

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 28<sup>th</sup> March 2018

The House met at 9.30 a.m.

*[The Speaker (Hon. Muturi in the Chair)]*

### PRAYERS

### PAPER LAID

**Hon. Speaker:** Hon. Katoo ole Metito Juda.

**Hon. Katoo:** Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Defence and Foreign Relations on the vetting of three nominees for appointment to the positions of Ambassadors and High Commissioners.

**Hon. Speaker:** Next Order.

### NOTICES OF MOTIONS

#### VETTING OF NOMINEES FOR APPOINTMENT TO THE POSITION OF AMBASSADORS AND HIGH COMMISSIONERS

**Hon. Katoo:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the vetting of three nominees for appointment to the position of Ambassadors and High Commissioners, laid on the Table of the House on Wednesday 28<sup>th</sup> March 2018, and pursuant to the provision of Article 155(3)(b) of the Constitution, approves the appointment of Amb. Richard Titus Ekai, Hon. Wilfred Gisuka Machage and Hon. Mahamud Mukhtar Shidiye as Ambassadors and High Commissioners.

**Hon. Speaker:** Very well. Next Order.

### PROCEDURAL MOTION

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

**Hon. A.B. Duale:** Hon. Speaker, I beg to move the following Procedural Motion:

THAT, this House orders that the business appearing as Order No. 10 to No.17 be exempted from the provisions of Standing Order 40(3) being a

Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party or business sponsored by a Committee.

Under your chairmanship last night in the House Business Committee (HBC), we decided to bring a Procedural Motion to allow for a sitting on Thursday morning, tomorrow. That morning sitting will substitute the Private Members' day which is usually on Wednesday. So, all the Private Members' Motions and Bills will be dealt with tomorrow during the morning session, if the House approves my Procedural Motion this afternoon.

We are doing this because it is the last week we are here before we go on recess as per our calendar. We have realised that we have some very important issues. Subsequently, the President is travelling out of the country tomorrow on an official visit to Mozambique and we felt that some of the key appointments will not hang as he is out of the country. If the House approves these nominees, then he will have an opportunity to swear them in later in the day. So, the HBC has agreed that we use this morning for the approval of these nominees and then we use tomorrow, Thursday morning sitting, for Private Members' Motions and Bills that are in the pipeline.

I beg to move and ask my good friend, the Leader of the Minority Party, to second.

**Hon. Speaker:** Hon. John Mbadi.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. I beg to second this Motion. What basically the HBC is seeking from the House is approval to allow us this morning to debate business that is not Private Members' business and we will compensate it with tomorrow's sitting.

I just want to add that we have appointments that have constitutional timelines and we really do not want to infringe on the Constitution. These appointments, like of the Attorney-General, the Director of Public Prosecutions and some Principal Secretaries, need to be transacted this morning so that we dispose of them and then embark on other regular business of the House.

Thank you, Hon. Speaker. I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** It looks like the desire of the House. I, therefore, put the Question.

*(Question put and agreed to)*

Next Order.

## PROCEDURAL MOTION

### LIMITATION OF TIME ON VARIOUS MOTIONS

**Hon. A.B. Duale:** Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(4), and notwithstanding the House resolution of 14<sup>th</sup> February 2018, limiting speech in a debate on any Motion, this House further resolves that each speech in a debate on any Motion, including a Special Motion, be limited in the following manner—

(i) In respect of Special Motions for approval for appointment of persons to various state and public offices, appearing in the Order Papers for the period before the short recess, debate shall be limited as follows: A maximum of forty five (45) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying, and not more than five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order; and,

(ii) In respect of the ordinary individual Members' Motions, debate shall be limited in the following manner: A maximum of two (2) hours with not more than fifteen (15) minutes for the Mover and five (5) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Speaker, this is also another decision that the HBC that you chair reached last night. The first one is on the matter of this morning's Motions on vetting; that every report has been allocated 45 minutes because of the number. The HBC, on the matter in (ii), was cognizant that sometimes the whole Wednesday morning we deal with only one Motion, and we have so many Private Members' Motions. So we have agreed and made a decision that every Wednesday morning we can do two Motions, so that each Motion we allocate two hours. If we do not do that, then there are many Members who are queuing in the line with very important Motions. So every Wednesday, during Private Members' business, the House can deal with at least two Private Members' Motions, each with an allocated time of two hours, with the Mover having 15 minutes, each Member five minutes and priority being given to the leadership.

We looked at the number of Motions we have balloted—they are many—and we felt that so that more Members get an opportunity, we must reduce the time. And we expect this to begin after the recess, not tomorrow, if we approve it. So this Motion will come into effect when we come back from the 10-day recess.

I beg to move and ask Hon. Mbadi to second.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. Again, I want to second this Procedural Motion. We have just realized that a lot of times, we spend so much time on one Motion. And remember this House has many other businesses. Our main responsibility is to pass laws in the form of Bills, not even Motions. Usually Motions are wish lists where the House urges or asks the Government to act in a particular way. That is not meant to downplay the importance of Motions, but we are just recognizing that for us to be more productive we need to limit the time that we spend on Motions, whether for approval of appointments or individual Members' Motions to a maximum of two hours, as the Leader of the Majority Party has said.

I just want to add maybe two comments regarding this matter. I want to urge my colleagues that you really do not have to speak to every Motion that is before the House. Let us also try to balance so that we allow the people with more expertise, information and knowledge in various matters opportunity. Those who are qualified in matters of health, like my brother on

the other side Hon. Pekoes, we have to allow them to be able to educate us more on matters health; matters finance and matters legal.

Finally, it is something that the leadership is considering, really not to gag Members but probably we will be asking the Chair that the leadership from both sides give you about three Members from each side on each Motion, so that Members who have serious interest on certain Motions or Bills and the leadership is convinced that truly you need to set the agenda for the majority or minority side, that you are given the opportunity to give your view in terms of contributing then later other Members can join. We may limit it to three Members so that we also do not appear like it is the leadership deciding who speaks. That is a practice in many jurisdictions. There are Members who have learnt the tactics of always queuing here. These Members walk in and put their cards and already they are queuing in line and you realize that they are the only ones who speak all the time.

Without insinuating some negative feelings about them, sometimes when you hear those Members speak you really ask yourself whether they really had to speak to that Motion. When another Member comes very late and has a lot of points.... Yesterday I was listening to debate on KNH and I realized there are some Members who made very informed contributions—I will not mention names—but they came later in the day because other people queued ahead of them. Members, with all due respect to all of us, I think we have expertise in different lines. If you really have very strong conviction to contribute to a Motion, you can always contact the leadership and then we will talk to the Speaker to give you that chance. But we will limit it to two or three Members so that we do not water down the power of the Speaker to be able to be the one whose eyes are supposed to be caught by Members. It is not the Leader of the Majority Party and Leader of the Minority Party.

Thank you, Hon. Speaker. I second.

**Hon. Speaker:** Obviously, the English Westminster Model has evolved over a number of years and centuries. Speaker Lenthall in the year 1642 did not have eyes to see but somehow the practice has been that for you to speak, you have to catch the Speaker's eye. So, it is a contradiction whether the Speaker has eyes or not. However, it is food for thought. It is the Westminster Model of Parliamentary Democracy that we have inherited over centuries.

*(Question proposed)*

I hope Members have understood this Procedural Motion. It was very well explained. The idea is just to organize business in the House. The Deputy Leader of the Minority Party, do you want to say something?

**Hon. Mbui:** Thank you, Hon. Speaker. My opinion on this issue touches on our contributions and the time given to Members. I thought it makes a lot of sense to have a few comments from Members so that as we pass it, then we also know we have done our legislative work of at least participating in this process because this was discussed by the House Business Committee. We have not had an opportunity to interrogate it. So, if we are just given 10 minutes or so to make a comment, I think that would be in order.

**Hon. Speaker:** What is your comment regarding the proposals?

**Hon. Mbui:** Hon. Speaker, my leader has actually contradicted himself. He has stated very clearly that sometimes the expertise of Members is required in contributing to Motions that come to this House. At the same time, he says that every Member should be allowed a maximum of five minutes. If you want to contribute and make very serious contributions to some of these

Motions and debates, then five minutes might be a very short time. Our Standing Orders are very clear. It talks about repetition and relevance. Most of the time, Members take 10 minutes because they are either repeating themselves or they are being irrelevant. So, if we follow the Standing Orders very strictly, we may just allow the 10 minutes however, Members should not repeat themselves. So, in two, three or five minutes Members should finish their contributions so that others get an opportunity to also contribute.

Personally, I oppose and think we should raise contribution time to, at least, 10 minutes as it was before.

Thank you, Hon. Speaker.

**Hon. Speaker:** I hope you appreciate that one of the things that Hon. John Mbadi spoke to is the proposal. I believe you were in the HBC when that proposal was also discussed.

**Hon. Mbui:** (*Off record*) I was not.

**Hon. Speaker:** I am surprised you were not. You are supposed to be in the HBC. The HBC meets every Tuesday at the rise of the House. That is soon after the Zero Hour period. So, it is supposed to be very refreshing. Hon. Mbui and Members, with respect to the proposal in (i) it is just to deal with Motions that are here. With regard to the Motions already before the House, the proposal is first of all supposed to begin after the short recess. This is something just to see how best we can manage because we have Motions by Private Members and it is becoming a bit frustrating that only one Motion is being dealt with every Wednesday morning yet there are so many other Members with Motions and each one is asking how far his or her Motion is. We put Motions on the Order Paper and when the first one begins it locks out about three to four others which are already on the Order Paper. This is just to manage time in that every Motion would be allocated two hours so that at least every Wednesday morning we are able to transact about two Motions so that at least Members who have some proposals get a chance to be heard. Unless this House at some point decides that it would be sitting up to midnight, which happens in some other jurisdictions, it has become difficult. Within the limited period of 9.30 a.m. to 1.00 p.m. it has become very difficult to have more than one Motion being debated. It looks like it is frustrating to Members' initiatives. That is what is proposed in (ii). Just to try and accommodate as many Members as possible.

With regard to proposal in (i), it is just about these Special Motions which are there today. That is not to say that is what is going to be the order of business thereafter. Order would be as determined on 14<sup>th</sup> February this year when the House passed the various Motions. It is just for the House to resolve and give an exemption.

The Member for Kipkelion West, I am on my feet so stand where you are.

*(Question put and agreed to)*

The HBC Members, Hon. Mbui and other Members, there may be debate perhaps in HBC. I think there maybe need for us to bring a substantive Motion to discuss this issue.

The proposal raised by Hon. John Mbadi is not without foundation. It is not just something that has been picked from the air. It is a practice that is available and from time to time you notice I occasionally give certain Members extra time beyond the 10 minutes when contributing especially when it appears to me that the Member contributing may have researched a lot on a particular matter and obviously, the House is a House of records. We know that it enriches those who come to read our records to see what it is that the Members of this House said in regard to a particular business or Bill. So, what Hon. Mbadi is suggesting is that we need

to look for some informal way. It happens in some jurisdictions and I am sure many of you have now benchmarked with a number. Those who are yet to do so, try to find out what happens in some of those jurisdictions so that we also try to enrich what happens in this House particularly with regard to debate.

We are not saying that those who speak for three minutes should not, because it is also their right to appear to be seen by their constituents to have spoken for the two minutes. However, for the benefit of the House, if it is something that can be agreed generally, it is a practice that we would want to encourage. Hon. John Mbadi has flouted the idea and it might be necessary for us to think about it and see how best to implement it. It is an idea that is proposed and we should all look at it positively. He has said it very clearly that it is not intended in any way to curtail the right of any Member who wishes to contribute to any debate that is on the Order Paper.

Next Order.

## MOTIONS

### APPROVAL OF NOMINEE FOR APPOINTMENT AS ATTORNEY GENERAL

**Hon. A.B Duale:** Thank you, Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Second Report of the Committee on Appointments on the Vetting of Nominee for Appointment as the Attorney General, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 156(2) of the Constitution, approves the appointment of Justice (Rtd.) Paul Kihara Kariuki as the Attorney General of the Republic of Kenya.

Hon. Speaker, on 12<sup>th</sup> March 2018, the President conveyed to the National Assembly for consideration and approval the notification of the nomination of Justice Paul Kihara for appointment as the Attorney General (AG). This was in accordance with Article 156(2) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approval) Act.

