

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 13<sup>th</sup> November 2019**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****PAPERS LAID****Hon. Speaker:** Let us have the Leader of the Majority Party.**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Special Audit Report on the Auditor-General on Procurement of Pre-export Verification of Conformity (PVOC) to Standard Services - Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards and its Appendices.

**Hon. Speaker:** Let us have the regional representative for the Commonwealth Parliamentary Association (CPA) – Africa Region, Dr. Makali Mulu.**Hon. Makali Mulu** (Kitui Central, WDM – K): Sorry, Hon. Speaker. I beg to lay the following Paper on the Table of the House:Report of the 64<sup>th</sup> Commonwealth Parliamentary Conference (CPC) held in Kampala, Uganda from 22<sup>nd</sup> to 29<sup>th</sup> September 2019.**Hon. Speaker:** Let us have the Chairperson or a Member of the Committee on Delegated Legislation.**Hon. George Gitonga** (Tharaka, DP): Hon. Speaker, on behalf of the Chairperson of the Committee on Delegated Legislation, I beg to lay the following Paper on the Table of the House:

Report of the Committee on Delegated Legislation on its Consideration of the Land Registration (Electronic Land Transactions) Regulations, 2019 (Legal Notice No.101 of 2019).

**Hon. Speaker:** Very well. Let us have the Chairman of the Departmental Committee on Finance and National Planning, Hon. Limo.**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Finance and National Planning on its Consideration of:

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- (1) The Competition (Amendment) Bill (National Assembly Bill No. 49 of 2019);  
and  
(2) The Insurance (Amendment) Bill (National Assembly Bill No.50 of 2019).  
**Hon. Speaker:** Very well. Let us move to the next Order.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON ANNULMENT OF LAND REGISTRATION REGULATIONS

**Hon. George Gitonga** (Tharaka, DP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Land Registration (Electronic Land Transactions) Regulations, 2019 (Legal Notice No.101 of 2019), laid on the Table of the House on Wednesday, 13<sup>th</sup> November 2019, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order No.210 (4)(b), annuls in entirety the said Regulations.

**Hon. Speaker:** Next Order.

### ORDINARY QUESTIONS

**Hon. Speaker:** The first Question is by the Member for Elgeyo Marakwet County, Hon. Jane J. Kiptoo.

#### *Question No.490/2019*

#### CRITERION TO DETERMINE BENEFICIARIES OF PERSONS WITH DISABILITIES FUND

**Hon. (Ms.) Jane Chebaibai** (Elgeyo Marakwet CWR, JP): Thank you, Hon. Speaker. I rise to ask Question No.490/2019 to the Cabinet Secretary for Labour and Social Protection.

- (i) What is the criterion used in determining the beneficiaries of the Persons with Disabilities Fund in the country, and specifically in Elgeyo Marakwet County?
- (ii) When will the beneficiaries of the Fund in Elgeyo Marakwet County be paid noting that they have not been paid in the last 12 months?
- (iii) Could the Cabinet Secretary explain how households with more than one person with disability, orphans and vulnerable children are facilitated to receive funds under the Cash Transfer Programme?

**Hon. Speaker:** Very well. The Question is referred to the Departmental Committee on Labour and Social Welfare. The next Question is by the Member for Nyatike, Hon. Tom Odege, who requested that the Question be asked on his behalf by the Member for Rongo, Hon. Paul Abuor.

*Question No. 491/2019*

## FIRMS LICENSED TO PROSPECT FOR MINERALS IN NYATIKE CONSTITUENCY

**Hon. Paul Abuor** (Rongo, ODM) on behalf of **Hon. Tom Odege** (Nyatike, ODM): Hon. Speaker, I rise to ask Question No. 491/2019 on behalf of the Member for Nyatike, Hon. Tom Odege, to the Cabinet Secretary (CS) for Petroleum and Mining.

(i) Could the CS provide a list of all the firms licensed to prospect for minerals in Nyatike Constituency?

(ii) How many local companies have been licensed to undertake mineral prospecting in Nyatike Constituency?

(iii) What steps is the Ministry taking to safeguard the lives of persons, flora and fauna in the mining areas including contamination of rivers and streams flowing into Lake Victoria?

Thank you, Hon. Speaker.

**Hon. Speaker:** You did something but the Member for Nyatike would have been louder.

*(Laughter)*

The Member for Rongo spoke as if he did not visit the dining hall between 1.00 p.m and 2.30 p.m. The Question is referred to the Departmental Committee on Environment and Natural Resources. I hope that it will be responded to in a loud way, that is, the way the Member for Nyatike would have articulated it.

The next Question is by the Member for Githunguri, Hon. Gabriel Mukuha.

*Question No. 492/2019*

## PRESIDENT'S WAIVER DIRECTIVE TO COFFEE FARMERS

**Hon. Gabriel Kago** (Githunguri, JP): Thank you, Hon. Speaker. I rise to ask Question No. 492/2019 to the CS for Trade, Industry and Cooperatives.

(i) Is the CS aware that Komothai Coffee Growers Co-operative Society in Komothai Ward, Githunguri Constituency, Kiambu County, has a coffee milling plant which is currently unoperational due to unserviceable debt amounting to Kshs155, 291,166.75?

(ii) Is the CS further aware that Komothai Coffee Growers Co-operative Society did not benefit from the President's waiver directive issued in 2013?

(iii) What measures is the Ministry putting in place to ensure that Komothai Coffee Growers Co-operative Society benefits from the said President's waiver directive and becomes operational?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Kago, do you confirm that it is about coffee but not cotton?

