-at-the-Table. Let them bring that information to me and I will certainly take affirmative action so that I get all of you chances to speak. I will listen to everybody. I agree with you.

**Hon. John Mbadi** (Nominated, ODM): ... *(Off record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Mbadi. You cannot engage with the Speaker from the benches. By the way, you have not changed.

*(Laughter)*

I appreciate. Please, let us hear Hon. Wangari.

**Hon. Joseph Makilap** (Baringo North, UDA): ... *(Off record)*

**The Temporary Speaker** (Hon. Farah Maalim): What information do you want to give me, Hon. Member for Baringo North?

Proceed.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Temporary Speaker. It is not information but a point of intervention. I request that the Members of the Committee on Appointment, who have had time with the nominees, be left out so that those of us who are not in that Committee can have chance to comment.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Very well taken; noted. What is your intervention, Hon. Member for Nakuru? I was in this House when I knew everybody by his or her three names but we were only about 200 at the time. Now we are almost 400. Forgive me for not knowing your name.

Proceed.

**Hon. David Gikaria** (Nakuru Town East, UDA): I know. It is okay. My name is David Gikaria, the Member for Nakuru Town East.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed, Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, UDA): I totally agree with my colleagues. Unfortunately, this is not the right time but I beg your indulgence. I know this is a House of debate. We would quicken this debate if we reduce the time of contributions by each speaker from ten minutes to five minutes.

**Hon. John Mbadi** (Nominated, ODM): ... *(Off record)*

**Hon. David Gikaria** (Nakuru Town East, UDA): I know, Hon. Mbadi. It is only about the new Members. Maybe you, Hon. Mbadi can be given 10 minutes. However, for the new Members, I am asking for your indulgence. I know it is not the right time. Five minutes may be enough for a Member to speak.

*(The Temporary Speaker consulted the Clerk-at-the-Table)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, I am a bit rusty now. Ten years away from the Chair and you forget quite a bit. If I remember very well, if it is the intention of the majority of Members of the House that the debating time for each Member speaking be limited to five minutes, I will accommodate as many Members as possible. I am not sure if I can put the question. Can I put the question? Can I have the Standing Orders? Hon. Members, a moment. Let me read the Standing Orders here.

*(Loud consultations)*

*(The Temporary Speaker referred to the Standing Orders)*

Hon. Members, my attention has been drawn to Standing Order 97 (2) and (3), which say:

“97 (2) A motion for limitation of debate under this Standing Order may be made without notice; and,

(3) A motion under paragraph (2) shall not be made in the course of the debate to which it refers unless it is moved after the adjournment of such debate and before the debate is resumed.”.

It can only be made at the beginning of a debate. That would have been possible at the beginning of the debate. I presume that this debate is going to continue tomorrow. Am I right or today is the last day?

*(Loud consultations)*

Unfortunately, it is now the discretion of the MPs to limit themselves to five minutes so that we give opportunity to as many Members as possible.

Thank you, Hon. Members.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Temporary Speaker. I also empathise with Members. Having sat here yesterday, it is not easy to get Members to do five minutes each but I will try to do so.

I start by congratulating the Committee led by our own Hon. Speaker. They sat long hours, went through the paper work, the vetting process, the long days and came up with this report. I congratulate the President because it is not easy to get 22 members of Cabinet from 47 counties, all of which desire to get a Cabinet Secretary. It is not possible to have all 42 ethnic tribes represented in the Cabinet. I note that most of the nominees who were vetted and approved in this Report have experience. Adding politicians to the Cabinet makes us look forward to a better Cabinet that does not look down on elected Members, and which will be dealing with issues as they arise. The in-tray of this team is full. Right now, we are talking about drought. People are hungry in my constituency, and they are suffering everywhere. Some of the nominees will have some work to do, especially the nominee for the Ministry of Interior and National Administration, Hon. Kithure Kindiki. We are currently experiencing conflicts between herders and farmers in my constituency in an area called Ngurika in Mbaruku Location. Maasai herders have brought cows all the way from Kajiado and Narok. They have invaded maize farms. A conflict is simmering. I look forward to him getting to work to deal with these issues.

On the issue of land, I laud the President because, for the first time, Nakuru County has a full Cabinet Secretary nominee. It has never happened. For the first time, we are represented by Zach Njeru in this domain. I hope he will deal with land issues and ensure that every sub-county gets a land registry. That is an issue we should push through to the Cabinet.

I look forward to the nominee for the Ministry of Education hitting the ground running. Apart from the CBC, we are dealing with teachers' issues. The TSC is not working well with the Ministry of Education, and there is push and pull. There is also the issue of hardship allowance that I tried to push for teachers in some areas, especially in Nakuru, which is a semi-arid area. We want the classification of hardship areas re-done by the Cabinet Secretary for Education.

On the issue of nominee Peninah Malonza, we must look at the law as it is. Article 152 of the Constitution does not stipulate the requirements for one to be appointed Cabinet Secretary. It is the role of this House. We have provided qualifications for governors, the President and even for members of county assemblies, but not for Cabinet Secretaries. Saying that you do not like the way I look, or how I behave, or how I talk, cannot be enough reason to disqualify me as a nominee. I look forward to that amendment coming to the House, as has been promised by some Members, so that we ensure that the list of Cabinet Secretary nominees passes as it is.

Because of time, there is only one other issue I will touch on. I am looking forward to the Cabinet Secretary for the National Treasury to deal with the issue of disbursement of the National Government-Constituencies Development Fund (NG-CDF) funds. We are having issues. We are in third term of the school academic year. We have Form Four students sitting the national examinations yet they are at home. Parents are not even able to put a meal on the table yet their children have been sent home for school fees. I look forward to the Cabinet Secretary for the National Treasury ensuring the timely release of NG-CDF funds for this financial year.

Hon. Temporary Speaker, because of Members' concerns, and having sat where you are now sitting, I will not take more time. I support this list. I will give an opportunity to more Members to speak, hoping that we will be magnanimous enough to approve the whole list of nominees. Even if the time allocated is 10 minutes, you do not have to take all of it. Let us take as few minutes as possible, so that we give chance to as many Members as possible to contribute.



Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you, Member for Gilgil. That is very generous of you.

Member for Bomet East.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you very much, Hon. Temporary Speaker. At least, I have now been recognised as being in the House. My people in Bomet have been complaining. When I go home every weekend, they ask me what I do here when other people are talking. They say that they normally see me on television sleeping, and not contributing to any matter before the House. I have now learnt the game.

Regarding the Motion on approval of Cabinet Secretaries, the Attorney-General and the Secretary to the Cabinet, I would like to go straight to the bone of contention regarding Madam Peninah Malonza. The President had included her in the list of nominees to the Cabinet. Some of us have come from the corporate sector, where people work but we never hear them talk. The lady was a Deputy Governor. Did Kitui County perform during her time or did it fail? Those are the pertinent questions that we should ask ourselves. There are people who talk too much but when it comes to service delivery, it is very difficult for them to articulate issues or to deliver. Peninah Malonza should not be left to the lynch mob. We should include her in the list of Cabinet Secretaries to be approved.

The President went a long way to nominate her. We know that the area where the lady comes from did not support the Kenya Kwanza Government. The President did well by trying to diversify and unite Kenyans by even appointing people from areas that are perceived to have opposed the current Government. I find it very difficult to understand opposition Members, especially when they oppose one of their own. We are trying to help you. This lady comes from an area which supported the opposition side. We are doing this to try and unite the nation by bringing in people from areas perceived not to have supported us.

*(Loud consultations)*

Hon. Temporary Speaker, I would like to be protected from the people making noise behind me.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members! Order, Hon. Duale!

**Hon. Wanami Wamboka** (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Hon. Member?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Temporary Speaker, is the Hon. Member in order to stand before the House and allege that it is the opposition Members who are fighting their own Members while the whole Committee adopted the recommendation that Hon. Malonza is not fit to serve? Is the Hon. Member in order to mislead the House? It was a unanimous decision of the Committee. I encourage him to read more about the recommendations of the Committee.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you very much. You have been heard. It is the House to decide. We will decide in the House. The Committee is an extension of the House.

Hon. Temporary Speaker, I will give a very good example. Having worked in the aviation industry, I can share with the House what I learnt from the transport sector. Kenya Airways has been underperforming compared to other carriers. The previous Government tried to import the so-called “technocrats” to come and manage or head our airline. They have never delivered. We need to emulate other countries that have made their national carriers very

profitable. We need not import people to come and lead our corporate sectors while not changing anything yet they are paid millions of shillings in monthly salaries. Peninah Malonza tried to express herself but it looked very difficult. That should not deter her from being given this position.

With those few remarks, I support. May God bless this House.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Nabii Nabwera** (Lugari, ODM): Thank you, Hon. Temporary Speaker for according me this opportunity. This being my Maiden Speech, I request for ten minutes.