The Committee principally vets Members of the Cabinet who fall under Article 152 (1) (c) and (d) of the Constitution and subsequently on 13<sup>th</sup> March, 2018 and pursuant to Standing Order 45 (1), Hon. Speaker, you referred the name and the curriculum vitae of the nominee to the Committee for vetting and report to the House within 14 days which we are doing today.

On Wednesday, 14<sup>th</sup> March 2018 and pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act 2011, the Clerk in writing invited the nominee for approval hearing on 22<sup>nd</sup> March 2018 at the Mini Chambers, County Hall at 10.00 a.m. On Wednesday 14<sup>th</sup> March 2018, the Clerk of the National Assembly similarly wrote to the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA) the Director of Criminal Investigation (DCI) and the Higher Education Loans Board (HELB) with respect to the nominee on his ethics and integrity, tax compliance, loan repayment, if any and the Committee received clearance reports from the above agencies.

On the same date of 14<sup>th</sup> March 2018, the Clerk placed an advert in the local dailies asking members of the public who we represent to submit their views on the suitability of the nominee to the Office of the Attorney General. The advertisement indicated that the submissions were to be received by Wednesday 21<sup>st</sup> March 2018 at 5.00 p.m. The Committee did not receive

any memoranda on the said nominee. So, the public in essence gave a clean bill of health to Justice (Rtd.) Kihara Kariuki.

Pursuant to Section 7 of the Public Appointments (Parliamentary Approval) Act, the Committee considered various issues during the approval hearing. They considered the procedure used to arrive at the nominee. They also considered the constitutional and statutory requirements relating to the Office of the AG and that the suitability of Justice Kihara for appointment as the AG with regard to his ability, experience, qualities *vis-a-vis* the Office of the AG.

Lastly, the nominee's academic credential, professional training and experience, his personal integrity and background as required under Section 6(7) of the Act were also considered.

In considering the procedure used to arrive at the nominee, the Committee observed that Article 156(2) of the Constitution provides that the nomination of the AG is a constitutional prerogative of the President and there was no further procedure prescribed in the Constitution or statute law.

In making determination on the suitability of the nominee, the Committee looked into the provision of leadership and integrity as outlined under Chapter Six of the Constitution and observed that the suitability of the nominee should be evaluated holistically, taking into account the nominee's academic credentials, professional training, experience, background and personal qualities.

Upon perusing documents of the nominee and in accordance with the requirements set out in Article 156(3) of the Constitution, read together with Article 162(2) and (3)... For the Members, this Article talks about the appointment of the Chief Justice. The Committee noted that the nominee possesses a degree in Law from the University of Nairobi; he has been an advocate of the High Court; and he has over 40 years experience as a legal practitioner, 15 years of which he served as a judge of a superior court in Kenya. He served as a President of the Court of Appeal for five years and a judge for nine years. In accordance with Article 78 (1) and (2) of the Constitution, he is a Kenyan citizen born in Kiambu County and does not hold dual citizenship.

Further, pursuant to the provisions of Section 6(9) of Public Appointments (Parliamentary Approval) Act, the Committee invited members of the public to submit memoranda by way of written submission on oath through an affidavit on the suitability or otherwise of the nominee.

The nominee appeared before the Committee on 22<sup>nd</sup> March and was vetted in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act and the National Assembly Standing Orders.

During the vetting, the Committee observed that having been cleared by the DCI, KRA HELB, EACC and the fact that the nominee has never been charged in a court of law, he meets the requirements of Chapter Six of the Constitution on leadership and integrity.

It was also observed that he has no potential conflict of interest as stipulated in Article 75(1) of the Constitution. He satisfied the requirements of Article 77(1) of the Constitution, in that he does not intend to participate in other gainful employment. He does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution. He has never been dismissed from office under Article 75 of the Constitution for contravening the provisions of Article 75(1) on conflict of interest; Article 76 on financial probity; Article 77 on restriction on activities of State officers; and, Article 78(2) on dual citizenship.

He is, therefore, fit to hold office as the Attorney General. He has exhibited immense knowledge of law and understanding of the environment in which he is expected to serve. Arising from the above observation, the nominee complies with Section 6(7) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011.

In conclusion, it is, therefore, my singular duty and privilege to urge Members to adopt the recommendation of the Committee that this House approves the appointment of Justice (Rtd.) Paul Kihara Kariuki as the sixth Attorney General of the Republic of Kenya by His Excellency the President of Kenya.

I beg to move and call upon Hon. John Mbadi, who is a Member of the Committee, to second.

**Hon. Speaker:** Hon. Mbadi.

**Hon. Ng'ongo:** I rise to second the Motion seeking the House's approval of Justice Paul Kihara Kariuki as the next Attorney General of the Republic of Kenya. You will notice that this is the first approval for appointment to the Cabinet which I, together with my colleagues from the NASA side, have participated in. The reasons are well known and I do not want to delve into them. The country is moving forward and, in that sense, we want to see how best we can do that. I have a few comments to make regarding this appointment.

I, personally, do not know much about Justice Paul Kihara Kariuki, but from the moment he was nominated for this appointment, I decided to engage with those he has interacted with in the corridors of justice. It is clear to me, from the many people I contacted, that the gentleman is regarded with high esteem in the corridors of justice. As a matter of fact, his peers, colleagues and those who have interacted with him as advocates and judges have very kind words about his professionalism, intelligence and the way he has managed to run the Court of Appeal as the President for the past five years.

The people who have interacted a lot with the Judiciary say that the performance of the Court of Appeal under his watch has been super. Considering all the levels of the courts in our judicial system, that is, from the Magistrates Court, High Court, Court of Appeal and the Supreme Court, it is the Court of Appeal that inspires more confidence than the rest for those who are in the legal practice. The only negative comments that many have said about him, and which I think form the subject of a matter that is under investigation and, therefore, we could not use that to judge him harshly is this: after the High Court, last year, made a determination that the returning officers who were appointed by the Independent Electoral and Boundaries Commission (IEBC) were not procedurally appointed, the President of the Court of Appeal, whom we are approving his appointment today, quickly and hurriedly convened a bench and drew membership to it from outside Nairobi. He made them to sit at odd hours to look at this matter, which sanitized the underperformance of IEBC. That is a matter which Justice Kihara is going into office with, which I think he should be alive to.

Finally, this is my word of advice to Justice (Rtd.) Paul Kihara Kariuki. He is going to be the chief legal advisor to the Government and not just the Executive, but also Parliament. We hope the advice he will give to the Government is going to be well informed. The fights that office has had with the Office of the Solicitor-General should now end. He should come with a different style of management to make sure that the State Law Office works.

I also want to urge the AG, whom we are approving today, to advise the Government to respect court orders. What is happening at Jomo Kenyatta International Airport (JKIA) is a shame. This should not be happening when this country has decided to move forward. This drama of Miguna Miguna is unnecessary. I hope the first assignment that Paul Kihara is going to



take up is to advise the Government to stop the drama which we are seeing at JKIA because he has the full confidence of the President. He should stop it forthwith because it is disappointing and discouraging many Kenyans who want to move forward.

Thank you, Hon. Speaker. I second.

**Hon. Speaker:** Order Members!

*(Question proposed)*

**Hon. Members:** Put the Question!

**Hon. Speaker:** I see the Member for Makueni.

**Hon. Maanzo:** Thank you, Hon. Speaker for giving me an opportunity to comment on this very important appointment. As an advocate of the High Court of Kenya, I had an opportunity to appear several times before Justice Kihara when he was at the High Court. Justice (Rtd.) Paul Kihara is a very straightforward, honest Kenyan and a man who follows the law. At one point I had a matter before him. He declared that the respondent was his personal friend and so he disqualified himself. I found that very honourable. He would have gone on to preside over the matter and probably rule against my client! However, he preferred to be honest and gave an explanation. He said that he was very sorry about it and that the matter should go to another Judge.

We are going to get a strong Kenyan as the AG. The former AG, Prof. Githu Muigai, was my professor of Criminal Law. Kenya has had a good opportunity because the last three AGs or so have been very eminent people who understand the law very well. I believe they have helped this country a great deal. I believe Justice (Rtd.) Paul Kihara is going to assist the country in many ways. When he was being interviewed, I saw the Deputy Speaker keenly listening to his speech. Many more Kenyans also followed his speech with admiration.

I urge Members to support this great man who is going to make Kenya greater and will give very honest legal advice to the country. I am sure even the issues to do with court orders may not lay squarely on the Attorney General. But, first and foremost, we must learn to respect the rule of law. I believe this will make our country better. If we respect the rule of law, I believe we will have a better country such that everyone complies with the law, whether you have been ordered or you are supposed to comply.

There is the issue of a judge hurriedly convening a court. I want to tell this House that a judge can hear any matter any time. In fact, we have had an opportunity one time to appear with Justice Khaminwa in the duty judge's home on a Saturday morning and we got orders releasing Hon. Mututho. Of course, the police went on to disappear the whole weekend and it ensured that Hon. Mututho was in until the next court time. I believe this retired Judge Paul Kihara Kariuki will do a great deal to the nation.

I support the Motion and urge Members to do so.

**Hon. Speaker:** Member for Malava.

**Hon. Injendi:** Thank you, Hon. Speaker. I also rise to support this nominee. I have not had time to interact with him. I know him through the media and by reading about him and seeing him on TV when he is doing his work. I support him because from what I read, this is a person who is very straight in his dealings and rulings. This is a person who is so sharp. He can really serve this country well as the AG. We are currently getting reports that the Judiciary is actually corrupt, particularly the registrars in the courts. I remember at one time when he was appointed to a committee called Integrity Review Committee, which was known as the Kariuki

Committee, Paul did quite a lot which addressed financial management issues in the Judiciary. We had so many people being sacked. As he comes to this particular docket, I recommend that he actually does what he did when he was in that committee.

I also support this nominee because when you look at the previous holder of this office; he appeared not to be so steady with what he was doing in that office. I believe this nominee will perform. I just want to give an example of how the former AG could not advise the Government very well. The Departmental Committee on Education, Research and Technology had a case at one time. We had a problem with the retired teachers from 1997 who were claiming to be paid their money, their arrears and their pension. The AG then could not just advise the Government on a very simple issue like the last salary pay of the teachers and this case had to go on and the Government had to lose a lot of money arising from improper advice to the Government. So, I believe and support this particular nominee. From his experience, from what he has done, from what I read in the media and from what I see him doing in courts, he will be the right person to advise the Government. I support the Motion.

**Hon. Speaker:** Member for Rangwe.

**Hon. (Dr.) Gogo:** Thank you, Hon. Speaker. Actually, I placed my card because I am moving a Motion. So allow me to do it later on.

**Hon. Speaker:** Member for Kathiani.

**Hon. Mbui:** Thank you, Hon. Speaker, for this opportunity. I stand to support the appointment of Justice (Rtd.) Paul Kihara Kariuki for the position of Attorney General. As a member of the Committee on Appointments, there are several observations that we made that I felt I could point out. The first one was the issue on Chapter Six on Leadership and Integrity where we note there are times when we try to see whether the person was actually charged in a court of law and yet, the most important thing would be a conviction on a criminal charge. That is one of the grey areas that need to be addressed. Also, the bodies that give clearance for nominees to get appointment into public office like the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigation, the Higher Education Loans Board and the Kenya Revenue Authority are not enough. It may be important that as we move forward, especially considering that we are almost about to start discussing the Constitution after the peace handshake between the President and His Excellency the People's President, I do believe that when we reach that point, we must talk about other ways by which we can identify the integrity of individuals. A few bodies cannot determine whether one has integrity or not.

There are also the constitutional requirements that we discussed, that is, the two-gender rule, the youth and the people living with disabilities. It was good to note that we are unable to address the issue of the gender rule when we only have one appointee to discuss. This is because the Cabinet is made up of many members. Unfortunately, as a Committee, when we are dealing with one person, it is impossible to really address the issue of gender because it is only one person.

It is also important to note that the youth of this country may need to address this issue on the constitutional requirements of the offices like the AG and the Chief Justice. This is because the number of years of service that are put in the Constitution actually do completely bar any person who is a member of the youth from ever ascending to those offices. This is simply because of the number of years of practice and, of course, the length of time that one needs to be in law school before they can graduate. Those are some of the things that we need to look at as we go into the future. I wish the nominee very well in the appointment into this new office as he navigates the new political dispensation, especially after the handshake. I want him to take the

responsibility of advising the Government to avoid these excesses on some very basic things. We have recently seen the reaction of the immigration office towards a Kenyan by the name Miguna Miguna and how he was mishandled at the airport. It is important that he advises the Government because if he does not give the right advice then we are open to litigation. People will come up and want to take these issues to court.