**Hon. Gabriel Kago** (Githunguri, JP): Thank you, Hon. Speaker. I confirm that it is coffee. We do not grow cotton in Githunguri. We are not planning to grow it any time soon.

Thank you, Hon. Speaker.

**Hon. Speaker:** I fail to understand how whoever drafted the Question put it as cotton growers. I do not imagine cotton growing in Githunguri Constituency. The Question is referred to the Departmental Committee on Trade, Industry and Cooperatives. The Clerk's Office should get these things right. The Chair of the Committee desires to say something.

**Hon. Kanini Kega** (Kieni, JP): Thank you, Hon. Speaker. The Question is rightfully in our Committee. I want to bring to your attention and that of the House that, through your directive, the CS for Trade, Industry and Co-operatives appeared before us today. He answered all the questions that we had put to him. We also put it very clearly that under Article 95 Constitution, we represent the people and we deal with matters that pertain them. We had a very healthy discussion.

I want to report to the House that we had had a lousy relationship. However, we brought the temperatures down today. We had a very fruitful discussion. Hon. Keter's Question was answered, though partly because it is cross-cutting. It will also go to the State Department of Agriculture. We will process and bring the answer of this particular Question to this House within two weeks.

Thank you, Hon. Speaker.

**Hon. Speaker:** So, who wrote a letter requesting for a meeting on 27<sup>th</sup> November? There is a letter that was brought requesting that the CS will not be available today. The letter was brought after 2.00 p.m. It looks like somebody is purporting to be a technical advisor to the CS.

**Hon. Kanini Kega** (Kieni, JP): Those were the challenges that we were going through. Everytime we wrote to them they wrote back to us. The CS was not the one who was writing to us but a technical advisor. Somebody leaked the information that you had directed that he has to appear before us. He decided to do so.

**Hon. Speaker:** You should summon that person who is purporting to be the Technical Director. You should tell him that he has no authority to communicate with Parliament because he communicated wrong information. I was wondering why the Committee cannot make a resolution under Standing Order No. 191. You confirm that the CS appeared and answered all the Questions. However, on record, we have a letter from the Technical Director. Do not allow such strangers to communicate with you. Who is a Technical Director? If you go to the county level, you find old men who are 85 years old who are employed as advisors by the governors. What do they advise on? We are not dealing with matters of social protection. They advise the governors on those kinds of things or cultural issues.

Is there a Statement? I can see that Hon. Dennitah Ghati has something that she needs to say. I thought that I gave you the microphone.

**POINT OF ORDER**

## DELAYED RESPONSE TO QUESTION ON SPECIAL NEEDS SCHOOLS

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Hon. Speaker, let me use the other microphone. I wish to draw your attention to an issue. On 8<sup>th</sup> October, I asked a Question to the Ministry of Education seeking to know the number of special needs schools in the country. Also, I asked the Ministry of Education to give me the number of infrastructural development funds and the support that the schools received, especially with the schools that we are calling the special needs schools. It has been quite some time; two months now. The Ministry and the Departmental Committee on Education and Research has not answered my Question. It is very important that I give this answer to persons and children with disabilities, especially special needs schools.

I seek your indulgence.

**Hon. Speaker:** The Chair of the Departmental Committee on Education and Research, Hon. Melly. He is absent, not desiring to be present. The Vice Chair? Similarly, absent and not desiring to be present at this stage. Members of the Committee? There is one raising his hand up there. Is that the Hon. Makokha, Member for Nambale? He is the Member for Matayos, sorry.

**Hon. Geoffrey Odanga** (Matayos, ODM): Hon. Speaker, I am the Member for Matayos. On behalf of the Chair and the Vice Chair who are not here, I want to inform the Member that we took note of the Question. The Cabinet Secretary was written to. The Cabinet Secretary of the Ministry of Education, Prof. George Magoha, is very particular about responses to Questions. He appears almost all the time we require him. The information we have is that they are out there running examinations. It may take some time for them to give a response, maybe after next week, after the examinations have been concluded.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. Let us allow for the examinations. I am sure Hon. (Ms.) Dennitah Ghati will again remind you.

Hon. Members, before we proceed, allow me to recognise students or pupils from Pupils Reward Scheme (PURES) Village State House Affecto Group, in the Public Gallery, from the following counties:

Nairobi, Nyandarua, Nyeri, Makueni, Siaya, Nakuru, Machakos, Kisii, Kiambu, Laikipia, Kirinyaga, Murang'a, Homa Bay, Vihiga, Tharaka-Nithi, Kajiado, West Pokot and Meru.

They are welcome to observe proceedings in the House.

*(Applause)*

Member for Mwea, what is your purpose of intervention?

**Hon. Josphat Kabinga** (Mwea, JP): I just wanted to confirm if the system is down. I am struggling to get the Order Paper and I am not able.

**Hon. Speaker:** I confirm. Something is being done. The Chair of the Departmental Committee on Transport, Public Works and Housing, did you have something you wanted to bring to our attention?

## STATEMENT

### CAUSE OF FREQUENT AIRCRAFT ACCIDENTS

**Hon. David Pkosing** (Pokot South, JP): Yes. I have something. Thank you for this opportunity, Hon. Speaker.

Pursuant to provisions of Standing Order No.44 (2), Hon. Christopher Nakuleu, MP, Member for Turkana North requested for a Statement from the Chairperson of the Departmental Committee, who is myself. The Hon. Member was concerned about the rampant cases of aircraft accidents reported. The Committee resolved to write to the Ministry to seek responses on issues raised in the Statement. In particular, the Committee sought response on the following:

- (i) The safety standards governing the aviation industry with regard to passengers and crew members in the country;
- (ii) The routine maintenance and procedures that are required for aircraft and other aviation infrastructure to guarantee safety;
- (iii) Who bears the ultimate responsibility for airline safety in Kenya?
- (iv) The compensation or insurance measures that have been put in place for the airline users and passengers.