Hon. Temporary Speaker, I congratulate you for being elected to the Chairperson's Panel. I also congratulate Hon. Wetang'ula for being elected the Speaker of this House. Further, I congratulate my colleagues for being elected Members of the 13<sup>th</sup> Parliament. In the same vein, I thank the people for Lugari Constituency for giving me an opportunity to serve as their Member of the National Assembly. Equally important, I would like to congratulate my ODM party and party leader Hon. Raila Amolo Odinga for staying true to the course of democratic change and ensuring that this country reaps the fruits of devolution.

Even as we sit here and celebrate the democratic gains that we have achieved so far, I would like to state that I come from a constituency that has been discriminated against. In 2008, the then President Mwai Kibaki laid a foundation stone for the tarmacking of Road C42 that connects Turbo and Shikhendu but to-date not a single kilometre of that road has been tarmacked. In 1992, the then President Moi set aside land to be allocated to people of Lugari and Maanzini but to-date, the people of Lugari are still squatters as the said land has not been gazetted. That is how unfair the Government has been to the people of Lugari.

Coming to the matter before the House, I would like to congratulate the Committee. I find fault that we have been provided with a list of Cabinet nominees that is not in conformity with the Constitution of Kenya. There is no youth or person with disability in the list of nominees. If we become a House that rubberstamps things that are unconstitutional, history will judge us harshly. Looking at this list, and looking at my colleagues of the female gender contributing to this debate in support of a person who attempted to have carnal knowledge of a woman without her consent, I cry.

When I look at that list, and I see people glorifying a nominee simply because she came from a humble background, I wonder. How many Members here come from humble backgrounds?

**An hon. Member:** Point of order!

**The Temporary Speaker** (Farah Maalim): Order! Hon. Members, what is your point of order? This is Hon. Nabii's Maiden Speech, and he shall be heard in silence.

Proceed, Hon. Nabii.

**Hon. Nabii Nabwera** (Lugari, ODM): I want to comment on Hon. Aisha Jumwa. I have seen a copy of an affidavit of a poor Kenyan woman from whom the nominee grabbed her land and here we are, saying: "Oh, she came from a humble background." What about it? What about that poor woman whose land has been grabbed. What do we do with her?

*(Loud consultations)*

I am pained today that this House is debating the approval of a list of Cabinet Secretary nominees, including somebody who has 35 pending court cases. The question of integrity goes beyond being proven guilty or innocent. It is a question of conscience and perception. Surely, what are we going to tell our children – that, we had millions of Kenyans without pending court cases but the best we could get was one Kenyan with 35 pending court cases? I cry.

*(Loud consultation)*

My brothers, we can howl and shout but tomorrow we will look you in the eye and tell you that you voted for a person who is criminally conflicted. That does not mean we do not have good people on that list. I support vehemently the nomination of Hon. Murkomen. He is a legal mind who understands what he really wants to do for this country. He demonstrated his vision of what the transport sector should be because that is what we want to see. We also have a lady like Hon. Wahome who can demonstrate what she is thinking about in terms of water. Can we, however, say the same about Ms. Malonza? My answer is “No!” If you cannot demonstrate the vision you have, then you do not know where you want to go.

As a Human Resource expert, I understand that the reason as to why we have a face-to-face interview is for you to tell us what you can do. If you cannot demonstrate it, then you will not make other people do it. That means you do not know it. How then will you make others do it?

Colleagues, a cabinet is beyond community. If we were to talk about our tribes, then I do not see a Tachoni or an Ogiek on the list. It is about Kenya. I urge my colleagues who are retreating to tribal *cocoons* to desist from doing so. We are looking for a cabinet that will help the President to deliver the promises he made to Kenyans. We are all agreed that irrespective of which side of the political divide we are in, we want a working and an effective cabinet. As we look at these names, we need to ask the question: “If I looked at you in the eye, will you meet the scissors ... *(inaudible)?*”

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, we will have Hon. Mbadi, Hon. Faith of Nyandarua, the Member for Kiambaa and the Member for Manyatta, in that order.

*(Loud consultations)*

Order, Member!

**Hon. John Mbadi** (Nominated, ODM): Thank you, Hon. Temporary Speaker. I want to thank you for giving me an opportunity to contribute to this important Motion on approval of nominees to the Cabinet Secretary positions. If there is any singular responsibility that has been bestowed to this House, it is that of approving the Cabinet. In other jurisdictions, this responsibility is given to the Senate. In the United States of America, it is the Senate that is tasked with this responsibility. In Kenya, we decided, in our own wisdom, to give it to the House of representatives. We are, therefore, expected and required to carry out our tasks in a way that respects and represents the people of Kenya and their interests.

What is required of us, as a House, is to approve these Members based on their suitability to hold these positions. If you look at the 24 nominees, I agree that there are individuals you can pick out and say they have the capacity, professional and academic competence, including experience that they will use to execute their functions.

The nominee for the position of Prime Cabinet Secretary, Hon. Wycliffe Musalia Mudavadi, has the capacity, if he is given an opportunity to deliver and perform the functions that are bestowed on that office.

There are also other names that I can mention like Hon. Duale whom everyone has mentioned. We know his work ethics. He has experience as a former Member of Parliament.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Mbadi. What is your point of order, Hon. Chepkonga? Give him the microphone.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, thank you very much. I do not intend to oppose my very good friend, Hon. Mbadi. He is speaking very wisely today.

We had a Motion yesterday in which you ruled, and we are a House of rules, but there is no change. It was decided yesterday— and you authorised Hon. Speaker— that we would debate for five hours up to 11.00 a.m. this morning. It is now 11.01 a.m. heading to 11.02 a.m. Since you made a ruling and there is no Motion of extension of time, will I be in order to request you to call upon the Mover to reply?

*(Loud consultations)*

*(Several Members spoke off record)*

**Hon. Speaker:** Order Hon. Members! I will allow Hon. Mbadi to finish his submission and then I will give you direction.

**Hon. John Mbadi** (Nominated, ODM): Thank you, Hon. Speaker. I have also mentioned Hon. Duale whom everybody has spoken about and said he has work ethics. He was the Leader of the Majority Party for about seven years. He served as an Assistant Minister. I also agree that Hon. Kipchumba Murkomen is versatile. He may not have the experience in that Ministry that he has been charged with, but he is versatile. I know he can adapt to it.

There are others like Mr. Eliud Owalo who has not worked in Government. However, through experience in consultancy, he can get into that Ministry and perform. I cannot over-emphasise on Hon. Tuya. Hon. (Prof.) Kithure Kindiki is misplaced but he is intelligent enough so, he can adjust.

I am sure Speaker Muturi will deliver. When I look at this Cabinet in totality, I have my fears that we are approving people that are not competent. The mindset of the appointing authority was not on service delivery. This Cabinet will not bring economic revolution in this country. It will not help Kenya take off from a middle-income economy. It lacks competence and integrity in many aspects. What informed the appointment of these members to the Cabinet? If you can task Hon. Aisha Jumwa with the responsibility of reforming our Civil Service which has challenges, I fear that it is not something that is going to work.

This is a Cabinet that is informed by political expediency. The President has actually appointed 2027 regional campaign managers. He is simply telling us that we give him a Cabinet that will not function because he is ready to run the entire Government system, machinery and structure from State House using advisors. Otherwise, we would not have a Cabinet that we have today. It is deficient in terms of academic, professional competence, experience and integrity. It has many people who have cases. Look at the case of Hon. Davis Chirchir. This is the same gentleman who was removed from office in 2015 on corruption matters. If you ask Kenyans today, how many can remember that he was holding the docket in the Ministry of Energy? Very few can remember. This means he left no impact in that Ministry. Then, you are leaving out a lady you have already appointed to the Cabinet called Ms Rebecca Miano who has enough experience, expertise, knowledge and capacity to run the Ministry of Energy and Petroleum.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is a point of order from Hon. Samwel Chepkonga.

**Hon. John Mbadi** (Nominated, ODM): What is the point of order? It is just a point of argument which is wasting my time.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, Hon. Mbadi knows that I know the law.

I rise pursuant to Standing Order 83, as read together with Standing Order 91, on the accuracy of your information. Hon. Mbadi sits in this House. He knows that Mr. Chirchir was not charged in any court of law. He was removed in a very capricious manner. He cannot quote any case here. He is just bringing some market talk from outside. He is under an obligation to

be accurate. If he thinks that somebody is corrupt, he should give us... In any event, you were in Government last time. You should have charged him in a court of law but, you cannot just come and engage in a market talk here in a serious House. Hon. Mbadi, for goodness sake, please quote a case in which Mr. Chirchir was convicted or charged with an offence.

**Hon. Speaker:** Hon. Mbadi

**Hon. John Mbadi** (Nominated, ODM): Hon. Speaker, Hon. Chepkonga is lucky because Hon. Chepkut is no longer there. He would lose in the next election.