I am a victim of police brutality. I intend to take the police to court because they broke my leg for no reason. It is important that the AG advises the Government appropriately because if he does not then we are going to end up spending a lot of taxpayers' money dealing with court cases because of excesses.

Thank you, Hon. Speaker. I support the appointment.

**Hon. Speaker:** I suspect that I could also advise you that most likely the AG will be the first respondent in that suit. So, I do not know what advice he is likely to give in the circumstances. What is your intervention, Hon. Pukose?

**Hon. (Dr.) Pukose:** Hon. Speaker, thank you. Considering the mood of the House and the presentation that has been made on the appointment of Justice Kihara as the AG, under Standing Order No. 95, I request that the Mover be called upon to reply.

**Hon. Speaker:** It looks like that is the mood in the House.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. A.B. Duale:** Thank you, Hon. Speaker. We are talking about Judge Kihara. Let me talk about the predecessor. For those he has taught at the University of Nairobi, Professor Githu Muigai is one of the most brilliant law professors. I am sure he did his bit. We thank him for the time he served. We ask Justice Kihara, when he is appointed by the President, his first business must be to bring back a robust relationship between the Executive and the Judiciary. He should advise the Executive where it is applicable and advise the Judiciary as well so that the Legislature, the Judiciary and the Executive can work for the people of Kenya in a complementary manner.

I beg to reply.

*(Hon. Injendi and Hon. Osotsi walked in the gangways)*

**Hon. Speaker:** Order, Members! Member for Malava, please be in the House. Please let us transact business. The nominated member known as Hon. Osotsi, when I am on my feet and you or any other person here is on his feet, you just freeze wherever you are. You do not just start sneaking around to look for seats.

*(Question put and agreed to)*

**Hon. Speaker:** Let us move to the next Order.

APPROVAL OF NOMINEE FOR APPOINTMENT AS  
DIRECTOR OF PUBLIC PROSECUTIONS

**Hon. Cheptumo:** Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of the Nominee for appointment as the Director of Public Prosecutions, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 157(2) of the Constitution, approves the appointment of Mr. Noordin Mohamed Haji to the Office of the Director of Public Prosecutions.

In exercise of powers conferred by Article 157(2) of the Constitution, as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the President, on 15<sup>th</sup> March 2018, forwarded to this House the nominee for appointment as Director of Public Prosecutions. Pursuant to the provisions of Standing Order No. 42(1) of this House, the Hon. Speaker, on 15<sup>th</sup> March, 2018, conveyed to the House the message from the President, effectively committing the nominee to the Departmental Committee on Justice and Legal Affairs for vetting.

As required under Article 118(1)(b) and Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee invited the public, through newspaper advertisements, to submit memoranda by way of written statements on oath contesting the suitability of the nominee to hold the office. I wish to report to the House that there was no single memorandum received from the public contesting the nomination of the nominee. This is very important information for Members to know that the nominee was given a clean bill of health in respect of that item, which is a very important requirement.

The Clerk of the National Assembly, by a letter dated 16<sup>th</sup> March 2018, requested for information regarding the nominee from the Ethics and Anti-Corruption Commission, Director of Criminal Investigations, Registrar of Political Parties, Kenya Revenue Authority and the Higher Education Loans Board. This was to assist the Committee to establish the status of the nominee with regard to integrity, tax compliance, criminal record, educational loans repayment and political affiliation, which again is a requirement under the law.

Subsequently, the nominee appeared before the Committee on 26<sup>th</sup> March 2018 and made submissions on his suitability. In conducting the approval hearing, the Committee was guided by the provisions of the Constitution and the Public Appointments (Parliamentary Approval) Act, 2011. As required by Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee considered the following areas:

1. The procedure used to arrive at the nominee;
2. The constitutional or statutory requirements of the office in question;
3. The suitability of the nominee with regard to his abilities, experience, qualities, and if those meet the needs of the body to which the nomination is made.

I wish to report to the House that when the nominee appeared before the Committee, he made a number of observations which I wish to bring to the attention of the House. Upon hearing the nominee and examining his curriculum vitae, testimonials, professional experience and educational background, the Committee made the following observations, findings and conclusions about him:

- (1) His academic credentials and professional training and experience are in compliance with the qualifications for appointment as Director of Public Prosecutions as set out in Articles 157(3) and 166(5) of the Constitution of Kenya because of the following:-
  - (a) The nominee holds a Master's and Bachelor's degrees in Law from the University of Wales;

- (b) He has 19 years' experience as a legal practitioner having served in the Office of the Attorney General as a State Counsel and various positions in the National Intelligence Service (NIS);
- (c) He is qualified to hold the office of Judge of the High Court as outlined in Articles 166 (2) and 166 (5) of the Constitution;
- (d) He is a person of high moral character, integrity and impartiality;
- (e) He has not attained the age of 70 years.
- (2) There was no memorandum received contesting his nomination and suitability for appointment;
- (3) The skills and experience acquired from the NIS, in addition to his qualifications in law, would bring a new and broader dimension to management of investigations and prosecutions in this country;
- (4) He satisfied Article 78(1)(2) of the Constitution because he is a Kenyan citizen and does not hold dual citizenship;
- (5) There would be no potential conflict of interest as stipulated in Article 75 (1) of the Constitution should the nominee be appointed to the position;
- (6) He satisfied the requirements of Chapter Six of the Constitution on leadership and integrity;
- (7) He has never been charged with a criminal offence in court of law;
- (8) He has not been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry in the last three years. Those are the serious requirements of our Constitution;
- (9) He satisfied the requirements of Article 77(2) of the Constitution because he did not hold an office in a political party. We received confirmation from the Registrar of Political Parties that he did not hold any office with respect to any political party;
- (10) He had never been dismissed or, otherwise, removed from office under Article 75 of the Constitution for contravention of the provisions of Article 75 (1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State officers and Article 78 (2) on dual citizenship; and
- (11) He exhibited knowledge and understanding of the mandate and other pertinent issues relating to the Office of the Director of Public Prosecutions.

In view of the observations and findings of the Committee, it is my duty to present the Report of the Committee before the House.

Pursuant to the provisions of Article 157(2) of the Constitution of Kenya, the Committee recommends that the House approves the appointment of Mr. Noordin Mohamed Haji as the Director of Public Prosecutions.

Hon. Speaker, I thank you. I move and request Hon. Kiai, who is a Member of my Committee, to second.

**Hon. Speaker:** Hon. Anthony Kiai.

**Hon. Kiai:** Thank you, Hon. Speaker. I stand to second the Motion that Mr. Noordin Mohamed Haji be appointed as the DPP. When the nominee appeared before the Departmental Committee on Justice and Legal Affairs, he exhibited deep knowledge of law and about the functions and workings of the Office of DPP. He said that he has 19 years' experience in legal practice. He served in the Attorney General's Chamber as a State Counsel. He also served as a legal officer, investigator and crime analyst. These positions make him a viable candidate for the Office of the DPP.

He worked with National Intelligence Service where he interacted with various law enforcement and investigative agencies like the Ethics and Anti-Corruption Commission, the Judiciary and the Office of the DPP. This has exposed him to understanding the prosecutorial work. He has regional and international exposure through partnerships, training and joint operations where he acquired vast knowledge in prosecutorial skills. The nominee is Senator Haji's son. He stated categorically that he was not pushed to this position. He earned his stripes. If you look at his curriculum vitae, he is a qualified advocate. He has a law degree, Diploma in Law and Master's in Law. He attended a number of international conferences relating to his work. He also has very high regard to fidelity of law and the Constitution of Kenya which he said will be his guide in the discharge of his duties.

Is he up to the challenge? I want to answer the question in the affirmative. He is well versed with the structures of the Office of the DPP and with the needs and challenges that, that office face. He is an advocate of the High Court of Kenya. If you look at his background as an investigator *vis-a-vis* the Office of the DPP, most of the cases that are handled by the DPP are usually lost at the investigative stage. This means that his background in investigation will come in very handy to ensure that the rate of conviction of criminals in this country will go up. Currently, it is at about 50 per cent and we want to see that go up to about 90 per cent. The cases are lost because of shoddy investigations. We also realise that part of the reason is because of understaffing of the Office of the DPP. He stated categorically that he has a strategy to ensure that there is retention of officers who are employed in that office by ensuring that they are well remunerated.

As I finish, it is also important to tell the nominee that this is a hot seat. Every case, especially that attracts public limelight, will have to capture the attention of the nation. I saw him answering the questions. Therefore, I can categorically say that he has the charisma and the ability to deliver.

I second the Motion. Thank you.

**Hon. Speaker:** Hon. Members, I want to give general information which you keep on being reminded of all the time. When the yellow light goes on, it means that you have a balance of one minute. When the red one goes on, you have a balance of only 30 seconds. When you see the yellow light, do not get scared because you still have a balance of one minute. This is a reminder because I have noticed that when Members see the yellow light, they say okay and they conclude hurriedly. I am happy because Hon. Kiai did not do that. He went on until he had a balance of only 14 seconds.

*(Question proposed)*

Hon. Members, Member for Kathiani's card is still there. So, I wanted to give him a chance to contribute. Members should note that we did not put these tags for fun. Members, especially the leadership, should not allow the people you represent to see that you are absent when photographs are taken.

Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I want to support this Report and say that this is the second holder of this office under the Constitution of Kenya, 2010. I have known Mr. Noordin for a couple of years. The previous holder of the Office of the DPP was a pastoralist. The new person that we seek to approve is also a pastoralist. So, first, we want to thank the President. We want Mr. Noordin to deal with the many problems and crimes which face our country like money

laundering, terrorism financing, criminal gangs, drug trafficking and cybercrimes. The moment we approve the Computer and Cybercrimes Bill, we want Mr. Noordin, if approved by this House and appointed by the President, to rein in on those crimes.

We also want Mr. Noordin to deal with corruption within institutions. He will make very unpopular decisions. There are five independent offices in this country where decisions they make are very unpopular in one way or the other. These are the decisions of the DPP, Auditor-General, Ethics and Anti-Corruption Commission, courts, DCI and Inspector-General of Police. That is why these offices have been insulated. They have security of tenure and are independent because they do not make popular decisions. We urge Mr. Noordin to change that scenario. He must go for serious drug dealers in this country from *chang'aa* brewers to those at the Coast who give our children hard drugs. He must deal with those who finance terrorism and the impunity that is found in the political class. He must deal with those who have toxic tongues the way Mr. Tobiko dealt with them. He must arraign the high and the mighty in courts. He should not look for those villagers who commit small crimes. He must deal with those who form banks and then run away with Kenyans' money. Kenyans lose their money. He must ensure that the financial sector is running well.

The nominee is a son of a career civil servant. His father was a District Officer, District Commissioner, Provincial Commissioner, Member of Parliament and Minister for Defence. I am sure the character of Senator Haji, as known by my many people in Kenya, is what we see in one Mr. Noordin Mohamed Haji. I would like to inform the House that Mr. Noordin Haji will report to this House. He must table the required reports as by the law when their time is due. Mr. Noordin is answerable to this House both in terms of operations and budget.

Finally, I urge him to have a good working relationship with the Ethics and Anti-Corruption Commission. The files they will forward to him for prosecution, unless otherwise, must go to court. He must work with the Judiciary and provide prosecutors with relevant evidence to prosecute somebody. Most cases are lost because of poor prosecution.

I beg to support the Motion and urge the House to support the second nominee to the Office of the DPP under the new Constitution.

**Hon. Speaker:** Member for Alego Usonga.

**Hon. Atandi:** Thank you, Hon. Speaker for giving me this opportunity. I support this Motion, but with a very heavy heart. We all know the history of this office. We know its engine and architecture and how it has come along over the years. There was a time during the tenure of Mr. Chunga when that office was abused and misused by politicians. So, when this appointment is being made, we must be sure that the person taking over is impeccable, with a track record. He should be a person whose appointment is not laced with political connections.

My concern is that there are people in that office who have served very well. I am not fearful to mention that there is a constituent of mine in that office who has been bypassed in many instances. In respect of gender and track record in that office, Ms. Dorcas Oduor, in my view, deserved to have been given this position. I support this nominee purely on the basis of the handshake between the President and Hon. Raila Odinga. We recently agreed to work with our colleagues on the Government side and *Baba* is always right. So, I do not want to oppose this appointment.