The Cabinet Secretary, Ministry of Transport, Infrastructure, Housing and Urban Development, Mr. James Macharia, made a response to this Statement, in writing. In line with the Standing Order I mentioned earlier, I beg to submit the Statement for onward submission to the Hon. Member who sought the Statement.

*(Statement laid on the Table)*

**Hon. Speaker:** Very well. Is the Member who sought the Statement available? Let us proceed to the next Order.

## BILLS

### *First Readings*

THE NATURAL RESOURCES (BENEFIT SHARING) BILL

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL

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*(Orders for First Readings read - Read the First Time and referred to the relevant Departmental Committees)*

**Hon. Speaker:** The Chairperson, Select Committee on National Cohesion and Equal Opportunity. It looks like it is the Leader of the Majority Party who is wearing a unique badge today, only shared with Hon. (Prof.) Oduol. Maybe you have a point of order. Hon. Shamalla also has a similar identifier.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): ... *(Off-record)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, my leader here should not say “*finya yeye*”. Where I come from, the police are the ones who do that. So, when I hear that, I get scared.

What I am wearing is written “I stand for Family Values”. There are some characters in town who do not believe in family values. Even here, if you have no family, you better talk to some of us. We will tell you how good it is to have a family – a wife and children. When you called the Mover, the Member for Kilifi North, is asking Hon. Mbadi “*hii Motion ni ya kuangusha ama kupitisha?*” That is a very bad statement. You cannot sit in this House, there is a Report tabled, you represent the people of Kilifi North and you cannot read. You must read. That culture should stop. You must read the Report. You must make a conscious decision whether to support or not. But you come here and ask another Member whether to accept it or not, that culture should stop. I have read. I am sure Members have read. We will contribute. Even if you want to consult leaders, read. Hon. Mbadi, in future when they ask you such questions, tell them “read the Report and make a conscious decision on behalf of the people who elected you to this House.” That is why I was talking to him.

Today let us protect families in Kenya.

**Hon. Owen Baya** (Kilifi North, ODM): *(Off-record)*.

**Hon. Speaker:** It is not adversely; he has just been mentioned. Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Speaker, the Leader of the Majority Party usually has taken his Members the way he wants. He bulldozes them to take a position. I asked my leader, who is my party chairman, to tell me the party’s position on this Motion.

*(Laughter)*

This is so that I am able to argue from both my stand and the party’s stand. That is how we build democracy. So, I have the right to talk to my party leader. This idea that people must go the way he wants is not good. I want to tell the Leader of the Majority Party to respect what ODM does; it is a formidable party. It is the only strong party in this country. It is the oldest party in this country which must continue to be respected. Its party position should be respected.

**Hon. Speaker:** You are perfectly entitled to seek the party position. It is good that you sought the party position.

Hon. Kaunya, you are moving the Report.

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**MOTION****APPROVAL OF NOMINEES FOR APPOINTMENT TO  
THE NATIONAL COHESION AND INTEGRATION COMMISSION**

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, taking into consideration the findings of the Select Committee on National Cohesion and Equal Opportunity in its Report on the vetting of persons nominated for appointment to the position of Chairperson and Members of the National Cohesion and Integration Commission (NCIC), laid on the Table of the House on Tuesday, 12<sup>th</sup> November 2019, and pursuant to the provisions of paragraph 9 of the First Schedule to the National Cohesion and Integration Act, 2008 as amended in 2019 and section 8 of the Public Appointments (Parliamentary Approval) Act, this House approves the appointment of the following persons as Chairperson and Members of the National Cohesion and Integration Commission –

- |        |                             |   |             |
|--------|-----------------------------|---|-------------|
| (i)    | Rev. (Dr.) Samuel Kobia     | - | Chairperson |
| (ii)   | Mr. Samuel E. Kona          | - | Member      |
| (iii)  | Hon. (Eng) Philip O. Okundi | - | Member      |
| (iv)   | Ms. Peris W. Nyutu          | - | Member      |
| (v)    | Hon. Abdulaziz Ali Farah    | - | Member      |
| (vi)   | Dr. Danvas O. Makori        | - | Member      |
| (vii)  | Ms. Fatuma S. Tabwara       | - | Member      |
| (viii) | Hon. Dorcas L. Kedogo       | - | Member      |

As you may be aware, just to give the background, on Tuesday 29<sup>th</sup> October 2019, you read the message from His Excellency the President to the House regarding the nomination of the Chairperson and the Members of NCIC and referred the names of the nominees to the Select Committee on National Cohesion and Equal Opportunity for vetting. Pursuant to paragraph (9) of the First Schedule of the NCIC Act, 2008 and Section (5) of Public Appointments (Parliamentary Approval) Act No. 33 of 2011, His Excellency the President nominated the mentioned persons to serve as Chairperson and Members of the National Cohesion and Integration Commission.

The nominations were conveyed to the Speaker of the National Assembly on Friday 25<sup>th</sup> October 2019. The Speaker, pursuant to the National Assembly Standing Order No. 42, read the said message from His Excellency the President to the House on 29<sup>th</sup> October 2019. The names of the nominees were referred to the Select Committee on National Cohesion and Equal Opportunity for vetting and reporting to the House within 21 days in accordance with the provisions of paragraph 9 of the First Schedule of the National Cohesion and Integration Act, 2008. In compliance with Section 6(9) of the Public Appointments (Parliamentary Approval)



Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Wednesday 30<sup>th</sup> October 2019.