*(Laughter)*

The threshold under Chapter Six of the Constitution is higher than cases being in court. We are not a court of law. We approve you in this House based on your capacity to hold office. Hon. Peninnah Malonza is being disapproved simply because she could not talk properly in the Committee. You are telling me that a person who was mentioned in corruption matters and whose name was brought here by the President is as clean as cotton. Let us be serious. I have never been in Government except in 2008 to 2013 when I was in *Nusu MKate* Government. I have never been in Government since that time.

As I conclude, we have a choice to make; reject over 60 per cent of these names or give President Ruto his skunk. Let us not interfere with it. We will give it to him. He asked for it. Let us give him his Cabinet. We know he will run the Government from State House. These are not people who can run a Government, apart from a few ones who are not even more than eight. The rest are incompetent, unqualified and have integrity issues. They cannot deliver this country from where it is to the next level that we want.

Thank you. I will oppose most of the names.

**Hon. Speaker:** Your time is up.

Hon. Members, before we move on further, allow me to acknowledge some schools that are in the Public Gallery:

1. Serare School from Kajiado County;
2. St. Peter's Clavers Secondary School from Makueni County;
3. Karai School from Kiambu County;
4. Anthena School from Machakos County;
5. Kihate Girls from Nyeri County; and
6. Chebilat Mixed from Bomet County.

On my behalf and on your behalf, I welcome the schools and the students to the House of Parliament.

Hon. Members, we had agreed yesterday that this was a time-bound Special Motion. We expanded the timing from the ordinary three hours to five hours which are now spent. I will now invite the Mover to reply. Thereafter, I will give you directions on how we are going to vote.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Before I reply, I want to donate a few minutes, since I have 15 minutes. I will give two minutes to Hon. Kangogo, Hon. Wangwe and Member for Mandera South, Hon. Abdul Haro, Hon. Faith Gitau and Hon. Sigei, two minutes each.

**Hon. Speaker:** Hon. Leader of Majority Party, can you repeat the names for my record?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Faith Gitau,

**Hon. Speaker:** You started with Hon. Kangogo.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes. Hon. Kangogo, Hon. Wangwe, Hon. Abdul, Member for Mandera South, Hon. Faith Gitau, Hon. Sigei and Hon. Kiunjuri.

*(Loud consultations)*

Hon. Wangwe is in Azimio.

**Hon. Speaker:** How many minutes are you donating to each one of them?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): One-and-a-half each.

**Hon. Speaker:** We will start with Hon. Kangogo; you have one-and-a-half minutes.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Speaker. I want to take this opportunity to thank the people of Marakwet East for giving me a third term. I want to support all the nominees by the President. Looking at the nominees you are able to see all the regions represented and there is gender balance. I want to congratulate the President for making sure that even parts of the country which did not vote for Kenya Kwanza coalition party are included in this Government.

I also want to join other Members of Parliament who are in support of Hon. Peninnah Malonza. I want to say that all the nominees are equal to the task. I heard some of our colleagues accusing some of the nominees, especially Hon. Peninnah, yet some of them do not have the qualifications that the nominee has. I support that as Kenya Kwanza coalition party we support and empower women. I also thank the Leader of the Majority Party for giving me these two minutes. It is an opportunity for me to speak for the first time in the 13<sup>th</sup> Parliament and to congratulate you on your election as the Speaker.

**Hon. Speaker:** Hon. Wangwe is not there, so Hon. Abdul go ahead.

*(Hon. Kimani Ichung'wah consulted loudly)*

Hon. Ichungw'ah, you are out of order.

**Hon. Abdul Haro** (Mandera South, UDM): Thank you, Hon. Speaker, for this opportunity. I will take it up from most Members to vouch for Hon. Malonza. I think it is not fair to subject her to criteria which is not subjected to the rest of the nominees. She should be approved by this House as the nominee for Tourism, Wildlife and Heritage. Looking at the Report, and the questions that were asked to some of the nominees, I noted that Hon. Duale was asked perhaps one of the most awkward questions. That is whether he will be conflicted in performing his role as a Cabinet Secretary for Defence in case of insurgency of *Al Shabaab*. I do not know why that specific question was raised to Hon. Duale. It subjected him to try to prove that he is Kenyan and a Somali by tribe. That was a very awkward question. The question in paragraph 229 to Hon. Mutua, the nominee for Foreign and Diaspora Affairs, was a good one, especially on the plight of Kenyan migrants and workers.

**Hon. Speaker:** Your time is up. Next is Hon. Faith Gitau.

**Hon. Faith Gitau** (Nyandarua County, UDA): Thank you, Hon. Speaker, for granting me this opportunity to offer my line of thought regarding the Report as presented to this House by the Committee on Appointments. I want to congratulate this Committee for the professionalism portrayed during vetting. Clearly, it could not have been done better. Well done colleagues. I watched most of the vetting process and I must say all nominees came out as pragmatists, very practical, focused and goal-oriented. They articulated their issues very well and they were brief.

**Hon. Speaker:** Your time is up. Hon. Sigei, you have one-and-a-half minutes so use your time well.

**Hon. Francis Sigei** (Sotik, UDA): Hon. Speaker, I want to first start by thanking you for giving me this opportunity to talk today.

Secondly, I am privileged to talk in the presence of my former school, Chebilat High School from Bomet. They are in the House and I am sure they will take the message home that Hon. Sigei spoke in their presence.

I want to mention two things: one is to thank the Committee on Appointments for a good job and two, I want to say that this House is not a court of law, therefore, we should wait for whatever is going on to be done in court so that we can discuss this issue. For now, I am proposing we approve all these nominees.

Thirdly, I want to express my sympathy to Hon. Peninnah Malonza. I am a father and I was shocked by the way that lady was harassed. I do not think her family slept.

**Hon. Speaker:** Order, Hon. Sigei! That is not a statement of fact. Nobody was harassed by anyone. The Speaker chaired the Committee. The fact that people did not answer questions properly does not mean it was harassment. It is over for you, Hon. Sigei.

Hon. Kiunjuri.

**Hon. Kiunjuri** (Laikipia East, TSP): Thank you, Hon. Speaker. As you are aware, we are not yet settled because at the end of the day we do not have substantive Cabinet Secretaries. We need Cabinet Secretaries who are fully in the office where we can present our problems. Already, there are so many problems facing this country such as the issue of drought. We do not have somewhere to present them because the President alone cannot run this Government.

Hon. Speaker, I was charged 17 times before I become a Member of Parliament and in all those cases none of them could stand the test of time. We cannot judge, as Members of Parliament, because you are already judged out there. We have to give people an opportunity to be heard at any level, so that at least it is not about regimes judging us. If these people had been judged during the regime of His Excellency the late Mwai Kibaki, then we can say there was a bit of fairness. Some of us have been taken through the Directorate of Criminal Investigation nine times and left free. To date, we have not been charged for any of the cases. It is not fair that Members who knew how the previous regime operated can be sitting here...

**Hon. Speaker:** Your time is up. I call upon the Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Let me take this opportunity to thank all Members. Hon. Wangwe is bowing but he lost his opportunity. I thank all Members for their contributions.

Listening to the contributions by most Members, it is clear that the House, to a large extent does agree with the Committee in terms of the recommendations made especially on the approvals. I have heard numerous Members speak about the one rejection and the reservations that were expressed by the Minority in their Minority Report. Just to pick up from where Hon. Kiunjuri has left, it is indeed true that people have been charged in this country with crimes that they have not committed.

Hon. Speaker, besides being charged, there are people, and we have all witnessed in the last few weeks, who have lost their lives out of actions of omission or commission by the former regime. We know the kind of a country we were living in under the previous regime. Therefore, I really want to implore on the House and as Hon. Mwangi Kiunjuri has said before he became a Cabinet Secretary, he had been charged numerous times.

**Hon. Speaker:** I will give you two minutes to wind up.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Linturi indicated that all the cases that were stated that he has in court are civil cases. The only criminal case that he had, had already been withdrawn. Therefore, I want to ask the House to support the Committee's Report as I said yesterday, the Committee expressed itself on Hon. Peninnah Malonza, but the ultimate decision lies in this House. I want to ask the House to make an informed decision based on the debate that has transpired here and the information in the Report that is already in your hands. With that Hon. Speaker, I beg to reply and ask all Members, in a very bipartisan manner, to support all these nominees to allow His Excellency the President to go ahead, swear them in and form Government so that they may start the work of serving the people of Kenya. We all went through a vigorous campaign and our constituents are waiting for service from

Government. I am sure we are all going to be ready to hold to account all these Cabinet Secretaries once they are sworn in.

Hon. Speaker, I beg to reply.