*(Laughter)*

As a House, let us note that this is a very important office and we want the person who is going to take up this position to be a person whose appointment should not be seen to have been influenced by political connections. As the Leader of the Majority Party has rightly said, the father to the nominee to this office is a career civil servant. He is a person who has served this country long enough and is well networked even in the high corridors of power. I support his nomination and appointment, but I doubt whether he will tackle the challenges that we have: corruption, drug business and many others.

We would also like to have a DPP who will neither succumb to political influence nor be used. We do not want to have a DPP who will be witch-hunting politicians all over the place just because they have spoken against his office.

We are going to approve his appointment to this position, but let us ensure that this office is effective and that it addresses the challenges we have. I support the Motion.

**Hon. Speaker:** Member for Gilgil.

**Hon. (Ms.) Wanjira:** Thank you, Hon. Speaker. I also rise to support Mr. Haji for this job. The DPP is a very critical office to hold. I also note that he comes from the pastoralist communities. The one thing I hope he will deal with very firmly is gender-based violence and prosecutions. We recently had a case of a 15-year old girl who was raped repeatedly for three days by men in Wajir. The culture of sweeping such an issue under the carpet or sitting under trees to solve such a matter in the name of *Maslaha*... He must decisively deal with and put it to a close. Girls are being abused right, left and centre just for people to be given goats and land as compensation. We must see Mr. Noordin taking decisive action against *Maslaha*. We must also speak against it. It is not just limited to one community. Other communities may not have a word for it, but they still do it. We have many cases of incest, rape and defilements that are swept under the carpet by *wazees* sitting under a tree or in a hut purporting to resolve or arbitrate. This must end.

There must be very good co-operation between this office and that of the Inspector-General of Police and that of the DCI especially on the harassment of Members of Parliament. We have a serious case that is still pending that involves Hon. Sabina Chege and many of us have recorded statements on that. Even the male Members of Parliament have been harassed. Yesterday, I was in the office of one male Member. He had got an obscene text from a phone number. On checking, I discovered that I had been sent a text message from the same phone number. In fact, two other Members had received text messages from the same phone number. This is a serious racket that must be dealt with. We have not seen action being taken by the DCI and by the police. We want co-operation to be expedited. We hope the DPP will be in the forefront to deal with that problem.

With those remarks, I support the Motion.

**Hon. Speaker:** Member for Kisii County.

**Hon. (Ms.) Ong'era:** Thank you, Hon. Speaker for giving me this opportunity to support this Motion. At the outset, I would like to say that I know personally Mr. Noordin Mohamed Haji as a man of high integrity and somebody who is capable of serving in this office. Having served as a State Counsel, I can vouch that this is a very important office that needs to be revolutionised because we need to transform the work of the DPP which has been wanting.

I hope Mr. Noordin is going to ensure that the youth who were beaten and some killed when we were resisting, just before the golden handshake which I now support, are recompensed. There are families whose members were injured. We need investigations to be carried out in this country so that the brutality of police officers is brought to an end. I hope Mr.



Noordin will ensure that some of the officers are arrested as an example to show to the rest of the Kenyans.

In Kisii County, in the last six months, so many young girls and women have been murdered. For example, the recent case is the murder of a young girl in Hon. Tongi's constituency of Nyaribari Chache. The girl was murdered and burnt with acid. Despite several reports that we have made, nothing has been done. Another young girl in Ogembo was murdered mysteriously and nobody has been brought to book. I hope that Mr. Noordin, being a person of integrity and experience, will ensure that the violent murder of many young girls that is happening in this country is brought to a stop.

In conclusion, as we go into the period of the handshake that I welcome, I hope that the President and the Right Hon. Raila Amolo Odinga are going to lead this country to the necessary unity that we want; a unity of purpose and reconciliation of our people. I beg to support.

**Hon. Speaker:** Member for Ndia, you are on top of the list. Do not hide behind the microphone. If you place your card before every other person, then you start hiding the microphone... If you have nothing to say, just say you have just placed your card like somebody who was jumping into a moving *matatu*.

**Hon. Macharia:** Hon. Speaker, I rise to support the appointment of the PS, Mr. Noordin.

*(Laughter)*

I mean DPP. I am sorry. You got me off-guard. It is true that I placed my card because I am a Member of the Departmental Committee on Communication, Information and Innovation. I stand to second the appointment of the PS for ICT. That is why my name appears on top of the list. Nevertheless, I support the appointment of Mr. Noordin as DPP.

Thank you.

**Hon. Speaker:** There is an intervention from the Member for Saku.

**Hon. Dido:** Thank you very much, Hon. Speaker. I rise under Standing Order No.95. From the discussions and the many inputs by Members who have spoken, clearly, Noordin will bring the transformational agenda the DPP Office requires. Having been a public servant and a professional, he is a breath of fresh air into that office. For that reason, I ask the Mover to reply.

**Hon. Speaker:** I get the thrust of his intervention. It is that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. Cheptumo:** Thank you, Hon. Speaker. I thank the Members for supporting this Motion. For some time now, we have not had a DPP because of the appointment of the holder of this position to a CS. It is very important that we do this approval today so that we can have a substantive DPP.

There are 118,000 criminal cases pending in our courts. When the nominee appeared before us, he gave us the assurance that he is going to ensure that these cases are dealt with and that Kenyans are going to access justice.

I thank colleagues for this support. I beg to reply.

Thank you.

*(Question put and agreed to)*

*(Hon. Macharia consulted loudly)*

**Hon. Speaker:** Member for Ndia, you appear to be in a hurry. Is it about ICT or something like that? We will come to that. Let us move to the next Order.

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY,  
STATE DEPARTMENT FOR CORRECTIONAL SERVICES

**Hon. Koinange:** Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of the Principal Secretary Nominee for appointment as Principal Secretary to the State Department of Correctional Services, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. Alfred Cheruiyot as Principal Secretary, State Department for Correctional Services.

Hon. Speaker, on Thursday, 15<sup>th</sup> March 2018, pursuant to Standing Order No.42(2) of the National Assembly, you informed the House of a message from His Excellency the President and Commander-in-Chief of the Kenya Defence Forces (KDF) of the Republic of Kenya, with respect to appointment of the persons to the various offices of Principal Secretaries and of High Commissioner and ambassadors of the Republic of Kenya for approval by the House pursuant to Article 155(3) of the Constitution. In line with the established procedure, the Clerk of the National Assembly invited interested members of the public through a public advert to submit the representation by written statement on oath or affidavit what they may have on the suitability or otherwise of the said nominees to the respective departmental committees.

On Friday, 16<sup>th</sup> March 2018, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, notified the nominee in writing that the approval hearing was scheduled to take place on Monday 26<sup>th</sup> March 2018 in Committee Room 4, Second Floor, Continental House Parliament Buildings at 9.30 a.m.

In conducting the vetting process, the Departmental Committee on Administration and National Security examined the nominee against criteria that included the following as set out in the Public Appointments (Parliamentary Approval) Act of 2011: Academic qualifications, employment record, professional affiliation, potential conflict of interest, knowledge of relevant subject, expectations and key priorities, overall suitability of the position, integrity, vision and leadership.

To fulfil its mandate and facilitate the vetting, Mr. Alfred Kipkorir Cheruiyot, submitted relevant documentation and testimonials supporting his case. On Tuesday, 27<sup>th</sup> March 2018, the Committee held a meeting to consider and approve the report on vetting.

The Committee noted that the nominee had complied with and submitted all clearance certificates and letters from all relevant institutions. Mr. Alfred Cheruiyot appeared before the Committee on Monday, 26<sup>th</sup> March 2018. The Committee having heard his submission during the meeting, made the following observation:

That, the nominee complied and submitted all the clearance certificates and letters from all the relevant institutions as required. No affidavit was received from the public against him.

In accordance with Article 78(2)(2) of the Constitution, the nominee is a Kenyan citizen and does not hold dual citizenship. He meets the requirements to hold the office of the PS.

The nominee satisfies the requirements of Chapter Six of the Constitution on leadership and integrity. He has been issued with compliance and clearance letters from all the relevant institutions such as the DCI, the Higher Education Loans Board, the Kenya Revenue Authority, EACC and the Registrar of Political Parties.

In accordance with the provisions of Article 75(1) of the Constitution, the nominee has no potential conflict of interest and has made pledge to avoid any situation that will compromise his position as a PS. The nominee has not been charged in a court of law nor convicted neither was he adversely mentioned in an investigatory report of a Parliamentary Committee or commission. The nominee depicted a wide scope of management skills that makes him suitable to serve as a PS in different State departments including the State Department for Correctional Services. He will use his ICT skills to address cyber bullying which emanates from inmates. He is flexible and willing to learn.

Hon. Speaker, let us put in mind the work of a PS, which is basically to lead and manage a team of experts. He does not necessarily need to have technical skills in the field he is sent to work. In fact, the President can deploy any PS to any Ministry regardless of professional qualification and the PS should be able to perform his duties. The PS is the accounting officer whose role is to ensure that resources, including human resources, in the Ministry are utilised prudently to achieve set goals and objectives of the Ministry. A PS needs to have passion, drive and vision to work for the success of an institution.

As I conclude, I have the recommendations of the Committee. Having considered the suitability, capacity and integrity of the nominee, pursuant to Article 155(3)(a) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act, the Committee recommends that this House approves the nomination and subsequent appointment of Alfred Kipkorir Cheruiyot, to serve as PS for Correctional Services in the Ministry of Interior and Coordination of National Government.

I beg to move. I call upon Hon. Josphat Kabinga Wachira, Member of Parliament for Mwea, to second the Report. Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Mwea.

**Hon. Josphat Wachira:** Thank you, Hon. Speaker. I stand to support this Motion that this House approves the appointment of Mr. Alfred Kipkorir Cheruiyot as the PS, Correctional Services in the Ministry of Interior and Coordination of National Government.

During our vetting, we observed, found and made conclusions that led to the recommendation that has just been read by our Chairman. We noted that Mr. Alfred Cheruiyot has a wide experience in the field of Information Technology. Those of us who are familiar in that field are aware that for one to be a successful expert in ICT, you must be all-rounder by way of having that wide knowledge of what happens in the world outside what you do. For that reason, we found Mr. Alfred Cheruiyot quite able to handle the Department of Correctional Services. We all know that one of the problems we have in that department is computerisation of processes. The systems that are there, for instance, inmates coming in and out as well as the procurement processes in that department. Mr. Cheruiyot will be very useful in the computerisation of that department.

Our experience also tells us that departments that are led by computer savvy people computerise and end up being more successful than where leaders are not computer experts or interested in computerisation. In the next few years, we expect the Department of Correctional

Services to be quite efficient in its processes just as we have noted in other departments including the Directorate of Immigration and Registration of Persons, where computerisation is now quite good. Systems can detect travelers in and out of this country, especially when they do not have travel documents as they come into our country.

Alfred has a Master's degree in Business Administration. That gives him a wide experience in dealing with systems and people. He will deal with the financial systems as an accounting officer, coordinate with other departments in the Ministry and deal with inter-ministerial meetings. Mr. Alfred will handle that quite well. We noted that he is coming into this department from an Executive Director's position, which has given him a wide experience. He has been working with the Communications Commission of Kenya (CCK) as a senior manager where he, again, gained some experience in Government processes. For that reason, Alfred comes in as a person who has experience in both the Government and the private sector. That brings in the vital component of a public-private partnership which is a key component in development in the world today. We hope and expect that we are going to see changes in that department. We will see a lot of utilisation of the vast resources that are underutilised in this department and start seeing a department that is no longer relying on resources from the Government to cater for some of its needs. They should make use of the many acres of land that they have and the knowledge that some of the inmates possess. For that reason, we feel that this is a very capable person for this department. I hope he will bring this very vital component to this department.

With this and the observations we made, I support.

**Hon. Speaker:** Well. Before I propose the Question, allow me to recognise the presence, in the Speaker's Gallery, of students from Mutungoni High School, Mavoko Constituency, Machakos County.

*(Applause)*

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Is that the desire of the House that I put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY,  
STATE DEPARTMENT FOR LIVESTOCK

**Hon. Ali Adan:** Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on the Vetting of Nominee for appointment as Principal Secretary, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. Harry K. Kintai, as Principal Secretary, State Department for Livestock.

On Thursday 15<sup>th</sup> March 2018, you conveyed a message from His Excellency the President to the House, regarding nomination of Principal Secretaries, High Commissioners and ambassadors in his Government. Further, you informed the House that pursuant to Article 152(2) and Article 155(3) of the Constitution, the National Assembly should expedite the approval hearing of the nominees. Mr. Harry Kimtai, the nominee for appointment as the Principal Secretary, State Department for Livestock was referred to the Departmental Committee on Agriculture and Livestock to conduct approval hearings.