The Clerk of the National Assembly invited the public to give and submit memoranda by way of written statements on oath on the suitability of nominees and in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act. The advert indicated that the submissions were to be received by Tuesday 5<sup>th</sup> November 2019 at 5 p.m. By close of the submission deadline, the Committee had not received any submissions.

In fulfillment of the provisions of Article 118 of the Constitution; Section 18(1) of the NCIC Act, 2019; Section 6(4) of the Public Appointments (Parliamentary Approval) Act; and Standing Order No. 45(3), the Clerk of the National Assembly placed an advertisement in the print media on Thursday, 31<sup>st</sup> October 2019 inviting the public to the approval hearings of the nominations by the Select Committee on National Cohesion and Equal Opportunity on Thursday 7<sup>th</sup> November 2019 at 9.00 a.m. The nominees appeared before the Committee on Thursday 7<sup>th</sup> November 2019 for approval hearings in accordance with the provisions of the Constitution. The Committee considered the nominees' curricula vitae in its hearings, filled questionnaires pursuant to the schedule of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the oral submissions made during the public hearings.

In compliance with the Public Appointments (Parliamentary Approval) Act, the nominees met the requirements in so far as Articles 55, 77 and 78 of the Constitution and other requirements of the law are concerned. The Committee noted that the procedure used to arrive at the nominees from the time the selection panel was constituted by way of selection processes undertaken, had been done in the correct way. The Committee further noted that the First Schedule of the National Cohesion and Integration Act provides for the procedure for appointment. This is an Act that this House amended. For the benefit of Members, this Act provides for the procedure of appointing the Chairperson and Members of the National Cohesion and Integration Commission. It provides that the Cabinet Secretary...

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Kaunya, there is a point of order from the Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. With all due respect to Hon. Oku Kaunya, most of us have read this Report and being one of the Members who presided over the vetting of the nominees, I would request that he summarises the Report. That will be in order. He is moving. That is a courtesy request to Hon. Kaunya.

**Hon. Speaker:** Hon. Kaunya.

**Hon. Oku Kaunya** (Teso North, ANC): Hon. Speaker, I would like to note that all the Members who were nominated, in this case, on the list that I have read, met the required qualifications. I would like the House to note that, out of the eight Members, we have three Members who are former MPs. In terms of gender qualification, we have a well-balanced group with three Members who are ladies.

The rest are men. Again, in terms of youth representation, which is provided for in the Constitution, there were two strong youth who bring in the energy of the youth. As Members are aware, this commission is key. The commission's main task is to ensure there is cohesion and

equal opportunity for all Kenyans. It has powers which include dealing with hatemongers.

In light of the foregoing, the Committee observed that on the basis of the evidence submitted in terms of the original academic certificates, testimonials and the approval hearings therein, a scrutiny of each witness showed that they all qualified and met the legal, professional, academic and experience requirements. Further, the Committee had received positive reports relating to ethics and integrity, tax compliance and criminal records, political party affiliation and clearance with Higher Education Loans Board and Ethics and Anti-Corruption Commission. The Committee observed that based on the oral submissions, the nominees demonstrated knowledge of issues of peace building, national cohesion and integration.

May I take this opportunity to thank all the members of the Committee for their input and valuable contributions and their time during the approval hearings and deliberations during the writing of the Report. The Committee also takes this opportunity to thank the offices of the Speaker and the Clerk of the National Assembly for the logistical support. On behalf of the Select Committee on National Cohesion and Equal Opportunity and pursuant to Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and the provisions of Standing Order 199(6), it is now my humble and single duty and privilege to present to the House this Report of the Committee on vetting of nominees for appointment to the positions of Chairperson and members of the NCIC.

I now request Hon. Stephen Mule to second the Report. Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Matungulu.

**Hon. Stephen Mule** (Matungulu, WDM-K): Thank you very much, Hon. Speaker. I want to thank Hon. Kaunya for moving the Motion. I stand to second the Report. As the Committee we undertook vetting of these nominees. I want to confirm to the House the Committee was very determined to establish that all necessary laws and requirements as per the Constitution and as per the Act are fulfilled. We had some challenges when we were doing the vetting with some of the communication with the relevant bodies. In the near future, to help the committees, we would wish to look at the appointment procedures of some of these members because if we are not keen, we are going to deny Kenyans who are qualified and have the experience opportunity to serve this country.

I want to confirm that all the nominees complied with the law and they were able to appear before us and explain themselves. Worth noting is the person who has been nominated as the Chairperson of this Commission, Rev. Kobia. He has been a scholar. He has been the presidential adviser on issues of equal opportunity and cohesion within the country. If you look at his CV, he is one of the most experienced persons for this Commission. I know his experience will bring a lot of cohesion within this Commission. The second interviewee was Eng. Okundi. The man has a wealth of experience. I believe in this Commission he will bring all the experience he has been able to gather in different sectors of the country. Also, his wisdom is amazing.

I was glad for the first time we interviewed two young people for Cohesion and Equal Opportunity that is, Ms. Peris and Danvas Makori. For the first time, the youth out there should understand the current administration values them. This is a Commission which most people

think is for older people. But if you look at the issues we are dealing with in the country, we need the experience of these two young people on board to be blended with the older generation's experience to make sure that we have a cohesive national commission.

Worth noting is the experience which will be brought into this Commission by our two colleagues, Mr. Abdulaziz and Dorcas Kedogo, because the work of the Commission is to deal with us politicians when we go overboard. I believe with these two people on the Commission, having served as Members of Parliament, they will be able to give necessary guidance on what Members of Parliament go through.