**Hon. Speaker:** Hon. Members, before I put the Question, we will vote on this Motion as follows: Once I put the Question, you will vote on a voice vote, on nominee numbers one to twenty-one as one vote. You will then vote on nominee appointed as Attorney General, then vote on nominee Mercy Wanjau - Secretary to the Cabinet. You will also vote on the rejection of Hon. Peninnah Malonza on part (iv). Depending on how you vote on part (iv), I will then give you further direction. So, I will read up to number 21, ask you to vote, then we go to part (ii), you vote, part (iii), you vote and on part (iv), you will also vote.

*(Several Members walked into the Chamber.)*

Can the Members walking in take their seats quickly? Before I put the Question, allow me to also acknowledge the presence of Precious Blood Girls' High School from Kiambu County seated in the Public Gallery. We all welcome them to the House of Parliament.

Hon. Members, I now put the Question.

*(Question, that the persons nominated for appointment as Cabinet Secretaries be approved, put and agreed to)*

*(Question, that the person nominated for appointment as Attorney General be approved, put and agreed to)*

*(Question, that the person nominated for appointment as Secretary to the Cabinet be approved, put and agreed to)*

*(Question, that Hon. Peninnah Malonza's nomination for appointment as Cabinet Secretary be rejected, put and negatived)*

**Hon. Speaker:** Order, Hon. Members. The upshot of that vote is that you have approved the appointment of all the nominees up to Mercy Kiiru Wanjau. You have negatived the rejection of Peninnah Malonza. This means she is now in purgatory. She is neither in heaven nor in hell.

The next move on Peninnah Malonza is I have received and approved a Motion by Hon. Irene Kasalu. She wants to move the House to decide whether to shift Peninnah from purgatory to hell or heaven. I will now give her the opportunity to move the Motion. Once she moves it, we have a seconder.

*(Loud consultations)*

Order, Hon. Members! Once we have a seconder, I want to encourage the House that we have over-ventilated on this matter. So, allow me to put the Question after proposing. Is Hon. Kasalu in the House? I invite her to move the Motion in not more than 10 minutes. Your seconder will be allotted five minutes. You can go ahead Hon. Kasalu.

## NOTICE OF MOTION

APPROVAL OF APPOINTMENT OF  
HON. PENINNAH MALONZA AS CABINET SECRETARY



**Hon. Irene Kasalu** (Kitui County, WDM): Thank you, Hon. Speaker. In view of the decision of the House today, with respect to the Motion on Approval of Appointment of Hon. Peninnah Malonza, OGW, as the Cabinet Secretary for Tourism, Wildlife and Heritage the requirement...

**Hon. Speaker:** Sorry, Hon. Kasalu. I think we have jumped the gun. First give notice of Motion. Thereafter, I will allow you to move it. It gets seconded and we move as guided. First give notice of the Motion. Start by saying: I give notice of the following Motion and then read it.

**Hon. Irene Kasalu** (Kitui County, WDM): Hon. Speaker, I beg to give notice of the following Motion:

Approval of Appointment of Hon. Peninnah Malonza, OGW, as the Cabinet Secretary for Tourism, Wildlife and Heritage.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Kasalu you may proceed to move.

### MOTION

#### APPROVAL OF APPOINTMENT OF HON. PENINNAH MALONZA AS CABINET SECRETARY

**Hon. Irene Kasalu** (Kitui County, WDM): Thank you, Hon. Speaker. In view of the decision of the House today, with respect to the Motion on Approval of the Appointment of Hon. Peninnah Malonza, OGW...

**Hon. Speaker:** Hon. Kasalu when you move a Motion, start by saying: I move the following Motion... Then you read the Motion as it is and go on to elucidate what you want to say.

**Hon. Irene Kasalu** (Kitui County, WDM): Thank you, Hon. Speaker. I stand guided. In view of the decision of the House today with respect to the Motion on the Approval of Appointment of Hon. Peninnah Malonza, OGW, as the Cabinet Secretary for Tourism, Wildlife and Heritage and the requirement for an equivocal decision of the National Assembly on such matters, I beg to move:

THAT, pursuant to the provisions of Article 152 (2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 this House approves the appointment of Hon. Peninnah Malonza, OGW as the Cabinet Secretary for Tourism, Wildlife and Heritage.

Hon. Speaker, I want to thank the people of Kitui for electing me for the second time. I must say I had a worthy opponent by the name Hon. Peninnah Malonza and I can only say good words about her. She is a brave woman. This lady decided to vie for the position of Kitui County Woman Representative on a UDA ticket despite the area being a Wiper Democratic Movement (WDM) zone. The people of Kitui voted for her and she got many votes. I think she is the only candidate from Ukambani who vied on UDA Party ticket and got the highest votes.

Hon. Peninnah Malonza is a woman of integrity. She has not been charged in any court in this country on any issue. She is well schooled and an embodiment of what many girls in this country would aspire to get academically. She has a working history. She was the Deputy Governor of Kitui County when Malombe was the Governor. During this time the duo delivered for the people of Kitui and a lot of developments were done in Kitui County.

Hon. Peninnah Malonza is being looked upon by the people of Kitui County. Hon. Speaker, I am sure you have heard of the many bandit attacks in Kitui County. Hon. Peninnah Malonza comes from that area in Mutha Ward. The people of Kitui are looking upon her

because once her nomination goes through and she becomes the Cabinet Secretary for Tourism, Wildlife and Heritage she will sort the issue of bandit attack.

Hon. Speaker, with those few remarks, I want to call upon Dr. Pukose of Endebess Constituency to second the Motion. Thank you.

**Hon. Abdullahi Sheikh** (Mandera North, UDM): On a point of order, Hon. Speaker.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I will second before the point of order.

*(Loud consultations)*

**Hon. Speaker:** Dr. Pukose take your seat. What is out of order Hon. Member? Give him the microphone please.

**Hon. Abdullahi Sheikh** (Mandera North, UDM): Thank you, Hon. Speaker. First, I am not talking about the rejection of Hon. Peninnah, I support her. Hon. Irene Kasalu has said Hon. Peninnah will solve the issue of bandit attacks in Kitui. So the point we are talking...

**Hon. Speaker:** Hon. Member, you are out of order. Take your seat. You are grossly out of order. Hon. Dr. Pukose you can proceed.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I stand to second the Motion...

**Hon. Speaker:** Order, Hon. Pukose! Hon. Members, for avoidance of any such incident in future, especially for our new colleagues, you stand on a point of order when a colleague is on the Floor or on the feet and has breached some Standing Order.

The Chairperson's Panel and I, going forward, will demand to know which Standing Order has been breached when you rise on a point of order. So, you do not come under the guise of a point of order and embark on a totally different misadventure. When you want to raise a point of order, the Member against who you are raising must still be on the Floor. Once the Member has left the Floor, you cannot raise a point of order about what they were saying.

Hon. Pukose you have five minutes or less.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you. I stand to second the Motion by Hon. Irene Kasalu that this House approves the appointment of Peninah Malonza as the Cabinet Secretary for Tourism, Wildlife and Heritage. This morning, while having a cup of tea, I had a discussion with Hon. Nzengu, Member for Mwingi North and other Members. The Cabinet Secretary is supposed to be in charge of policy not technical operations. I asked Hon. Nzengu: "If you are bitten by a snake, where do you report to?" You are supposed to report to a police station, get a P3 form then see a doctor. The doctor then fills the form with details on the extent of your injuries. I know many of you did not know that. At times we ask very technical questions. Someone with such level of education will be able to learn. Let us give this lady an opportunity to deliver to this country as a Cabinet Secretary for Tourism, Wildlife and Heritage.

With those few remarks, I second.

*(Question proposed)*

**Hon. Members:** Put the question.

*(Question put and agreed to)*

*(Applause)*

**Hon. Speaker:** Hon. Members, we will now go back to the Motion by the Member for Lurambi, Hon. Titus Khamala. You had moved the Motion. We now want your seconder. Who is your seconder?

*(Hon. Titus Khamala spoke off the record)*

Hon. Oundo.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[The Temporary Speaker (Hon. David Ochieng') took the Chair]*

## MOTION

### REVIEW OF TEACHERS DEPLOYMENT POLICY

That, aware that education is a key enabler of national development and realization of Kenya's Vision 2030 and the Sustainable Development Goals; appreciating the invaluable role that teachers play in actualising the national goals of education; noting that a conducive working environment for teachers enhances performance; recalling that, the delocalization of teachers commenced in 2018 by the Teachers Service Commission immensely disrupted teachers' lives, lowered teacher morale and caused untold trauma to many teachers countrywide; concerned that, the exercise was not supported with a clear policy framework and was initiated without the participation of teachers or their unions, contrary to Articles 118 and 132 of the Constitution on public participation and involvement of the people in the process of policy making; cognisant of the fact that, delocalization of teachers is inconsistent with the United Nations Educational, Scientific and Cultural Organization (UNESCO) teacher deployment practice, which treats education as a culture process conducted within a people's cultural context at the local level; this House resolves that the Teachers Service Commission immediately reverses the ongoing delocalization of teachers and initiates a comprehensive review of the teacher deployment policy with the involvement of teachers in order to make the policy consistent with International Labour Organization (ILO) and UNESCO laws and practices on teacher management and deployment.