In your Communication, you directed that committees should conduct extensive public participation as provided for under Article 118 of the Constitution as well as the Public Appointments (Parliamentary Approval) Act 2011. You further advised the committee to conclude their reports and submit them to the House on or before Wednesday 28<sup>th</sup> March 2018 to enable the House to consider and finalise on the nominees within the stipulated timelines.

Section 6(9) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011 provides as follows:

“Any person may, prior to the approval hearing, and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.”

On Wednesday 16<sup>th</sup> March 2018, the Clerk of the National Assembly placed an advert in the print media inviting the public to submit memorandum by way of written statement on oath or sworn affidavit on the suitability or otherwise of nominees in conformity with Section 9 of the Public Appointments (Parliamentary Approval) Act, 2011. The submissions were to be received latest by Friday, 23<sup>rd</sup> March 2018.

The Committee did not receive any memoranda for or against the nomination of Mr. Kimtai. Therefore, pursuant to provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011 and Standing Order No. 45(3), the general public was also notified in the print media by the Clerk of the National Assembly on 16<sup>th</sup> March 2018 of the intention of the Departmental Committee on Agriculture and Livestock to conduct the vetting and approval hearing of the nominee on Monday 26<sup>th</sup> March 2018.

On the same day, the Clerk of the National Assembly wrote to the nominee informing him of the nomination of His Excellency the President and was requested to appear for vetting by the Departmental Committee on Agriculture and Livestock on Monday 26<sup>th</sup> March, 2018. He further requested the nominee to bring with him clearance certificate from the EACC, the Kenya Revenue Authority, Higher Education Loans Board and the Criminal Investigation Department.

The Clerk of the National Assembly on 16<sup>th</sup> March 2018 further wrote to the KRA, HELB, EACC, Registrar of Political Parties and Directorate of CID requesting for tax, university loans, integrity and criminal record status respectively of the nominee.

The Committee met with the nominee on Monday, 26<sup>th</sup> March 2018 and conducted approval hearings. During the process, the Committee was guided by the Constitution, Public Appointments (Parliamentary Approval) Act 2011, Standing Orders and other relevant statutes. Specifically, the nominee was examined on the following criteria as set out in the Public Appointments (Parliamentary Approval) Act No.33 of 2011: academic qualifications, employment records, professional affiliations, potential conflict of interest, knowledge of the relevant subject and integrity. During the approval hearings, the Committee held a total of two sittings in conducting the vetting exercise.

The vetting process entailed meetings with the nominee, examining correspondence from the EACC, HELB, KRA, CID and the Registrar of Political Parties. Mr. Kimtai is a Kenyan citizen born on 13<sup>th</sup> December 1968 in Mt. Elgon, Bungoma County. He graduated in 1992 with a Bachelor of Arts Degree and Master's in Philosophy, Economics, Regional Planning, from the Economics Department from the University of Bhopal, India. The nominee has vast work experience having worked for several institutions as follows: Director of Capital Markets Authority (CMA) between 2016 and 2017, General Manager at Branded Fine Foods from 2008 to 2014, Principal Revenue Officer at the KRA office from 2003 to 2006, Revenue Officer II at KRA from 1998 to 1999, Management Trainee at KRA from 1996 to 1999, Director, and finally, Director, Sahari Limited to date. The Committee having considered his CV and heard his oral submissions during the vetting exercise or interview made the following observations:

The Committee noted that the nominee exhibited impressive knowledge of topical issues touching on livestock and has the requisite abilities, qualifications and experience to serve as the Principal Secretary in the State Department for Livestock in the Ministry of Agriculture and Irrigation.

The Committee noted that the nominee had an extensive public career having risen through the ranks from a management trainee at KRA to a Director of CMA and this was enough proof that the nominee has the experience of running public institutions.

In conclusion, having conducted approval hearings for the nominee and pursuant to Article 155(3), of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee recommends that this House approves Mr. Harry Kimtai for appointment by His Excellency the President as Principal Secretary, State Department for Livestock in the Ministry of Agriculture and Irrigation.

I, therefore, beg to move and call upon Hon. Emmanuel Wangwe to second. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Emmanuel Wangwe, Member for Navakholo.

**Hon. Wangwe:** Thank you, Hon. Speaker. Navakholo is a great site in this country called Kenya and I am proud of the people of Navakholo. I rise first and foremost to second the appointment of the nominee, Mr. Harry Kimtai, as the PS for Livestock. He comes from Mt. Elgon, as you have heard. Mt. Elgon is part of the larger Western Province as it used to be. Since Independence, this is the first PS from that area. Therefore, this is a great honour for which I must thank the President of the Republic of Kenya, Hon. Uhuru Muigai, for considering this kind of appointment. I want to encourage him and say: Should there be something pending, consider such communities who have not seen the light of appointment to serve in the Government.

Harry Kimtai is a scholar. He has read well in economics. He has practised economics very well. This country requires people of such a stature to turn around the sectors. It does not matter which sector Harry has been appointed to, but he understands the economics of the country. He also understands livestock. He was able to categorically state how he wants to turn around the State department.

Harry passed the test of Chapter Six of the Constitution. He is tax compliant. He has all the documents to confirm that he is a tax compliant Kenyan. He also gave us documents to show that he served in KRA and left the Authority with lots of honour and dignity. That means we can trust Harry with the money under the State Department for Livestock.

Harry also demonstrated to us that he is able to share and listen, especially to the oversight organisations or bodies like Parliament, the Auditor-General and any other oversight body. Similarly, he said to us that he will comply with court orders. He will comply with

summons from this House. He will comply with instructions from auditors, who will support him in running the state department. With such degree of compliance, I have no doubt but to support and second that this House considers him for appointment as the most preferred nominee for PS in the State Department for Livestock.

With those many remarks, Hon. Speaker, I beg to second.

**Hon. Speaker:** The Member for Muhoroni.

**Hon. Oyoo:** Thank you very much, Hon. Speaker, for giving me this opportunity...

**Hon. Speaker:** Sorry. You will continue. Let me propose the Question.

*(Question proposed)*

Member for Muhoroni, you may now proceed.

**Hon. Oyoo:** Thank you very much, Hon. Speaker, for giving me this opportunity to contribute. Initially I had wanted to oppose these appointments given that in making them consideration to the constitutional threshold that talks about inclusivity and ethnicity was not considered. On the day these appointments were made, I read that one community in Kenya took up five; the other one took four while the rest were watching. But given the new spirit of cooperation or handshake, I want to support this. Those who are lucky to be appointed must make us proud by living to the spirit of those authorities that appointed them. I have seen many of them, like the one who was appointed in charge of correctional services called Mr. Powon left without correcting a thing. I hope the new one will go and correct something, and not walk out without correcting anything again. These others that are being named should make us proud by making sure that they justify their appointment.

There is a problem in this country called spiralling wage bill. And the interpretation out there is that the spiralling wage bill is caused by parliamentarians. Little do Kenyans know that these PSs have lots of baggage on their back. One will get a big Pajero, fuelled and maintained by the Government, and a Passat in tow. All these are heavy expenditures on the Government. So the only return that we can get from them is when they make good use of their offices, become innovative and make those places better than they found them. Otherwise, I support.

Thank you very much, Hon. Speaker, for the opportunity.

**Hon. Speaker:** The Member for Endebess.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker, for allowing me to support the appointment of Harry Kimtai as the PS for Livestock. On behalf of the Sabaot community, I want to thank the President and the Deputy President for appointing Kimtai. Just as my colleague from Muhoroni is saying, Kimtai is from the Sabaot community. They live on the slopes of Mt. Elgon, occupying Bungoma and Trans Nzoia counties. This is the first appointment at that level. The community was excited when Kimtai was appointed. We know that he is somebody with integrity. He is educated. He has a master's degree in economics. He will be able to turn around the livestock sector, especially Kenya Meat Commission which has been meeting challenges.

*[The Speaker (Hon. Muturi) left the Chair]*

*The Deputy Speaker (Hon. Cheboi) took the Chair]*

The people of Mt. Elgon also keep livestock, diary and all that. Therefore, we understand the issues facing the livestock sector, especially with our brothers from the pastoralist

communities. We hope that with this position, Harry Kimtai will be up to the task. He is not going to embarrass the Government. He is somebody who is hardworking and committed. I know him at a personal level and I can assure this that he is going to meet the challenges that are expected of the position of PS.

With those few remarks, I want to support the appointment of Harry Kimtai as the PS for Livestock.

**Hon. Members:** Put the Question.

**Hon. Deputy Speaker:** Allow me first to even acclimatise by giving opportunity to at least one more Member. I am going to look at somebody on the left. Ochieng Awuor.

**Hon. (Ms.) Ochieng:** Thank you very much, Hon. Deputy Speaker, for giving me this chance to contribute to this Motion. Agriculture or livestock *per se* is one of the key ventures that citizens of our country involve themselves in to earn a livelihood. So I rise to support the appointment of Mr. Harry Kimtai to this important docket, with the hope that much as I may not brag to having known him at a personal level like some of my colleagues, I want to believe that the committee that vetted him and the appointing authority must have considered various factors that make him qualified to hold this docket. I think it is important that we note that we need serious people who can come up with strategic measures to solve perennial problems of...

**Hon. Deputy Speaker:** Order. What is it, Member for Juja? Hon. Waititu, what is out of order?

**Hon. Waititu:** Thank you, Hon. Deputy Speaker. Thanking Members of Parliament for the way they are responding, I was thinking under Standing Order 95, the Mover can be called to reply.

**Hon. Deputy Speaker:** What is your justification?

**Hon. Waititu:** My justification is because most of us are supporting and we have other things to do.

*(Laughter)*

**Hon. Deputy Speaker:** If that be the case, I will let her finish and give opportunity to one more Member to see if that is the position. If it is, then of course I will dispense with that.

**Hon. (Ms.) Ochieng:** Thank you, Hon. Deputy Speaker, for protecting me. I believed in my heart I was not out of order and I was rising with your permission. You know that is my Member of Parliament, so I do not know what he saw was out of order.

Meanwhile, I was saying that the case of livestock in Kenya has been a very humiliating one. Those communities that keep animals have always had perennial problems. I am thinking and I would wish that this new PS together with the team in this department would come up with serious strategic ways of solving some of these problems.

I have always wondered whether this Ministry can propose - and let us support - the idea of constructing serious dams and water bodies, collection points especially during heavy rains like what we are experiencing. Having been told by one of our Members that this is a master's and maybe beyond kind of brain, I am looking forward to seeing some serious activities taking place to make sure that our livestock are safe, well protected and communities can make a living out of it.

Yesterday, I witnessed some ugly scenario around Kisumu/Nyakach. The community there lost quite a number of animals under mysterious circumstances. I think the first assignment for this Principal Secretary is for this issue to be investigated. We should also be told how these



people are going to be helped. What really caused the death of their animals and how are they going to be helped to regain what they lost? Otherwise, without saying very many things, I want to support this appointment.

Thank you.

**Hon. Deputy Speaker:** Members, have your say now; may the Mover be now called upon to reply.

*(Question, that the Mover be now called upon to reply,  
put and agreed to)*

**Hon. Ali Adan:** Thank you, Hon. Deputy Speaker. In our Committee deliberations, the nominee was found suitable for the position. Some of the issues that have been raised by Members about the animal deaths and so on were the same issues which were brought before the Committee. The Committee tasked the nominee to move with speed to come up with solutions to some of the issues that the sector is facing.

With those very many remarks, I beg to reply.

*(Question put and agreed to)*

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY,  
STATE DEPARTMENT FOR INFORMATION, COMMUNICATION AND TECHNOLOGY

**Hon. Kisang:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Communication, Information and Innovation on the Vetting of Principal Secretary Nominee for the State Department of Information, Communication, and Technology, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. Jerome Okoth Ochieng as Principal Secretary, State Department for Information, Communication and Technology.

Hon. Deputy Speaker, on Thursday, 15<sup>th</sup> March 2018 and pursuant to Standing Order No.42(2) of the National Assembly, in your Communication, you informed the House that you received a message from His Excellency the President, with respect to appointment of persons to the various offices of Principal Secretaries, High Commissioners and ambassadors of the Republic of Kenya and pursuant to Article No.155(3)(b) of the Constitution, the House was required to approve the appointment of Mr. Jerome Okoth Ochieng as Principal Secretary, State Department for Information, Communication and Technology.