It is important to note that Samuel Kona is a well-experienced conflict negotiator, with a wealth of experience and knowledge. I believe this is a cohesion commission which will serve Kenyans to the letter. As we head towards the next general election in 2022, we need a commission which understands the country and the people of Kenya to make sure that they give what it deserves.

Worth noting, none of these nominees got a memorandum from the public. The public were given opportunity to write to the Clerk if they had any issue with the nominees and to give us as a Committee to interrogate the issue. But by the time we were sitting down, we had not been given any single memorandum. So, as a Committee we followed due diligence to interrogate these nominees and we found all of them suitable to be on this Commission.

There is a caution I have to make today and Members must listen to me very clearly. If you do not deal with your tax issues, the moment you are appointed it will be a very thin obstacle between you and your appointment. At some point we had to get full confirmation of committal letters from KRA on Dorcas Kedogo. You have a certificate of clearance yet you are not in the database of KRA. It is painful. But by the end of the day KRA was able to confirm that all the nominees have complied with their tax obligations. The House needs to tell the accounts department of this Parliament to make sure that they do the returns in good time to make sure that they do not jeopardise Members' welfare in future. That must be noted very clearly. And KRA must be told to make sure that they clean their mess. They are supposed to be as accurate as possible to make sure that we do not have issues when you leave this House and are given an opportunity. It is not your fault. As Members, we do not do KRA returns; it is done by the accounts team in this Parliament. It is very clear they must comply with that.

I want to urge Members to take this opportunity. With due respect, let us approve these nominees. Let us give them the mandate to go and deal with the issues of cohesion within the country. We have seen we need more cohesion in the country as we go forward. We need a peaceful country, we need a cohesive country. We need a country where we will move together as one.

I second and urge the House to approve the names. Thank you very much.

*(Loud consultations)*

**Hon. Speaker:** This one who does not belong to cohesion. Member for Kilifi North, Manderu North and Moiben, let us deal with cohesion matters.

Hon. Members, before I propose the Question, I need to make a clarification. Hon. Mule made a statement to the effect that Hon. Members do not file tax returns. That is slightly incorrect. What the Parliamentary Service Commission (PSC) is obligated to do is to ensure that all taxes that are due for Members from the emoluments paid from the service are filed with the KRA. However, if a Member has other sources of income; mark my word “sources”, some sources may not be known to the PSC. You have an obligation to file returns relating to those other incomes that come from those other sources. We have practising lawyers, medical doctors, nurses, teachers some of who are unionists, consultants, lecturers, those are sources. I can obviously see the Hon. Member for Kiminini is very apprehensive when I used the word “sources”. I meant those kinds of sources.

Hon. Mule, it is true what you said and the matter has been brought to our attention. We have asked the KRA to ensure that the returns of every Member and staff of the PSC has their records kept up to date. I am aware of some of those complaints that have come of late. However, if you have extra sources of income, miscellaneous or otherwise, we will not get involved. Otherwise you are right; KRA should ensure they have their records up to date.

*(Question proposed)*

The Hon. Leader of the Majority Party, I can see you want to contribute.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I wish to support this Motion and commend the Select Committee on National Cohesion and Equal Opportunity for the good work done on the vetting of persons nominated for appointment to the positions of Chair and Commissioners of the National Cohesion and Integration Commission.

This is a very important Commission. At the outset, I want to correct the notion that even where I lobby Hon. Members from my side, I do so after they have read the report, made a good judgement and can listen to my arguments. However, we do not lobby blindly and talk about party positions as the Hon. Member for Kilifi North said. This is the best time this Commission is coming into the country. There are many stories on cohesion, inclusivity, equity, national ethos, war against corruption and the animal called Building Bridges Initiative (BBI). I am shocked there are two sides of the coin. Those who are defending the BBI and those who are opposing and do not know what is in the BBI.

Since my name has been around here for some time, some were asking in the Press conference the position of Hon. Duale on BBI. Hon. Speaker, I have never been and I will never be a sycophant and I am not a cheer leader. I do not join choirs except if it has the interest of the people of Garissa Township.

**Hon. Speaker:** Certainly, this Motion has nothing to do with BBI or choirs.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, this is the best time that the cohesion is coming into office. The air is filled and as the former Prime Minister used to say, it is going to rain and there will be Tsunami. I think this Commission is coming at the right time such that by the time we approve, if there will be anything to do with the implementation of that inclusivity and cohesion in conformity with the NCIC Act No. 12 of 2018, we will implement it.

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Secondly, when we were forming this Commission in the 10<sup>th</sup> Parliament, it came out of the realisation of the long-lasting peace, sustainable development and harmonious coexistence among the people of Kenya. That is the reason this Commission was formed and it is different from other commissions. They have a specific duty to make sure that there is ultimate and long-lasting peaceful co-existence, sustainable development and harmonious co-existence. Later, I will go into the functions of this Commission because its functions are in the Act itself.

Hon. Speaker, Kenyans require deliberate institutional process to ensure that we develop nationhood, national cohesion and a national integration policy that removes us from our tribal or ethnic cocoons and we see ourselves as Kenyans. A time will come when even our politics will be cross-cutting, such that it will no longer be based on regions or tribes. You can join a party because of its ideology. Wherever our people live in this country, they will be peaceful. You will not say they are foreigners. Luos or Kikuyus will live in Mandera and the Somalis can live in Eldoret and Kiambu.