*(Moved by Hon. Titus Khamala on 25.10.2022)*

*(Resumption of debate interrupted on 25.10.2022)*

### DELEGATION FROM PARLIAMENT OF GERMANY

**The Temporary Speaker** (David Ochieng'): Hon. Members, we shall proceed with the business of the House. Before I give Hon. Oundo an opportunity to second the Motion, I wish to welcome a delegation from the German Parliament:

1. His Excellency Sebastian Groth–Ambassador
2. Hon. Hermann Faerber
3. Hon. Susanne Mittag
4. Hon. Rita Hagl-Kehl

5. Hon. Arthur Auernhammer
6. Hon. Albert Stegemann
7. Hon. Karl Baer
8. Hon. Ingo Bodtke
9. Hon. Peter Felser
10. Hon. Ina Latendorf

The delegation is in the country on invitation by Hon. Joshua Kandie, Member for Baringo Central. We welcome them to the House and wish them good deliberations and stay in the country. You are all welcome.

*(Applause)*

I wish to give this chance to Hon. Oundo to second the Motion.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. At the outset, let me sincerely congratulate you as my neighbour on being appointed to the Chairperson's Panel to preside over sittings. Before I formally second the Motion, let me also take this opportunity to thank the people of Funyula Constituency for giving me a chance to serve them as Member of Parliament for a second term. It is a great honour to serve them for a second term. That is testimony for the good work my team and I did in the first term. Secondly, I sincerely thank the people of Busia for electing (Dr) Paul Nyongesa Otuoma as Governor of Busia. In totality, we are able to showcase the dominance of Orange Democratic Movement (ODM) in Busia County as we forge to the next level.

Hon. Bishop Titus Khamala has presented to us a matter that has been a topic of extensive debate in our constituencies, villages and the country at large. That debate is on the policy impact of delocalisation, which means moving teachers from their local areas to go and teach and offer services in various parts of this country. Granted, teachers are public servants. Once you get employed as a public servant, you are duty-bound to serve this country in any station and any capacity as long as it is within some basic human rights and basic tenets of good governance.

Hon. Temporary Speaker, teachers are extremely important members of this society. They shape attitudes, society and make us who we are. None of us would be here if it were not for the immense impact of the teachers that brought us where we are. We also appreciate that Kenya is one country and we must have extensive exchange of ideas and cultures so as to build one undivided country. I am privileged to have gone to Bujwang'a Primary School and Starehe Boys Centre. That sojourn from the village to Nairobi opened up my mind to appreciate and understand the entire culture of the people of Kenya.

Hon. Temporary Speaker, we must also appreciate and understand that teachers offer labour services and they are guided by rules and regulations of International Labour Organisations (ILO) and other labour institutions. Consequently, even as provided for in the Constitution, any decision that affects somebody, the person who is likely to be affected ought to have a direct contribution to that kind of momentous decision. In the last five years I was a Member of Parliament, many teachers came to complain to me that they had sick relatives or minors attending school where they were, but they were transferred to far away lands hence did not know what to do. Many have also come to me, especially lady teachers. They have received transfer letters which means they have to go away from their husbands. They are worried that the transfers will cause an end to their marriages.

Hon. Temporary Speaker, it is extremely important that the policy of delocalisation, however noble and well intentioned it is, requires a further rethink and review. That is why as we stand here today, we may not necessarily oppose it in totality, but call upon the Teachers Service Commission (TSC) and the Cabinet Secretary (CS) for Education to literally look at

the matter in a holistic manner. They should come up with a clear criterion. As Hon. Khamala said yesterday, it is untenable, unacceptable and manifestly unfair to transfer a 55-year-old man from his place of abode to a far away land where he has no friends and cannot learn new tricks and ideas. You cannot teach an old dog any new ideas. Forcing a man at such an age to start doing house chores is sincerely to demean him.

Transferring a man from the hot climate of Ugenya to go and work in, say, Limuru... He will have to live there alone. He will sleep alone in the dilapidating cold. Honestly speaking, that is not being fair. It is important that the TSC and the Ministry sit down and set a very clear criterion. From where I sit, if the Ministry and TSC cared to ask, I would essentially request that after a certain age, there should not be such kind of harsh transfers. Delocalisation should only apply to the new teachers that are coming into service. A new graduate should be allowed to explore this country, know other places and learn other cultures. They should be able to interact and also learn something new, just like it is done in the police service and the civil service. As one tends towards retirement, they are taken closer home where they can be taken care of and learn to live with people, because once they retire they will require those villagers, relatives and the high school friends.

In that score, Hon. Temporary Speaker, I support. I hope the new CS, having been a District Commissioner (DC) in Busia, understands the administrative issues and that he will address this particular one. I Second. Thank you.

*(Question proposed)*

**The Temporary Speaker** (Hon. David Ochieng’): The first person to have a bite of the cherry on this Motion will be Hon. John Gitonga, Member for Manyatta.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Motion. First, I would like to congratulate Hon. Titus Khamala, for coming up with this Motion at the right time, especially now when we are constituting a new government. We are aware that we have just approved the whole list of the CSs and among them is the CS for Education. I always tell everybody that I am product of teachers. If it were not for teachers, Gitonga Mukunji would not be here in this House today. I am also a son-in-law to teachers. This issue of transfer of teachers is a controversial one. It is sad that we agree that the Ministry and TSC can take the teachers to any part of this country regardless of the pain that their families will go through.

I would like to say that it is important to have a policy that will guide the issue of delocalisation of teachers. There should be comprehensive consultation, public participation and inclusion when it comes to the issue of delocalisation of teachers. In the few months of being a Member of Parliament, I have received a lot of phone calls from teachers in my constituency requesting that they be transferred back to their constituency of birth where their families are. It means that the process of delocalisation of teachers has been misused. We have had people who fell out with principals being transferred as a way of punishing them. We have to put it right for the sake of our teachers. What they are paid in form of hardship allowance is peanuts. This Assembly should stand firm to protect teachers. We should ensure that our teachers feel that they have an Assembly that thinks of them. I say this, having in mind the crisis that we have as a country: shortage of teachers.

Many parts of the former North Eastern Province and other parts of this country do not have enough teachers in schools. It is high time the Government improved this profession by hiring more teachers. I am happy that the President announced a while back that he was going to do a serious recruitment of new teachers in January. If that is done, we will have a good number of teachers in our learning institutions.

In my opinion, I believe that the future of education in this country lies with our day schools. At the moment, you will not find a school with more than ten teachers. The teachers you will find there would be teaching more than ten subjects because they are few. I would like the country to have a Motion on this matter. Whilst we frame this policy, we should have a comprehensive look at the staffing of our schools so that we have everybody on board. Anybody who takes a kid to school should be happy that there are teachers who are going to teach and ensure the children are okay.

Even as we talk of delocalisation of teachers, we need to ensure that when a teacher is transferred and he is not comfortable, he or she should have a good channel to be able to say no. They should have a chance to be heard.

I support this Motion. I will continue to push that our schools be well equipped. Our teachers should be happy so that we continue having a country that has children going to school.

Thank you.

**The Temporary Speaker** (Hon. David Ochieng): Well done. This chance now goes to Hon. Mugambi Rindikiri of Buuri Constituency.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker for this opportunity to contribute to this Motion by Hon. Titus Khamala. It has come at the right time. Before I do that, I want to congratulate you for your elevation to the Chairperson's Panel. I know that you fit and you will definitely perform.

The issue of delocalisation is very emotive to our teachers who we value very much. The first time delocalisation came, it was seen as a disciplinary measure by the Teachers Service Commission. The people who were targeted in my Constituency, Buuri, were teachers who were leaders of Kenya National Union of Teachers (KNUT), Kenya Secondary School Heads Association (KESSHA) and Kenya Primary Schools Head Teachers Association (KEPSHA). They were the ones who were transferred in form of delocalisation. We did not view it as part of TSC's way of doing things. From that perspective, I strongly feel that we need a policy.

TSC headquarters has become an animal by itself. When everybody is talking of delocalisation of services to the basic unit, TSC has taken over recruitment and the promotion process of teachers! In fact, everything is now being controlled from there. This institution is being run without consultation. For the last four years, the only thing that the TSC's County Education Directors together with Curriculum Committee (DCC) have been doing is to recommend hiring or promotions and everything sent to the headquarters. Thereafter, they would transfer teachers.

I have been in this Parliament for the last five years and there is no senior teacher who has been promoted. We however, saw an influx of headteachers from other counties being given opportunities to serve as headteachers without even serving as deputy headteachers first. To me and my colleagues here, TSC is an animal that is not serving the interest of the teaching profession in this country and we must condemn their actions.