Hon. Deputy Speaker, after conveying the message from His Excellency the President on the nomination, the name of the nominee and his CV were forwarded to the Departmental Committee of Communication, Information and Innovation to conduct approval hearings. In line with the established procedure, the Clerk of the National Assembly invited interested members of the public through a public advertisement to submit representations by written statements on oath. This is an affidavit of what they may have on the suitability or otherwise of the said nominee to the respective departmental committees.

On Friday, 16<sup>th</sup> March 2018, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011, notified the nominee in writing that approval hearing was scheduled to take place on Monday, 26<sup>th</sup> March in Committee Room 4, Fourth Floor, Continental House, Parliament Buildings at 9.30 a.m.

Hon. Deputy Speaker, in conducting the vetting process, the Departmental Committee on Communication, Information and Innovation examined the nominee against the criteria that included the following, as set out in the Public Appointments (Parliamentary Approval) Act, No.33 of 2011: Academic qualifications, employment records, professional affiliations, potential conflict of interest, if any, knowledge of relevant subject, expectations and key priorities, overall suitability of the position, integrity, vision and leadership.

Mr. Jerome Okoth Ochieng appeared before the Committee on Monday, 26<sup>th</sup> March 2018 at 9.30 a.m. The Committee having heard his submissions during the meeting, made the following observations: He had satisfied the requirements of Chapter Six of the Constitution of Kenya on leadership and integrity having been cleared by the Ethics and Anti-Corruption Commission, the Director of Criminal Investigation and the Registrar of Political Parties. He is not a member of any political party or holds any political position in any political party. He has never been charged with criminal offences in a court of law and has no potential conflict of interest with regard to the position he had been nominated to. He has not been dismissed from office for contravening the provisions of Article 75 of the Constitution which deals with conduct of State officers who are adversely mentioned in any investigatory report of Parliament or any commission of inquiry as the necessary qualifications. He has extensive experience in public service having been employed as a management trainee in Government Computer Services and rose through the ranks to become the Information and Communications Technology (ICT) Manager of the Public Procurement Oversight Authority. He is currently the Director of the Integrated Information Management System (IFMIS) at the National Treasury and has the right attitude and commitment to serve in the position for which he has been nominated. This was observed from the way he responded to questions from Members on ICT-related issues during the approval hearings.

Hon. Speaker, Mr. Jerome promised that as soon as the Computers and Cybercrimes Bill becomes law, he is going to implement and work very closely with the Communications Authority of Kenya and the DCI to ensure that all crimes that are cyber-related will be dealt with because he is an expert in that area. He does not hold any office in political parties and hence satisfies the provisions of Article 77(2) of the Constitution. He exhibited impressive knowledge and understanding of issues relating to the docket he has been nominated for appointment to.

Hon. Deputy Speaker, we interviewed and vetted him. He took us through his curriculum vitae (CV) and all his work experience. This is a civil servant who rose from very low ranks just the way we have heard about Mr. Harry Kimtai who was appointed as a management trainee by the Kenya Revenue Authority (KRA). He rose through the ranks until he became an Executive Director. The same as Mr. Ochieng who was appointed as a young professional from the university, he did double Maths in the university like the rest of us. This double Maths is not an easy course. I remember we did the same course with the nominee for correctional services. We were 30 in the class and by the time we cleared our course, it was only 17 of us who graduated out of the 30. So, Mr. Jerome is a qualified software engineer and is very knowledgeable. He is a Fellow Member of the Computer Society of Kenya (CSK) and to be one, you have to be a senior computer expert in the industry.

He is also a member of the Institute for the Management of Information Systems (IMIS-UK). There are very few professionals in the country who are members of this institute.

With those many remarks and having considered the suitability and capacity...

**Hon. Deputy Speaker:** Chairman, Departmental Committee on Communication, Information and Innovation, it would be very good if you became a little brief so that you give opportunity to Members to also say something.

**Hon. Kisang:** I am concluding, Hon. Deputy Speaker. As I conclude, I would like to say that for the first time, we have a Cabinet Secretary who is an expert in Information and Communication Technology (ICT); we have the Chairman of the Departmental Committee on Communication, Information and Innovation in National Assembly who is an ICT expert and we have the Principal Secretary who is an expert in ICT. These three persons should take Kenya to higher heights. In the next five years Kenya should be at a different level in innovation and technology.

With those many remarks having considered the suitability, capacity and integrity of the nominee and pursuant to Article 155(3) of the Constitution and the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the National Assembly Standing Order 216 (5)(f) the Committee recommends that the National Assembly approves the nomination of Mr. Jerome Okoth Ochieng for appointment by the President to the position of Principal Secretary, State Department of ICT.

Hon. Deputy Speaker, thank you very much for this opportunity, I beg to move and request Hon. George Kariuki to second. Thank you.

**Hon. Deputy Speaker:** Whom did you say is seconding you? Is it the Member for Ndia? Proceed.

**Hon. Macharia:** Hon. Deputy Speaker, I second this Report for appointment of Mr. Jerome as PS in the State Department of ICT. During the approval hearings, the Departmental Committee on Communication, Information and Innovation noted that the nominee had the necessary qualifications and extensive experience in the public service having worked with the Government for the last 21 years. He had worked in the Government Information Systems Service from the year 1997 to 2011, rising from an ICT officer position to Assistant Director of ICT hence gaining a lot of experience in the ICT sector. As the Director of Integrated Financial Management Information System (IFMIS) Mr. Jerome has played a key role in rolling out of IFMIS to all county governments. The nominee has no integrity issues having been cleared by the Ethics and Anti-Corruption Commission (EACC) and equally no Member of the public has raised a complaint about his integrity.

Finally, during the vetting, the nominee exhibited impressive knowledge and understanding of issues relating to the State Department of ICT. Having considered the suitability, capacity and integrity of the nominee, the Committee recommends that this House approves his nomination for appointment by His Excellency the President to the position of Principal Secretary, State Department of Information, Communication and Technology.

I second this report and support his appointment. Thank you.

*(Question proposed)*

**Hon. Deputy Speaker:** Now, let me give an opportunity to Hon. Koyi Waluke. You want to speak to this one? Let me give another one Member or two just in case. I can see Members want me to put the Question. Is that your feeling Hon. Members?

**Hon. Members:** Yes.

**Hon. Deputy Speaker:** Well, if that is the mood, I will proceed to put it.

*(Question put and agreed to)*

Next Order!

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY,  
STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY

**Hon. (Dr.) Gogo:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Vetting of Nominee for Appointment as Principal Secretary, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr. Susan Jemtai Komen as Principal Secretary, State Department for East African Community.

Hon. Deputy Speaker, on 14<sup>th</sup> March 2018, His Excellency the President of the Republic of Kenya forwarded to the National Assembly for consideration and approval the notification and nomination of Dr. Susan Koech as Principal Secretary, State Department for East African Community. This was in accordance with the provisions of Article 155(3)(b) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approval) Act.

Hon. Deputy Speaker, pursuant to Standing Order 45 (1) the name and the CV of the nominee were referred to the Departmental Committee on Defence and Foreign Relations on Tuesday, 15<sup>th</sup> March for vetting and approval to the House within 14 days. On Monday, 26<sup>th</sup> March 2018, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act, the Clerk, in writing, invited the nominee for vetting herein indicating the time and the place for holding approval hearings.

On Friday, 16<sup>th</sup> March 2018, the Clerk of the National Assembly also wrote to the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigation (DCI), the Higher Education Loans Board (HELB) and the Registrar of Political Parties requesting for reports with respect to the nominee on matters touching on integrity, tax compliance, political affiliations and loan repayments. The Committee received clearance reports for the nominee from the above mentioned bodies.

The Committee, on 26<sup>th</sup> March 2018, vetted Dr. Susan Komen in accordance with the law. Pursuant to the provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act, the Clerk of the National Assembly placed an advertisement in print media on Friday, 16<sup>th</sup> March 2018, inviting public participation to be submitted through memoranda by way of written statements on oath, on the suitability or otherwise of the nominee. The advertisement indicated the submissions were to be received by Friday, 23<sup>rd</sup> March 2018. By close of business on that day, the Committee had not received any written statements on oath in respect to the nominee.

The Committee having vetted Dr. Susan as the nominee Principal Secretary for East African Community made the following general observations:

Dr. Susan has exemplary academic prowess and has good literary publications that would do a good face of Kenya when she is given the position of PS. That, the nominee showed

knowledge and experience having served in various institutions and organisations across the country and notably this particular nominee served well for so many years in the banking sector. This is very important because many times very few people serve for over 25 years in various capacities in banking and it gave this particular nominee a very good credit.

That, the nominee exhibited expressive knowledge on topical issues in the East African affairs and generally in addition to the Northern Corridor Development. She went out of her way to prepare for this particular vetting and gave a very good presentation. In accordance, with Article 78(1) and (2) of the Constitution, the nominee is a Kenyan citizen and does not hold any dual citizenship and therefore, is fit to hold this office. That, the nominee satisfies the requirements on leadership and integrity having been cleared by the DCI, KRA on tax compliance and HELB. This is one particular nominee who was able to give us her net worth without hiding.

I also want to articulate that we did not receive any adverse information on this nominee from EACC, which is the constitutional body mandated to ensure compliance and enforce the provisions of Chapter Six of the Constitution. The nominee has never been convicted in a court of law for any offence in the past three years. As stipulated in Article 75(1) of the Constitution of Kenya, the nominee indicated that she has no potential conflict of interest of any form or creed. That, the nominee satisfies the requirements of Article 77(1) of the Constitution and that she does not intend nor has any dream of participating in any other gainful employment.

The nominee does not hold any political office and has therefore satisfied the provisions of Article 77 of the Constitution of Kenya. Dr. Susan has never been dismissed from office under Article 72 of the Constitution for contravening Articles 75(1), 76, 77 and 78 of the Constitution on conflict of interest, financial probity of State officers, restriction on activities of State officers and on dual citizenship, respectively. To conclude, I urge Members of this august House to read the comprehensive Report of the Departmental Committee on Defence and Foreign Relations in order to fully appreciate and enrich the debate. I further urge Members to adopt the recommendation of the Committee contained in this Report.

After moving this Motion, I beg to call upon the Member for Mandera North, Hon. (Maj.) Bashir to second.

**Hon. Deputy Speaker:** Hon. Bashir to second.

**Hon. Abdullahi:** Thank you, Hon. Deputy Speaker. I will be very brief as I second this Motion. I would like to inform the House that, so far, Dr. Susan Jemtai Komen is the only female nominee who impressed the Committee and excelled very well. Her answers to most of the questions were very candid and thorough. The nominee comes from the Marakwet Community which we know is a bit marginalised. She is also the first woman from Marakwet to be nominated for appointment to such a senior professional position besides politicians.

She has served for 26 years in one institution, that is, Kenya Commercial Bank (KCB). It is difficult to find one person working in an institution for 26 years. This can only happen in disciplined forces. If you are in the police or military, you can work for 20, 30 or 40 years but not in other institutions. This talks a lot about her discipline, integrity and commitment to the job. This means she is able to handle the pressure that comes with such kind of jobs. Her performance at KCB puts her in a good position to articulate the issues of EAC. Remember we are now talking about free movement of people, goods and trade. She portrays and understands the aspects of trade and finances that go along with the docket. Her commitment impressed the Committee and therefore, I do not want to belabour so much on this issue. Dr. Susan Komen was

the best ever to have appeared in front of the Departmental Committee on Defence and Foreign Relations.

Therefore, I second and ask the House to approve.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Deputy Speaker:** Hon. Member, I actually can feel your mood. The only problem is that you are telling me to put the Question and yet you have placed a lot of requests. Is that the general mood?

**Hon. Members:** Yes.

**Hon. Deputy Speaker:** Then I feel the mood.

*(Question put and agreed to)*

Who is this Member consulting with the Chairman of the Departmental Committee on Communication, Information and Innovation? If the Speaker stands, you freeze and when you freeze, ordinarily, even the mouth freezes. How, therefore, could you be consulting with your mouth open when you are supposed to be freezing?

*(Laughter)*

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY,  
STATE DEPARTMENT FOR MINING

**Hon. Deputy Speaker:** Who is involved in this one? That must be Hon. Kareke Mbiuki, Member for Maara and the Chairman of the Departmental Committee on Environmental and Natural Resources.