Hon. Speaker, I am saying so because there are many conflicts. This Commission is coming at a time when there are a lot of ethnic conflicts in our country. There are bloody ethnic clashes in Marsabit, conflicts in Tana River, Kitui between the Coast and Eastern regions, Garissa, Lagdera and Isiolo North constituencies. Also, there are many political formations which are fueling the environment, whether they are called *Inua Mama*, Embrace Kenya, *Jeshi la Baba*, *Tanga Tanga* or *Kieleweke*.

There is a culture that you stand on a podium and insult other leaders or people, just because you want to embrace a certain political orientation. If you want to abuse me, just come to my office and do so. Then, I will deal with you; it will be between both of us. But, when you abuse me during a rally, you are inciting communities. This is because you will incite my community and supporters. When you go to a funeral or political rally, it is good to watch out what you say.

First, you should remember you are a leader and your utterances carry more weight than the voters you represent because Kenya is bigger than all of us and will stay after we leave politics. We even do not know whether we will reach the next day. So, I want to urge that in our very many formations, let us watch our tongues; have tolerance and accommodate each other's views. Today, if I want to cause a conflict as the MP of Garissa Township, it is very easy. It is just about fabricating a story on the social media, sending some little money on M-pesa and then you will see people fighting.

This afternoon we have an opportunity as leaders of the august House, regardless of our political differences and the regions we come from. We all represent the people of Kenya and the reason why we are here is to ensure that each and every region is represented. That is why it is called equal opportunity. I can remember even this Commission tabled a Report in the last Parliament on equal opportunities. Equal opportunities must be there horizontally and shared across all the tribes and the people of Kenya.

Some of the functions of NCIC are to facilitate and promote equal opportunity, good relations, harmony and peaceful coexistence of persons of different ethnic and racial communities, and advise Government on all these matters. How Kenyans live together in their

various regions despite their ethnic diversity is a function of this Commission that must protect the smallest and biggest tribes. The other function of this Commission is to promote respect for religious, cultural and linguistic diversity in a plural society among others.

We are discussing this today but as I watched yesterday's conference, I was very happy that the President stood his ground, just the way he stood his ground when former President Obama came to Kenya. If you watch the other speakers, they mentioned something about sex diversity orientation. You know procreation is a function in a family. It is in the Bible and Quran. There is something they call key population. They want to advise our young ones to have a choice. At one time the women of Kenya went to the streets saying, 'my dress my choice'. That is where the problem started. Even those of us who believe in the Almighty God, your choice of dress as a woman particularly from the Islamic point of view is not your choice, it is inscribed that you must dress decently.

Hon. Speaker, I want you to help us, even the staff of Parliament and more so those ladies at the cafeteria must dress decently. They should not wear tight skirts and blouses. The august House is a House of decency. I want to ask Hon. Member No. 001 not to bring the visitor he brought some few months ago. He knows about this because there are elders here like the Member for Kangema. This House must ensure that families, the community and country are protected. As for me, my dress is not my choice. It is anchored in the religion and culture. Hon. Speaker, maybe you can give her a point of order.

**Hon. Speaker:** Hon. Members, just listen because I will give you a chance to speak. All you want is an opportunity to say something and I will give you the chance to do so.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. This is a House of free conscience. It is the only place where one has free conscience. You can say what you want or preach about your religion.

My wife and daughter cannot say "my dress my choice" because they follow the dress code as inscribed in the Quran and neither will they go dancing around. I am asking other Members to protect the Bible and Quran. If we protect the family, we will protect the community and people will not fight. You know I am a family man so, only family people can talk to me. If you have no family come to me for advice.

Coming back to this Motion, Section 18 of the NCIC Act prescribes the qualifications necessary for a person to be appointed. So, I really want to thank the Committee because they have followed the qualifications of each of the eight members. I read CVs and they meet the respective constitutional and statutory requirements for appointment to this Commission. I want to thank the Select Committee for doing due diligence. All the nominees got positive reports relating to ethics and integrity from KRA, Director of Criminal Investigations (DCI) and HELB. These institutions wrote a report to Parliament.

The Committee also confirmed that all the eight nominees possessed the abilities, experiences and qualities necessary for nomination. I know a number of these Members like Eng. Philip Okundi, Samuel Kona, the Chair Rev. Kobia and our former colleagues Hon. Abdulaziz and Hon. Kedogo.

**Hon. Speaker:** You have two minutes.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, the Chair of the Kenya Union of Post Primary Education Teachers (KUPPET) is telling me I am wasting time. In this House we do not waste time. Maybe you have nothing to say but I have something.

Rev. (Dr.) Samuel Kobia, the nominee for Chair, is currently serving at the Presidency and the Cabinet Office as a senior advisor on cohesion, peace and resolution. So, the President has picked the person who was his senior advisor. Secondly, he was a member of the Judicial Service Commission (JSC) before 2014. He also served as the General Secretary of the World Council of Churches in Geneva and a member of the National Council of Churches of Kenya (NCCCK). As I said, he also served as a commissioner with JSC. So, he has a lot of experience as a Chair.

As I conclude, I urge Members to approve this list and make sure that these men and women will go out and protect our country and bring national cohesion. Because there is a conference going on, Hon. Speaker allow me one minute. Those of us who believe in the family and have families, let us stand together; let us protect our children and religion. If those who have destroyed their families are in the House, please join us. We will help you on how to reconstruct those families.

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

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. Let me also support this Motion that seeks the approval of the membership of the NCIC. This Commission was formed after 2007 and we all know its history.

I restrict my contribution on the work that is awaiting this Commission or the commissioners. In terms of integrity and capacity of the commissioners, I know a few of them. For me, probably I would have looked at the regional spread. This is a Commission that is going to be responsible for ensuring that there is fairness in terms of placement and fairness in terms of offering services to the country. These are the people who are even supposed to critique where they find that even the allocation of resources in the country is skewed. They are supposed even to look at our budget and see how the budgetary allocations are spread and to indict Parliament, if it has not done a good job.