I want to put it on record that my Constituency, Buuri, has so many headteachers who have never been promoted and I do not see light at the end of the tunnel as long as the animal sitting at the headquarter is there. Something must be done. When I finished my university I was told that I can serve in any part of this country. The TSC has said you can, but it has no policy to determine how and when! If you tell me that I am going to serve as a headteacher in a certain school, why then do you delocalise me after three years? We really need to be serious with education in this country.

The TSC is always in conflict with the Ministry of Education, Science and Technology. It has assumed powers that it can do things without public participation. This has been happening, particularly with the current Chief Executive Officer of TSC, Madam Nancy Macharia. She is operating alone in an ivory tower up there. They do not visit schools in the

counties. We have so many cases of non-performing teachers and TSC has not bothered to find out why. Instead, TSC transfers such teachers to, say, Kabani, an area in Meru which is the coldest part of this country.

Hon. Temporary Speaker, it is high time we took education in this country seriously. We need an interactive opportunity between teachers and our children. I have nothing against somebody from North Eastern coming to teach in our schools but you cannot have all teachers in my local school coming from one place. How are these people going to interact with the children?

Hon. Temporary Speaker, if you study the history of education in Finland, you will find a very serious feeding programme blended by teacher professionals. There are so many teachers with degrees. There are many teachers in primary schools who have Master's degrees and some of them are pursuing PhDs. Ironically, the TSC seems to be dead on that; they are dumb to that fact. Surely, you put a lot of initiative and nobody recognises it. When you complain, you are transferred to North Eastern, Samburu or Turkana yet you are asking to be given an opportunity having gone back to school to upgrade oneself.

It is high time we relooked the entire structure of TSC. The Government has a responsibility here. The TSC has become an animal and it needs to be shaped to conform to the requirements of our children. That is the reason why schools exist. Let us not transfer teachers for the sake of discipline, or just to be seen to be moving teachers. There must be a very serious reason for that to happen.

I sympathise and empathise with the 59-year old man who was transferred from Kitui to a school called Kirimara in my constituency. It is the coldest part in Kenya. I had to go and plead with the relevant director at TSC for the transfer to be stopped. It is not fair to separate families with long distances. There are no expenses that are paid to cover these guys when they are delocalised. It is not fair at all. Let us have a policy that will guide the transfer, promotion and retirement of teachers in this country.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you so much. Hon. Members, if you look at the Order Paper of today, you realise that there is a proposed amendment to this Motion under Standing Order 54. I wish to give an opportunity to the Member for Chepalungu, Hon. Victor Koech, to move his amendment. I request him to make it short. I hope he already has a Secunder in tow so that this process moves smoothly. That way, we will be able to debate the Motion as amended, if at all it will be amended. Hon. Victor Koech.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you so much, Hon. Temporary Speaker. I intend to move an amendment to the Motion on Review of the Teacher Deployment Policy by Hon. Titus.

I beg to move that the Motion be amended by rearranging the resolution of the Motion which reads "this House resolves that the Teachers Service Commission immediately reverses the ongoing delocalisation of teachers and initiates a comprehensive review of teacher deployment policy with the involvement of teachers in order to make the policy consistent with International Labour Organisation (ILO) and UNESCO laws and practices on teacher management and deployment" and therefore inserting the following new paragraph: "review teacher recruitment policy with the view of devolving it to the zonal level as the recruitment level."

Hon. Temporary Speaker, I wish to make a few recommendations about the same. I am freshly from a meeting with my local teachers and different heads, that is, Kenya Primary Schools Head Teachers Association (KEPSHA) and the Kenya National Union of Teachers (KNUT). To point but a few, their concern is what we are presenting here today on the Floor of the House. The TSC was given the status of independence to operate as an independent

commission. The independence resulted in the TSC acting in total disregard of the wellbeing of teachers. This independence gave the CEO an image that she now appears like a small goddess. The independence actually made the TSC bad.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Koech, you are doing well. Would you move your amendment first? You are already debating it. Would you just move your amendment first?

**Hon. Victor Koech** (Chepalungu, CCM): I stand guided, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng’): Just move your amendment first then ask your Seconder to second so that we debate the Motion.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you, Hon. Temporary Speaker. I stand guided. Mr. Speaker I move the above amendment and invite the Hon. Member for Nandi, Hon. Cynthia Muge, to second. Thank you.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Muge Cynthia.

**Hon. Cynthia Muge** (Nandi, UDA): Thank you, Hon. Temporary Speaker.

I take this opportunity to second the amendment brought by Hon. Victor Koech on the Motion tabled on the Floor of this House by Hon. Titus Khamala. Like he has stated, that amendment is important to this Motion. That is so that the policy is looked at holistically and we take back the issues that have been entrenched in the TSC.

If you remember very well, when people were looking at and talking about devolution and devolving functions and money to the smallest units, Nancy Macharia was busy re-centralising recruitment of teachers. This is not only unfair but also does not serve this country. The teachers we are talking about are people who actually carry the aspirations of this country. They are the people who deal with our children every day. If you force them to go work in places they cannot survive using decentralisation and all those kinds of things, it is not going to work.

I support the amendment. I also support the whole Motion altogether.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Members, I am assuming that all of us have the amendment because you can access it. It is in today’s Order Paper. If you were here when I proposed the Motion, I read it in total. If it is the mood of the House that I put the question that the Motion by Hon. Khamala be amended as proposed by Hon. Koech, I will do so.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Resumption of Debate on Motion as amended)*

That, aware that education is a key enabler of national development and realization of Kenya’s Vision 2030 and the Sustainable Development Goals; appreciating the invaluable role that teachers play in actualizing the national goals of education; noting that a conducive working environment for teachers enhances performance; recalling that, the delocalization of teachers commenced in 2018 by the Teachers Service Commission immensely disrupted teachers’ lives, lowered teacher morale and caused untold trauma to many teachers countrywide; concerned that, the exercise was not supported with a clear policy framework and was initiated without the participation of teachers or their unions, contrary to Articles 118 and 132 of the Constitution on public participation and involvement of the people in the process of policy making; cognizant of the fact that,



delocalization of teachers is inconsistent with the United Nations Educational, Scientific and Cultural Organization (UNESCO) teacher deployment practice, which treats education as a culture process conducted within a people's cultural context at the local level; this House resolves that the Teachers Service Commission—

- (i) immediately reverses the ongoing delocalization of teachers;
- (ii) initiates a comprehensive review of the teacher deployment policy with the involvement of teachers in order to make the policy consistent with International Labour Organization (ILO) and UNESCO laws and practices on teacher management and deployment; and, (iii) reviews the teacher recruitment policy with a view to devolving it to zonal level as the point of recruitment.

Thank you very much. The amendment is carried. The Motion will be debated plus the amendment. If I may just make it clear to you who will be debating, I then will deliberately read the whole Motion afresh. I request you to note the new Motion because we will be debating the new one. Thank you, Members.

The first chance on the Motion as amended will go to Hon. Charo Kazungu, if he is in the House.

**Hon. Kenneth Tungule** (Ganze, PAA): Thank you very much, Hon. Temporary Speaker.

I take this opportunity to first congratulate the men and women approved here this morning to serve in the Cabinet.

More particularly, I congratulate Hon. Aisha Jumwa who comes from my Kilifi County. She has demonstrated that if you work hard in this country, the sky is the lower limit. She has come from a very adversarial background, but the good thing is that she has made it and is now serving in one of the highest offices in the country. She is an inspiration to many girls from Kilifi County and I know many will learn from her.

With regard to the Motion on Review of Teachers Deployment Policy, I support the reversal of the delocalisation of teachers. It is very true that many teachers have suffered because they have been taken to far-flung areas without their consent. I come from Kilifi County, and I know of teachers who used to teach in Ganze, but were taken to far-flung areas like Tana River, Lamu and Kwale. They had very young families, but they had to leave them behind because the Teachers Service Commission (TSC) would not listen to them.

I know of a teacher in Ganze who was transferred or de-localised to Tana River. The teacher was sickly and suffering from diabetes and high blood pressure. He did his best to talk to TSC to cancel the transfer, but they would not listen. I am sorry to say that we lost this teacher. It is a very sad situation. The TSC did not give this delocalisation issue a lot of thought. It was done haphazardly and has broken very many marriages and affected too many teachers. I support the Motion by Hon. Khamala and the amendment by Hon. Victor from Chepalungu. The TSC needs to reverse most of the transfers that it has done, especially for those who are willing.

I am married to a teacher. My wife has served in the same job group for many years. She has been refusing to apply for promotion because she knows the moment she is promoted, she will be delocalised. She will have to leave her family, which is still very young, to go and serve in far-flung areas. This is not my wife's cry alone; it is the cry of many teachers in this country. They have to serve in the same areas because they know once they start looking for transfers, they will be taken to areas where they do not wish to serve.