**Hon. Mbiuki:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Vetting of Nominee for Appointment as Principal Secretary, laid on the Table of the House on Tuesday, 27<sup>th</sup> March 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. John Morangi Omenge as Principal Secretary, State Department for Mining.

Hon. Deputy Speaker, pursuant to Standing Order No. 42(1), on Thursday 15<sup>th</sup> March 2018, you communicated to this House a Message from His Excellency the President on the nomination of Mr. John Morangi Omenge to the position of PS for mining. You informed this House that His Excellency the President was seeking the approval of the National Assembly on the said nomination before appointment.

The Departmental Committee on Environmental and Natural Resources in adherence to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Constitution, all relevant legislation and the Standing Orders, conducted the approval for the nominee on Monday 26<sup>th</sup> March 2018 and has tabled its Report. The PS nominee for State Department of Mining, Mr. John Omenge appeared before the Committee, took oath and produced his original documents,

that is, his ID and academic and other testimonials and responded to Members' questions satisfactorily.

The Committee made the following findings from the interaction with the nominee: One, on his educational background, he holds a Master's of Science Degree in Mineral Exploration and Mineral Geology from Lancaster University in the United Kingdom (UK) and a Bachelor of Science Degree in Geology from Pune University in India. He has also undertaken various short courses in diverse areas of his profession.

This nominee has risen from the rank of a junior civil servant in the Ministry of Mining to the current position where he is serving as the secretary in charge of geo-exploration in the Department of Energy, Ministry of Energy and Petroleum. He has also served as chief geologist in the Ministry of Energy. At the same time, he has held several positions rising from the rank of Assistant Geologist (Job Group H) to Senior Principal Superintendent Geologist.

On his competencies in the areas of administration, management and finance and accounting and strategic planning, the Committee made the following findings: He was among the first public servants to be involved in performance contracting. He has also been involved in budgeting ever since he started work at the Department of Mines and Geology. He has also headed directorates as chief geologist where part of his duties was the preparation of directorates' annual budgets and overseeing expenditures as an Authority to Incur Expenditure (AIE) holder. He presided over the budgetary support to the Kenya Nuclear Electricity Board, Kenya Electricity Generating Company (KenGen) as well as the Geothermal Development Corporation (GDC) at their nascent stages. He has also presided over growth in the starting levels, that is, human resource at the Ministry of Energy. He worked closely with the Public Service Commission (PSC) and the human resource unit in the ministry.

On leadership qualities, he has led various departments and directorates in Government and has been chairperson of various technical committees. He has also assisted in solving problems in Naivasha between communities in relation to a geothermal project in the area. He has also equally worked closely and successfully with the civil society and other private entities to address issues of concern in his line of work. The nominee has also served in the public service as a geologist for 33 years and has huge wealth of knowledge and experience in this sector.

The Committee having considered the nominee's curriculum vitae and other written and oral submissions during the vetting exercise, made the following observation: That the nominee has satisfied the requirement of Chapter Six of the Constitution of Kenya on leadership and integrity having been cleared by EACC, DCI, the KRA on tax compliance, HELB and the Registrar of Political Parties. The nominee has also never been charged with criminal offence in a court of law and has no potential conflict of interest with regard to the position he has been nominated to. He has also never been dismissed from the office for contravention of the provision of Article 75 of the Constitution which deals with the conduct of State officers that are adversely mentioned in any investigatory report of Parliament or commission of inquiry. He has necessary qualifications and extensive experience in the public service having presented all the documentation to the Committee.

The Committee, having considered the suitability, capacity and integrity of the nominee and pursuant to Article 55(3) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and Standing Order No. 216 (5)(f) of the National Assembly, recommends that the National Assembly approves the nomination of John Omenge

for the appointment by His Excellency the President to the position of PS for State Department of Mining.

I urge this House to approve the nomination of Mr. Omenge since he has a proven track record in public service and if appointed, his new role will steer the country to greater heights.

I beg to move and request Hon. Francis Chachu to second.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have Hon. Francis Chachu Ganya

**Hon. Ganya:** Thank you, Hon. Deputy Speaker. I stand to second the Motion for the approval of nominee, Mr. John Morange Omenge for appointment as PS for State Department of Mining. The nominee, Mr. John Morange Omenge, was vetted by our Committee. We did the vetting on his suitability for the position of PS, his competence, both academic and professional qualifications, his personal integrity as well as his vision and leadership capabilities as the incoming PS or mining.

Mr. Omenge is a career civil servant who has served our country as a geologist for over two decades. He holds master's and bachelor's degrees both in the same field of geology. He rose through the ranks from a seasoned geologist to chief geologist and to the position he holds today as the head of geophysics in the Ministry of Energy. He underwent academic and professional training compounded further with vast practical field and office experience. Mr. Omenge was awarded fellowship by the Geological Society of Kenya for his distinguished service and for his contribution to the development of geophysics in this country.

Further, he satisfied the Committee on the requirements of Chapter Six of the Constitution on leadership and integrity. This nominee demonstrated a lot of passion and commitment for his work. He told the Committee that it is common for him to work late in the evening and very early in the morning, as well as on Sunday after church, to ensure that his job gets done. He really impressed the Committee with his vast knowledge on mineral wealth that is spread all over our nation whereby he was even able to tailor that information by telling every Member of the Committee the kind of mineral wealth available within their own counties.

I strongly second Mr. Omenge's approval and urge this House to approve his appointment. In conclusion, I appreciate the President for appointing such a highly committed Kenyan to serve as the Principal Secretary in the Ministry of Petroleum and Mining.

I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question!

**Hon. Deputy Speaker:** I will not accept the Members' requests at this particular moment. I will give an opportunity to four Members to contribute. Even though I can see the mood of the House is that I put the Question, I refuse to be moody.

*(Laughter)*

Let me start with Hon. Makali Mulu. I will give an opportunity to two Members on my left and two on my right.

**Hon. Mulu:** Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The only thing the Members can help with is not to speak too long because you can see the mood of the House.



**Hon. Mulu:** Hon. Deputy Speaker, I can see the mood of the House so I will be very brief.

I support the Committee in its recommendation to have Mr. John Omenge appointed as a PS in this ministry. I know Mr. Omenge. As a result of this appointment, I just want to say two things. The first is that this appointment goes a long way in motivating those who are in the Civil Service in terms of their getting opportunities to be appointed. Listening to the history of this particular officer, he has served in the Civil Service for many years up to the level of a director and now he has been confirmed as a PS. This is very good for those who are in the Civil Service. As a House, I recommend that we get more of this kind of appointments so that we motivate other career civil servants to work hard in the service.

The second point is that I have interacted with this particular officer when we discussed the issue of coal in Kitui County. Kitui County has a lot of coal and he was one of the key officers in terms of deliberations on this coal. I want to appeal that now that he has become the PS, he should work very closely with the leaders from that county to make sure that this coal is exploited for the benefit of our people and country.

I support the Motion.

**Hon. Deputy Speaker:** Let us have Hon. Nyagaka Tong'i, Member for Nyaribari Chache.

**Hon. Tong'i:** Thank you, Hon. Deputy Speaker, for the opportunity to speak to this Motion.

From the outset, John Morangi Omenge is one of the most qualified people we have in this country. As a Kisii from that part of the country, we are very proud of him. I am glad that the Committee, having looked at his curriculum vitae and previous performance, has found him fit to serve in this capacity.

The appointments which have come to Parliament today only go to confirm that we have a Government which has a vision and a President who has the best interests of Kenyans at heart. It is clearly a demonstration of the face of the country. Dr. Susan Jemtai Komen is a very qualified woman. Looking at all the other appointments the President has made, the Jubilee Government seems to have the correct agenda. They seem to know what they are doing.

**Hon. Deputy Speaker:** Restrict yourself to this particular nominee, Hon. Tong'i, because the rest have been dispensed with.

**Hon. Tong'i:** I know but I was just applauding the President for having chosen the best of the best in the country. Those people will truly make a difference and make Kenya a better place. Paul Kihara Kariuki is a great mind. Those are the people who will make a difference in this country.

John Morangi Omenge is one of the best qualified persons in this country. I agree with what has been said by my colleagues that we will support him and other colleagues who have been given the opportunity to serve in these capacities so that they can drive the big four agenda of the country forward and ensure that the unemployment of our youths will be a thing of the past. If all of us can contribute in a small way, our country will be a great place to live in. As Mother Teresa said:

“If each of us would only sweep our own doorstep, the whole world would be clean.”

Most of the time we keep on asking what it is that the Government has done for us and what is in it for me. We forget that we also have a chance to contribute and make the world a better place.

With those few remarks, I support the appointment of the nominees tabled so far this morning and John Morangi Omenge is one such nominee.

**Hon. Deputy Speaker:** Let us have Hon. Momoima Onyonka. You should be brief. If you are brief, I might give an opportunity to an additional Member or two.

**Hon. Onyonka:** Thank you very much, Hon. Deputy Speaker.

As the Member of Parliament for Kitutu Chache South, I would like to thank His Excellency the President Uhuru Muigai Kenyatta, for appointing this individual who is highly qualified. I know Mr. Omenge. For many of you in this House who may not know where Cardinal Otunga High School is, that is where he comes from. I would also like to thank the Chairman of the Committee, Hon. Mbiuki, my minister, a man I highly respect because I served with him in the coalition Government. Thank you so much for everything you have done during your vetting and analysis. I am very proud that you have given an opportunity to somebody from my constituency who comes from a very humble background.

My father is the one who raised money for him to go for studies abroad. He came back and joined the Ministry. By then, we did not know what geology and mining were because in Kisii, we learn agriculture, finance and accounting. I am so happy. The man is highly qualified and the President has made a very good choice. I thank the Committee for making somebody from my constituency be very proud to be a Kenyan.

**Hon. Deputy Speaker:** Let us have Hon. Janet Ongeru.

**Hon. (Ms.) Ongeru:** Thank you, Hon. Deputy Speaker for giving me this opportunity so that I may also support this Motion.

As the Member for Kisii County, let me also join my colleagues in thanking the President - in the spirit of "the handshake" - for appointing John Morangi Omenge. John Morangi Omenge is a distinguished Kenyan and a man of high integrity. I am very sure that he will do an excellent job as the Principal Secretary in the Ministry of Petroleum and Mining.

We know that there are many issues facing the mining industry that have not yet been resolved, particularly the issue of communities having to share resources. I hope that as John takes up this job, he will look into it. As the Kisii community, we are very happy that we have one of our own in this Ministry. Therefore, I support the Motion.

**Hon. Deputy Speaker:** I hear you saying that you want me to put the Question but I can see there is still a lot of interest.

The mood is that I put the Question. I have decided not to put the Question now. The Members I am going to give an opportunity will only speak for one minute. I will time them. Let us have Hon. Shaban and Hon. Kimunya, Member for Kipipiri, in that order.

**Hon. (Dr.) Shaban:** Asante sana, Mhe. Naibu wa Spika, kwa kunipatia nafasi hii. Bwana John Omenge anafaa sana. Kwa hivyo, nataka kumpongeza Mhe. Rais kwa kumpatia kazi kwa sababu amesomea Geologia. Masuala ya madini si mchezo kwa sababu yanahusu uchumi wa Kenya.

Vile vile, nataka kumpongeza Rais kwa sababu wale wote wengi aliowapatia kazi wanafaa haswa ukimwangua Dr. Susan Komen. Pia kuna Prof. Hamadi Boga ambaye amesomea utafiti wa kilimo. Hivyo basi, nampongeza sana Rais and namtakia kila la kheri akifanya kazi zake na wafanyi kazi wake wa Serikali.

Asante sana.

**Hon. Deputy Speaker:** Hon. Kimunya

**Hon. Kimunya:** Thank you, Hon. Deputy Speaker, for giving me this opportunity. I want to add my voice to the growing list of professionals who are joining the Government. I also want

to congratulate them more. I also congratulate and commend the committees that have put in a lot of time in vetting these individuals and bringing these Reports.

More importantly, I realise that being on Wednesday in the morning, Members have dedicatedly stayed here the whole morning to complete this exercise. I want to record my thanks for that.

Hon. Deputy Speaker, with those remarks, I beg to support.

**Hon. Deputy Speaker:** It is now an opportunity to have the Mover to reply.

**Hon. Mbiuki:** Thank you, Hon. Deputy Speaker. I want to take this opportunity to thank you for giving the opportunity to as many Members as possible to support the Motion. I also want to thank the Members for an extremely overwhelming support which they have given to the nominee, Mr. John Omenge.