Looking at the spread, I do know that the positions were not many and so you cannot get every ethnic community or every county in it. However, you should see some kind of proper regional spread. I will talk about a few of the proposed membership of this Commission which we are approving today. Hon. Dorcas Kedogo has been a very strong Member of Parliament and a very loyal Member of my party. I know her. I believe that given a chance, she will do a good job in this Commission. I also would want to talk about Rev. Kobia. Definitely, this is someone that the people of Kenya have idea of who he is. Giving him the chairperson's position, I just trust and hope that he will do a good job.

I want to talk about Hon. (Eng.) Philip Okundi. He has served in many capacities. What I can remember is that he was working as the head of the Kenya Ports Authority (KPA). During that time, Eng. Okundi offered good service and when he came to communications, he again offered excellent service. He served the people of the former Rangwe Constituency, which are currently both Rangwe and Homa Bay Town constituencies. He is someone I know. He is very

thorough in his job and I know he is a person of details. Again, now he has wisdom and with his age, I am sure he is going to provide wise counsel to the team and they are likely to offer service to the country.

Hon. Baya here has spoken to me a lot about the qualification of Fatuma Tabwara, whom I am told comes from Kwale. That gives me confidence that the Coast region was also remembered in this. This is someone who has worked in very many places, including lecturing at the university. Looking at the gender balance, it is clear that we have met the threshold of the gender balance. The requirement that not more than two-thirds of the nominees to a public office should come from one gender has been met.

Hon. Speaker, allow me to say a few things about the work that is awaiting this Commission. This is the third Commission. The first one which was led by Kibunja did its work. Then there was the second one which was led by the second longest serving Speaker of the National Assembly, Hon. Francis ole Kaparo. This Commission has not lived to its calling. Kenyans expected a commission that would take steps to ensure that there is cohesion in this country and there is integration of various communities.

Hon. Speaker and Hon. Members will agree with me that in terms of ethnic balance in public appointments, it is still as bad as it were before the coming into place of the NCIC. This is one of the areas that this Commission was supposed to deal with. In fact, we expected this Commission even to take to court the Government or government agencies which were not following the provisions of the Act that set the Commission. However, we do not see it. What we see is lamentation and complaints and they keep on giving us figures. So, what do we do with the figures? If you realise that government ministries, agencies and departments are not following the provisions of the law, the best thing to do is to take action. That is why the statute is there. So, I expect this Commission to do much better. The first one was a little bit better but the second one, with all due respect to the former Speaker; I would tell you that many of us were disappointed. We did not feel this Commission at all. We expect this other Commission that is going to be chaired by Rev. Kobia to make a difference. Those of us who are fond of hate speech should be dealt with.

This country was at the brink of collapse in 2007 because of carelessness of leaders at the build-up to the general election. It would be the last thing that this country would like to see again going to 2022. Let us be candid with each other. I do not think there is anything we gain by setting communities against each other. There is nothing we gain by insulting leaders. There is no leader in office that does not have followers. We must understand that when we use certain foul language against some leaders, we are affecting and inciting their followers. Once you are given the position of leadership, you need to show responsibility.

Initially people thought that men were the worst. We have been saying in this country that we need to have more women into power and that woman are better, fairer and more careful in whatever they say. However, the recent events are proving otherwise. You find women at the centre of a lot of violence. In fact, sometimes we get scared. We are becoming victims of women violence. I plead with my sisters that let us maintain the respect and dignity which we gave our mothers and the women of this country when we thought that women are the ones who would



say no to war. Women can stand in the frontline and say: “We do not want war.” That is how it happens in many African countries. So, when you see a woman at the centre of violence and people are shot dead where a mother is present, it is recklessness. When you see a woman standing on a platform and insulting a national leader, that is recklessness, carelessness and you do not deserve the position you occupy.

The same goes to men. Why do you abuse mothers of leaders? Why do you talk about my mother? Even if I make a mistake, that mistake has not been committed by my mother, for example. Why do you insult my mother? Why do you insult my wife? Why do you insult my sister? Why do you even insult me in the first place? Criticise the bad things you think I have done. We have better ways of describing the failures and weaknesses of leaders. I can attack the weaknesses and failures of a leader but I should not go to the extent of talking about how a leader behaves, is created or does his things. Sometimes when I watch some of our leaders on social media, I wonder whether he or she had to say this. Look at social media over the past three or four days and the exchanges between Members of Parliament. One says this and you think that was bad enough and another one comes up with the worst one. These Commissioners who are coming into office have their work cut out for them. They need to bring order to this country. Those leaders who cannot use their brains and want to just talk before thinking, need to be dealt with.

Again, let us also not inflame issues out of proportion. On Monday, I was travelling from Kisumu back to Nairobi after the Kibra elections. With all the happiness of the by-election, I had to go back home and celebrate. On my way back, I met my brother, Hon. Injendi. Obviously, he did not go to celebrate. He was hurting. We spoke very well and I could see he was very strong only to see another leader yesterday claiming that one of the leaders who were injured was Hon. Injendi. Hon. Injendi told me that the only thing that happened to him is that he saw a group of people coming towards him and he was in his car with another honourable MP whom we call Kawayia. I know you know who I am referring to. He thought these guys were going to attack them. He then jumped onto a motorcycle and fell down. He told me that, that was the only injury he had. He only fell down. I could see he was walking properly. You then listen to another leader claiming that that leader was injured. I heard another one claiming that another leader was injured. The Member of Parliament who was purportedly or allegedly injured...