There is another issue that has been affecting teachers, especially in Ganze. Ganze is a hardship area and teachers have been getting hardship allowance. Although it is not enough, at least, we can say that they are getting the allowance. However, it has been the cry of other civil

servants. There are civil servants who serve in the Ministry of Education but are not teachers. They serve in the same hardship areas, but are not getting hardship allowance. Only teachers are getting it. I have talked to many of these civil servants, and it has been their prayer that when teachers get hardship allowance, let the other staff working in the Ministry of Education also get it. This should also apply to other civil servants working in hardship areas, including the police.

The issue of the TSC not being responsive to teachers' issues is open knowledge. Everyone knows about it, especially those in the teaching profession. It is high time now that the TSC is restructured to be accommodative and to listen to the plight of many teachers. Teaching is a noble profession. We are all here because we are products of teachers. However, teachers have been suffering and their employer has not been listening to their cries. It is hoped that this House will come up with a good and clear policy that will make the TSC look into the plight of teachers and serve them at their best.

Thank you, Hon. Temporary Speaker, for according me this opportunity. I donate the rest of my time to the House.

**The Temporary Speaker** (Hon. David Ochieng'): This chance now goes to Hon. Maalim Farah.

**Hon. Farah Maalim** (Daadab, WDM): Thank you, Hon. Temporary Speaker. This Motion on teachers speaks very much to the hearts of the people from pastoral and nomadic areas in this country. If I take you back a little bit in history, education was not provided by colonial governments. It was provided by missionaries. Because we had stuck to our faiths which we have had for more than 1000 years, and they could not preach their faith in our backyards, they abandoned our places and never brought us education.

The first secondary school in North Eastern Province was put up in 1968. That is when they did the 'O' Levels. There was no secondary school in the whole of the North when we got Independence. We had a similar situation in Marsabit, Isiolo and many other places. Fortunately for those of us who were in Isiolo, Meru was within a certain proximity, and I remember that most teachers who used to come and teach in our schools were Meru and Pokomo from Tana River in Coast Province.

There has to be a policy in this country that is deferential, that promotes affirmative action and is able to bring areas that were traditionally and historically marginalised up to speed with the rest of the country. We never got that. The subsequent independent Kenyan Government, with Prime Minister, Jomo Kenyatta at the helm, concentrated on high potential areas to provide education. In slightly less than 10 years, we had something that can only be equated to a genocide of the mind. Genocide or ethnocide is not just the act of killing someone or cleansing them. When you subject them to certain other inhumane activities and cultures, that is a form of genocide. Because of one incident of lawlessness that happened in our region, the TSC withdrew in one sweep 5,000 teachers from those areas. Today, some schools only have one teacher and eight classrooms. The teacher acts as the headmaster and the one who is supposed to teach all the classes. The teachers did not run away for their own security; they were withdrawn by TSC. You deny people knowledge, you confine them to permanent underclass. That has been the intention of TSC as presently constituted. You find that a Form 4 student who has never seen a biology, chemistry or physics teacher is supposed to do national examination and compete with students in Alliance and Mangu high schools, where teachers only teach twice or thrice in a week. There is an over-concentration of teachers in these schools. You then tell such students to also compete for opportunities in teacher training colleges.

The former Cabinet Secretary for Education, Amina Mohamed, understands our conditions. She lowered the requirements and said that a student with a C- (minus) can be admitted to a teacher training college and be trained as a teacher. Nancy Macharia and TSC decided to go to court, saying that move was going to compromise academic excellence. As a

result, 3,000 young men and women, who were trained as teachers, were withdrawn from colleges and could not be absorbed by TSC. Teachers from other regions could not come to teach in our place because Nancy Macharia says there is insecurity.

I grew up soon after Independence and I know what discrimination is. I know what nepotism is. In 1978, 38 A Level streams were approved by the Ministry of Education and 34 of them were in one region. The rest of the country boasted only four streams. We need to have a united country. We need to have a country where every person feels proud being Kenyan and does not have any hard feelings because, under the leadership of a section, nepotism, tribalism and regionalism is exercised on him or her.

When I saw this Motion for the first time, my gut inclination was to oppose it, because it is only going to take care of the few teachers we have back at home. The majority of teachers still teaching in schools in the north and pastoral-nomadic areas do not come from those areas. But then I realised we already have a situation in which all teachers have been removed. They might as well remove the balance and then we begin looking for a way to cure that problem. We can then recruit and train teachers. We can do what we have to do to give education to our children. So, I will support this Motion.

But let me tell you one thing: Delocalisation, properly exercised, is good for this country because it unites the country. Like I told you, my first teachers were Meru and Pokomo. The first man who taught us in Garissa in the 1960s was called Zachariah Marete. I am inclined to say we should put up a statue for him as a sign of respect. We cannot do that because of my faith. He will always remain in our hearts and minds as somebody who sacrificed for a section of this country.

The way to unite this country is to inculcate in the minds and hearts of Kenyans at that young age the fact that they belong to one identity. I went to a national school. I remember how it was. I relate with everybody we were with at the time as brothers, though many of them have passed on. It is important for us to integrate the country. But at the rate things are being done by TSC, a new policy has to be developed to see how everybody benefits from the Independence we have had for over 60 years. Countries where slavery was practised, like the US, have affirmative action through quota system.

In 1993, I moved a Motion that was passed by this Parliament on affirmative action through quota system. One institution that immediately implemented it is the Kenyan Medical Training College (KMTC). You cannot talk of merit when there is no equal opportunity in education. For the benefit of Members much younger than me and who were not in the 7<sup>th</sup> Parliament—I was one of the youngest those days—the Motion got the support of both sides of the divide. At that time, I was in the opposition. I was the only Member of Parliament from the north who was in the opposition, but I got support from both sides. It was a very difficult task for an opposition Member's Motion to be supported by the government side. Everybody's heart was moved when I told them that year only one student from schools in northern Kenya was admitted to university.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Maalim, your time is up.

**Hon. Farah Maalim** (Dadaab, WDM): For all day's sake and for being a member of the Speaker's Panel, give me five more minutes please. It happens. It is the practice.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Maalim, you will not tell me the practice. I will give you one more minute to wind up.

Thank you.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Temporary Speaker, I remember doing this myself, but it is okay. I will take you for some lessons on some of these things when we get time.

**The Temporary Speaker** (Hon. David Ochieng'): I will not be taught by you. Use your one minute and wind up.

**Hon. Farah Maalim** (Dadaab, WDM): Thank you. A child with C- (minus) went to medical school to do pharmacy. The then Director of Medical Services told me he would implement the resolution for one year and if the students performed poorly, he would change. Ten of the 11 top students in that pharmacy class were students who had low marks. It was because they got an opportunity. They never had the opportunity. Students are brilliant, but when they do not have an opportunity, you cannot make them compete in education with students who are spoon-fed. Let us pass this Motion, but we need a similar Motion to integrate this country for the future.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): Well said. Thank you very much. Hon. Khamala is here. This House set up a committee called the Committee on Implementation. I would advise that you take notes as Members contribute so that if your Motion is carried and is being implemented, you could enrich it with Members' contributions.

This chance now goes to Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Temporary Speaker. First of all, I want to appreciate and congratulate you for having the privilege of sitting in the Chairperson's Panel. As a Member of this House, you have contributed immensely to the development of our country.

I stand to support this Motion which I know every teacher is looking at us wondering why we decided to politicise everything in our country. This is especially matters that are under the social sector like education and health. We find ourselves every time so politicised that we want to make our country look like we are not one. Yet, remember when we were in school, we had teachers from other communities who helped us grow and understand Kenya is one. We are here to unite the country and when we talk about tribalism it is our teachers who removed it from us.

Therefore, as I support, I want to agree with Members that we need a policy that must guide this process. We must ensure those who are young and want to traverse and understand Kenya are given an opportunity. For those who are near the age of retirement, we must give them the opportunity to go closer home. Therefore, as we speak about delocalisation, we have to ask ourselves the pros - what is good and bad.

I think this House has to assist. I know TSC has many issues. Many people have sent me Short Message Service (SMS) that they were transferred yet their families are young. Also, our Government has a public service consisting of people from every tribe. So, we must ask ourselves. Do we want to work for Kenya? Do we want to enrich our country so that people can appreciate us; or do we want to remain in this tribalism disease which takes us backwards? That, even when employing we forget we are in public service.

One of the rules of public service is to ensure that every Kenyan has an opportunity. That they can work somewhere for three years or even five years and go to work somewhere, just to appreciate Kenya. I think this will be the healthiest way. I know we face challenges with our children and families. We forget in the county governments at the moment, you find a nurse or doctor, for example, working in Nandi and when he wants to transfer to go back to his wife, he is told to look for someone to replace him. We need to sort this out. There is no way a Kenyan can work somewhere and cannot move when he/she needs to for purposes of integration.