When we vetted this officer, we realised that he is a moving brain because he knows each and every specific area in this country where we have minerals. Therefore, I believe that in his leadership, this country will move to the next level in terms of development and make the State Department for Mining a real productive sector.

With those few remarks, I beg to reply.

*(Question put and agreed to)*

#### APPOINTMENT OF MEMBERS TO THE PAN-AFRICAN PARLIAMENT

**Hon. Deputy Speaker:** The Majority Whip.

*(Several Members stood up)*

Order Members. If you resume your seat, it will be perfect because we will dispense with this Motion very quickly. I hope the Majority Whip feels the mood that we do it quickly so that we dispense it. Let us be brief.

**Hon. Washiali:** Hon. Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community (AEC) and relating to the Pan-African Parliament (PAP), this House approves the appointment of the following Members of Parliament to the Pan-African Parliament:

- (i) The Hon. Jude Njomo, MP;
- (ii) The Hon. Beatrice Kones, MP;
- (iii) Hon. (Ms.) Janet Ongeru, MP;
- (iv) Sen. (Dr.) Abdullahi Ibrahim Ali, MP, and
- (v) Sen. Stewart Madzayo, MP.

To adopt the challenges of an ever changing globalised agenda, the importance of parliamentarians' participation in international fora cannot be overemphasised. Subsequently, Parliament of Kenya is a member of a number of parliamentary associations and organisations. This includes African, Caribbean and Pacific-European Union (ACP-EU), Commonwealth Parliamentary Association (CPA), East African Legislative Assembly (EALA), Inter-Parliamentary Union (IPU), PAP, African Parliamentary Union (APU), the Forum of Parliaments of the International Conference on the Great Lakes Region (FP-ICGLR) and other friendship groups.

Following the passage of the Constitution 2010 that provided for bicameral legislature, a meeting between the Speaker of the National Assembly and the Senate in 2013 resolved to share parliamentary international desks. Accordingly ACP-EU, CPA and EALA are domiciled in the National Assembly while the PAP, IPU and FP-ICGLR are domiciled in the Senate. Thus the Speaker of the Senate has been attending the IPU meetings. The PAP is one of the nine organs proposed in the 1991 treaty which established the African Economic Community, Abuja Treaty. Its purpose as set out in Article 17 of the Constitutive Act of the African Union is to ensure full participation of African people in the development and economic integration of the continent. The first PAP was inaugurated on 18<sup>th</sup> March 2004 in Addis Ababa Ethiopia. Its headquarters is in Midrand, South Africa.

The current mandate of PAP is to exercise advisory and consultative powers. The PAP functions are set out in the 2001 Protocol to the Abuja Treaty and it includes:

1. Facilitate effective implementation of the Organisation of African Unity (OAU), African Economic Community's (AECs) policies and objectives;
2. Work towards harmonisation or coordination of member states laws;
3. Make recommendations aimed at contributing to the attainment of the OAU's and AEC's objectives and draw attention to the challenges facing the integration process in Africa as well as the strategies of dealing with them;
4. Promote the OAU's and Attestations d'Etudes Collégiales (AECs) programmes and objectives in member states constituencies.
5. Encourage good governance, transparency and accountability in member states.
6. Familiarise the people of Africa with the objectives and policies aimed at integrating the African continent within the framework of the AU's establishment.
7. Promote the coordination and harmonisation of policies, measures, programmes and activities of Africa's parliamentary forums.

Hon. Deputy Speaker, the Pan-African Parliament has 250 Members representing the 50 AU member states that have ratified the Protocol. Each of the member state is represented by five Members designated by their respective national parliaments from among their Members. A parliamentarian's term should correspond to his or her own national parliament term or any deliberative organ that elected or designated the parliamentarian.

The seat of a Member of PAP becomes vacant if among other reasons, a Member ceases being a Member of the national Parliament. On this note, the Parliament of Kenya has not been represented in PAP since August 2017 as the term of the previous Members expired at the end of the 11<sup>th</sup> Parliament. Subsequently, the Parliament of Kenya has not participated in a number of meetings in PAP since then. In this regard, I urge political parties to nominate five Members to PAP forthwith.

Article 25 of the PAP Protocol provided for its review after every five years. Subsequently, the Protocol was reviewed and the draft Protocol adopted by the 23<sup>rd</sup> Session of the Assembly held in Malabo, Guinea on 27<sup>th</sup> June 2014. The key highlights of the Malabo Protocol include:

1. Review of the membership of PAP so that each state party is represented by an equal number of parliamentarians. Membership of PAP shall comprise of five Members elected by each state party.
2. At least, two of the elected Members shall be women. A delegation which does not satisfy this requirement shall not have the right to be accredited for representation in the Parliament.
3. Further, the national Parliament or any other deliberative body shall elect from outside its membership five Members of PAP.

4. The representation of each state party must reflect the diversity of political opinions in each national Parliament or any other deliberative body taking into account the number of members from each political party represented in the National Assembly.
5. A member of the national Parliament or other deliberative body is eligible to contest an election to PAP, however if elected, he or she shall resign from the national Parliament or any other deliberative body.
6. The term of a Member of PAP shall be five years. He or she shall be eligible for re-election for one further term only.

PAP has had two sittings now. If we approve these Members, they should move in time to join other Members because they are going to elect the Speaker and the chairs of Committees in the next sitting. Therefore, as a House, we need to move very fast to approve these Members so that they can go and join their colleagues at PAP.

It is worth noting that the Departmental Committee on Defence and Foreign Relations tabled a report on the Protocol on the Constitutive Act of the AU relating to PAP in 2016 and recommended that the National Assembly approves its ratification.

**Hon. Deputy Speaker:** If you want us to approve it quickly, necessarily, you also must move it quickly.

**Hon. Washiali:** I am finalising, Hon. Deputy Speaker. The Protocol is currently under ratification by member states and as at 2<sup>nd</sup> September 2016, only 13 countries had signed it. Five ratified it and five others deposited the Protocol out of the 54 African countries. I urge the National Assembly to accelerate the approval of the ratification of the Protocol and it is only until such a time that the new Protocol comes into force that PAP shall evolve into an institution with full legislative powers whose Members are elected by universal adult suffrage as envisaged in the new Protocol.

I wish to end there and beg to move. I request Hon. Mbui who is the Deputy Leader of the Minority Party to second this Motion.

**Hon. Deputy Speaker:** Hon. Mbui.

**Hon. Mbui:** Hon. Deputy Speaker, I beg to second this Motion on the appointment of Members to PAP.

Pan-African Parliament is one of the tools of integration and regional integration is extremely important for any nation and of course for political, social and economic reasons. Therefore, it is very important for the House to approve the Members to PAP.

I have only one comment to make and it is about getting to be appointed to be a Member of PAP in the National Assembly and the Senate. I know it is extremely competitive because there are only five positions and we are expected to balance ethnic, regional and political parties. We support fully those individuals who have been appointed. When you look at the list of Members who have been appointed to the PAP, you can see that they are well meaning Members and strong Members of this House and have given major contributions. We can export that to the region when we send them to represent this country.

With those few remark, I beg to second.

**Hon. Deputy Speaker:** That was very brief and very good.

*(Question proposed)*

I will give the first slot to the Member for Kisumu County. If you want me to put the Question, you know the Motion, and I will do it.

**The Woman Representative for Kisumu County** (Hon. (Ms.) Rozaah Akinyi Buyu): Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute to this Motion which I support.

At the outset, I would like to say that this is the first time I am addressing this august House. I would like you to allow me to thank the people of Kisumu County for ending my 12 years of working and struggling to come and represent them in this august House. The 12 years were years of agony and anxiety, but in the end the people of Kisumu County saw it fit to give me this opportunity. I thank them wholeheartedly as I also give them assurance that I will serve them according to all the pledges that I made to them.

Looking at this Motion and looking at the names that have been proposed to join the PAP, the one thing that I have been passionate about is the issue of inclusivity of both gender. Looking at the composition of the membership of this Committee, it is clear that the gender rule has been adhered to - we have a mixture of both genders. The PAP stands for unity of all the African states and inclusivity. When there is unity and inclusivity, the continent can only be the beneficiary of it.

As I talk of unity, I also think of the unity that the country is currently undergoing between the two major coalitions. I would like to point out that the country is going to be the beneficiary of that unity because when there is unity, there can only be economic progress. We look forward to working together for that economic progress of Kenya. In the end, when PAP achieves what it is supposed to achieve, Africa will be stronger, more united, and it will be able to speak with one voice. It will be able to consider and debate all its challenges with one voice.

Thank you. I support.

**Hon. Deputy Speaker:** That having been your maiden speech, you have lost it now. You will never have it again. I can see there are many Members who want to speak.

**Hon. Members:** Put the Question!

**Hon. Deputy Speaker:** Do you really want us to put the Question? Let us be procedural. Any Member who wants me to put the Question will have to use the right procedure. I can see there are Members who want to speak.

**Hon. (Ms.) Mbarire:** Hon. Deputy Speaker, I request if you could, please, put the Question using Standing Order 95 in view of the fact this matter has taken too long. We need to approve these Members. It is also the mood of the House.

**Hon. Deputy Speaker:** So that we are in a proper state, you should be asking that the Mover be called upon to reply.

**Hon. (Ms.) Mbarire:** Yes. I wish to request that the Mover be now called upon to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**Hon. Washiali:** Hon. Deputy Speaker, I thank the Members. They decided to cut short this debate because they are in agreement with the names that we have proposed. They are sure that these Members going to PAP will assist them articulate issues.

I beg to reply.

**Hon. Deputy Speaker:** Order, Members. Let me just confirm that we have the numbers. Having confirmed that we have the required numbers, I will put the Question.

*(Question put and agreed to)*

Next Order.

DESIGNATION AND GAZETTING OF AREAS  
FOR DEMONSTRATIONS AND PICKETING

THAT, aware that Article 37 of the Constitution guarantees every person the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities; noting that there is need to guarantee that the enjoyment of rights and fundamental freedoms by any individual should not prejudice the rights and fundamental freedoms of others; noting that demonstrations and picketing in cities and major towns in the country, particularly in Nairobi, Mombasa and Kisumu have on many occasions resulted in destructions, loss of lives and property, public disorder, and creation of an unfavourable business environment; noting that the rights and freedoms are not unconditional because that the Government has a duty and responsibility to ensure maintenance of peace and public order, and protection of the rights, life and property of all its citizens; this House resolves that the Government should designate and gazette specific areas and streets for demonstrations and picketing with a view to ensuring that individuals enjoy their rights and freedoms as enshrined in the Constitution without infringing on the freedoms and rights of others.

*(Hon. King'ara on 21.3.2018)*

*(Resumption of Debate interrupted on 21.3.2018)*

**Hon. Deputy Speaker:** This one had been proposed and seconded – even if just by the bow of the head, it is considered seconded. I will give opportunity to any Member who is next and wants to speak. Hon. Osotsi, do you want to speak? We have only three minutes. So, you will speak for the three minutes then you will have an opportunity when this debate resumes. Do you want to speak to this? Hon. Kubai.

**Hon. Kubai Iringo:** Thank you, Hon. Deputy Speaker, for this opportunity to speak to this Motion albeit I wanted to contribute to the others. But, thanks for the chance when it has come.

I rise to support that we need to have designated areas gazetted for street demonstrations and picketing. I fully support this one because we have noticed many innocent people suffer many a times during picketing or demonstrations in this country because the people demonstrating do not have any order: there is chaos. The innocent people who walk the streets suffer going about their businesses yet they may not know what is happening. They become victims of circumstances. Riots at times happen and people loot and policemen harass people left, right and centre. In the process, innocent people are injured as we have seen in many places in this country.

The world over, we have areas which are designated for these demonstrations. People move on peacefully; they express their feelings in placards; announcing; talking and even by keeping quiet. Unfortunately in Kenya, we have made picketing or demonstrations to be about people carrying stones, throwing items at one another and the police having a field day. In the process, a lot of damage is done. In the just concluded elections, before the great handshake,

Kenya was on its toes. Everybody did not know what was going to happen next especially in Nairobi. In the process, people have been using a lot of money and a lot of time has been wasted.

Therefore, I really support that we need to have these areas gazetted and people adhering to the said gazette. If they go outside that block, it should be declared illegal. They should be arrested and prosecuted.

I support.

**Hon. Deputy Speaker:** You have more time. Did you stop there or you still need some more time when we resume? I think you ended.

### ADJOURNMENT

**Hon. Deputy Speaker:** Order, Members! Hon. Members, time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.