Even as we speak about this, we must look at the policy. We must understand this is one country, where we wish our daughters or sons would work in another county. You cannot tell me I grew up in Malava in Kakamega County. I will school in Malava and become a teacher here. This will be unfair. For those who are willing to move the policy must allow. You will find someone willing to work at home which is okay. Let us not push this so hard making our country a place where we never appreciate people from different tribes.

As I congratulate the nominees, I see we have a new Cabinet Secretary for Education and I hope he will take this up. There are issues in TSC that have become very political. We must deal with them. We cannot politicize an institution that employs and is supposed to see our children move to the next level.

For most of us education made us to come here. It made us move from one level to the next. The time we started politicising education and allowing schools to use different books that, is the time we destroyed education. Also, when we decided to have international school where our children can go and public schools where we can say today, we are changing the system and tomorrow teachers are being transferred.

Last weekend, I attended a Board Meeting at Moi Girls High School Vokoli. I was very sad at that time because the Deputy Principal was transferred, yet this is a science school and they are about to do examinations. I wished TSC had waited for the kids do the examinations then, moved the teacher in January. Then I said to myself, I hope the Cabinet Secretary for Education will take action. He has no time and needs to move with speed to see how examinations of year 6 and standard 8 will be done. Are we ready for the year 6 to go to boarding schools? Yes, we are. Do we have the schools? Do we have the infrastructure? Do we have the facilities, especially the dormitories and dining halls? More importantly, we need to look at primary schools at the moment. The situation is so sad in Nairobi. You will find six kids on a desk. They write when their hands are behind because they are so squeezed. This makes me wonder what happened to the desks.

Hon. Temporary Deputy Speaker, I do not understand why Ksh100 billion goes to books and publishers in this country. We publish books every year. During our days, the same books would be used for those who are moving to that class. What happened? Did we decide to make business with education, until we reached a point where our children in public schools wonder why they are discriminated?

As I finalise, I support the Motion. We, as a House, must agree that we need a policy that will guide every sector. If a teacher wants to stay at home, it is fine. If those who are young can go and integrate with Kenyans, the better. For the unity of the country, education is what brings the rich and poor together. We must learn that.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you. The shorter the better. Hon. Beatrice Kemei.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I want to start by congratulating you on being in the Chairperson's Panel. I know you are up to the task. I listened to you debate yesterday and I was so impressed.

Secondly, I have seen we have visitors around. When we are debating on teachers, I am sure this is noble. I have been a teacher for over 20 years. As we discuss and debate today the Motion on Review of Teacher Deployment Policy, it is something that is very close to my heart, because I have been in the sector. I support the Member who brought this Motion because it is very important.

Over the years, the Teachers Service Commission (TSC) has not been performing as expected. I asked for transfer from Kericho to Nairobi where I taught for 13 years. However, it was not very easy. I also realised that many other teachers ask for transfer from one place to another just to join their families or for many other reasons. It was not easy.

When TSC started delocalisation of teachers, many of them were affected. When you look at the age of some of them who were told to move from one county to another, it brought too many problems. Teachers from my county have been complaining and they are stressed. Some of them have developed mental health issues. Their payslips cannot support them. In this case, Teachers Deployment Policy should be reviewed. When the President signed a charter with the teachers for that matter, the point that stood out is that delocalisation should happen

to the newly employed which I support. Those who have stayed in the profession for many years — especially men who are told to move to another county and they have not been cooking for themselves— are affected seriously. That should be looked into. They should be asked whether they are willing to move. If they are willing, they can be allowed to move. However, those who are not willing to move should not do it. If they are moving on promotion grounds, it is noble. Some teachers can be promoted but there is no vacancy in their county. If they are willing to move to another county, it is out of their choice. Some teachers have responsibilities. Some of them are taking care of old parents and many other people in the society knowing that teachers are people looked upon in society. For this case, this delocalisation will do them no good.

Some communities are hostile to outsiders. They are used to teachers from their communities and locality. Teachers moved to such places are stressed and may not be received well. This also affects their performance and the performance of students. Teachers working in hardship areas get hardship allowances. When they are moved, some are moved to areas that are not hardship areas. Therefore, there is no hardship allowance and maybe they have engaged their payslips. This will affect them very seriously. The TSC does not give notice to these teachers. Some of them have their payslips in negative. That is not good for them and the rest of the community.

You will realise that some schools do not have facilities, especially primary schools that do not have houses for teachers. Even their localities are small centres. Asking teachers, not only of primary schools but also from secondary school, to move to such places with no facilities is doing harm to the teachers. Asking them to go and live in mud houses because there are no facilities such as electricity and water is not good. What are we really saying? We are degrading the status of teachers.

When it comes to delocalisation I know of some field officers or county directors and the like who want to settle scores. Some principals, head teachers want to settle scores. They give out names of teachers they do not agree with. That is just one reason teachers are transferred. That is just but a punishment to such teachers. Teachers should not be transferred as such. You will realise that transferring teachers leads to family breakups. I know of cases even in the area I come from where somebody has gone to marry a second wife. It is not out of willingness but because they do not have anybody to cook for them and stay with. The family back home suffers. To me, teachers should be allowed to work and teach where they like it best. More so where they are more comfortable.

The TSC should fashion a system where teachers' remuneration is in tandem with academic qualifications and where one works. If it is in primary school, they should be paid equivalent to their qualifications. If it is in high school or post-primary, it should be the same. We have too many primary school teachers who have attained degrees but they remain in that place. Something should be done with the TSC. I believe the new CS will have to look around and put things in order.

The Ministry of Education, Science and Technology should also develop structures in all schools equally so that it attracts a good student population. Why am I saying this? Many teachers want to teach in schools with good structures where performance is good. Leaving out upcoming schools will affect them. The ministry should put up structures. The enrolment of schools is attracted by performance and structures. I support this Motion by saying that teachers should be allowed to teach where they are.

Once more, I congratulate all the nominees and thank this House for the job well done. Some of the nominees were teachers. An example is Hon. Florence Bore, my predecessor was a teacher. She was a teacher but has now been approved as a Cabinet Secretary (CS). Teachers should be allowed to teach in their home areas. The TSC should take issues and matters of teachers seriously.

**The Temporary Speaker** (Hon. David Ochieng’): Everyone is very good at managing 10 minutes. I hope you will understand that. With four minutes to go, this chance will go to Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker, for this chance. Even though there are only four minutes left, I hope I will get some additional time later.

I thank Hon. Khamala for this Motion. When he moved it yesterday, I told him not to deal with me directly. I am a teacher leader. I am the Chairman of the Teachers of Kenya. This Motion would not be here if the TSC had carried out public participation and involved all stakeholders in every policy that it undertakes. The policy of delocalisation has come to the Floor of Parliament due to lack of public participation and involvement of stakeholders such as the unions, that is, the Kenya National Union of Teachers (KNUT), the Kenya Union of Post Primary Education Teachers (KUPPET), the Kenya Primary Schools Heads Association (KEPSHA), other stakeholders and the teachers themselves. As we move forward, it will be important for the TSC to bring together its house of stakeholders, so that they deal with education issues without completely politicising them, as Hon. Elachi said. If we go in that trend, it will be difficult.

This policy appeared in 2018. Before Independence, schools were run by missionaries, as has been said very well by Hon. Farah Maalim. Later on, they were handed over to the Government. That is how the TSC was formed around 1967 to distribute teachers to schools. Prior to that, every school had its own teachers, paying them whatever it wanted and dealing with them in whichever way they wanted. The TSC was brought to bear to ensure that there was a harmonised system of administering teachers in the country. Having enacted the Constitution of Kenya, 2010, it is very important that the TSC adheres to it.

Article 47 of the Constitution is the one that brings this Motion to bear in Parliament. It talks about fair administrative action. Every organ that is required to administer to the welfare of individuals in Kenya, and in this case, it is the TSC for teachers, has a right to do so. That Article also states that in the event that that administrative action will adversely injure or affect the freedoms and rights of an individual, that individual must be informed in writing. That is where we lost it completely because it required public participation to bring to bear Article 47 of the Constitution, in so far as delocalisation was being put to the teachers. Article 47(3) gives Parliament authority to make laws that will ensure that Article 47(1) is adhered to. Parliament is in order to deal with this matter, if possible, once and conclusively.

In 2018 when this policy came into place, it was more or less a punitive action. It has continued to hit teachers who now live not only in fear, but also under duress and are not happy.

**The Temporary Deputy Speaker** (Hon. David Ochieng’): Order, Hon. Omboko Milemba!

**Hon. Temporary Deputy Speaker** (David Ochieng): Time is up. Extra time will be given to you when debate on the Motion resumes next.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. David Ochieng’): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today at 2.30 p.m.

The House rose at 1.00 p.m.

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