**Hon. (Dr.) Robert Pukose** (Endebess, JP): *(Off-record)*

**Hon. Speaker:** Hon. Pukose, you cannot start arguing from where you are sitting. You will deal with the issue. I will give you a chance to explain how people jump from motorcycles.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, the questions he is asking me could be better addressed by Hon. Injendi. I am reporting what he told me. This is reported speech. Hon. Barasa Didmus, who is my friend and whom I found at Mashimoni Squatters guarding votes for Jubilee which were never there, is out of the country on parliamentary duty in South Africa and somebody is claiming he is in hospital. Let us be honest with ourselves. As we condemn any form of violence - and by the way I have been very categorical. I cannot stand here and say that ODM supporters have never been involved in violence. They have. It has happened to all parties. Look at what happened in the last primaries of Jubilee and ODM; there were chaos

in some places and that is a fact. We must condemn it and tell our supporters to behave. We also cannot create violence where there was none at all.

I hear people say that some people were denied an opportunity to vote. I went to many polling stations and there was nobody to vote. Everybody had voted before 10.00 a.m. At least, ODM supporters had voted by 10.00 a.m. Those guys who did not have supporters claim that there were some people who were denied the opportunity to vote.

**Hon. Speaker:** Hon. John Mbadi, you have spent too much time on Kibra. Come back to Cohesion.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I was talking about truthfulness so that when these Commissioners get into office, they deal with matters that are factual. We also do not want this Commission to do things that do not exist. Even Member 001 who was never in Kibra will start claiming he was there and was chased. I expected to see him there because I know he is a very strong member of the *Tanga Tanga* Movement.

Let me finish by saying that our party is very organised. The Leader of the Majority Party has just left. He made some remarks about our party. It is not that my Members do not read. They actually read. The only thing which my party does is to consult and take a party position. We do not want rebels in our party. It is very costly when you become a rebel. If you are in doubt, you can ask Hon. Ochieng. He stayed out for two years for being rebellious.

I support this team as it is. I expect them to do a good job. I support the Motion.

**Hon. Speaker:** Hon. Members, I can see your minds are still dealing with the recent by-election. Please, just come back to the House and remind yourselves about the provisions of Chapter 6. We are lucky because one of the members of the Committee of Experts is a Member of this House - Hon. Otiende Amollo.

Look at Article 73 of the Constitution on the responsibilities of leadership. Then go to Article 75 on what is expected of you as a State officer. I wonder whether we care to remember that responsibility in Article 73. You must behave in a manner that brings honour to the country and the office you hold. I wonder whether this occurs to us every time we open our mouths to make certain pronouncements.

Anyhow, let us have the Member for Tigania West. He is gone. Let us have the Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): The Member for Mwea is around. Thank you, Hon. Speaker for giving me a chance to contribute to this particular Report.

This is a very important Report. The Commission we are talking about is very important. I happen to have interacted with the past two commissions in my past assignment in the American Embassy. This is one Commission that we need to look at. We not only need to look at this Commission, but the Committee itself should be seen to promote cohesion in this Parliament.

Among the people who are proposed to this Commission is Mr. Sam Kona who has been working with me in bringing peace to this region. I know him quite well. I know his knowledge and that he is bringing to the table a wealth of experience that will help us to bring cohesion to this country.

We must not just talk about cohesion. There are many aspects of cohesion. There are many aspects that bring conflicts in this country. We can only hope and expect that once this particular Commission is put in place, it will go deeper and look at some of the areas that this country has been looking at. In many ways, this country spends a lot of money in resolving issues that could be resolved in a software manner and not a hardware manner. If this Commission could be active enough to ensure that people live within the law and expectations and also work very closely with other arms of Government and organs that target peace in this country, it could contribute a lot to the economy of this country. But because we are so focused on the hardware part of bringing peace in this country, buying ammunition, disarming people and ensuring that we have enough police in this country, we end up spending resources that could have been saved for other areas.

If this Commission, and I believe we have expertise in it, does its work well, this country will save a lot of resources. We are talking about conflict in Samburu, where my Committee is now focusing on Kitui and other areas. These are conflicts that are caused by scarcity of water, leadership and politics. They have just witnessed some contributors who swayed them to that direction which I do not want to go to. If this Commission could be on the lookout and execute its mandate, we could start to hear of people who are locked up because of being unethical and promoting divisive politics. That is the time we will drive this country into the right direction. It is my sincere hope that once this Commission is in place, it will not only learn from the experiences of the past commissions, but it will also look at some of the areas that have not been exploited by past commissions because they are there. I am persuaded that as we talk about this Commission, which is also charged with the responsibility of ensuring that we live in peace and harmony, it will work with the National Steering Committee on Peace Building and Conflict Management, which sits in the Office of the President. It looks at building peace in this country. They should work closely, so that as they execute their mandate, they can complement each other. In the past, we have not seen the two organs, namely, the National Cohesion and Integration Commission and the National Steering Committee on Peace Building and Conflict Management, which sits in the Office of the President do much. As a peace practitioner in this country, I would like to see much more in that direction.

Since we have now brought in people like Mr. Samuel Kona, who has been working on these issues for quite some time, it is my hope we will see a difference in the Commission. We will be talking about a Commission that will be out there, building a network throughout the country that can inform it to execute its mandate. As I talk about national cohesion, I must bring to the attention of this Parliament that we have people out there who have volunteered to bring peace to this country in the name of peace committees yet they have never been recognised. They do things on their own. They have never been given anything. I hope this Commission can now move in and look for some of those silent volunteers out there.

We talked about village elders yesterday who are not looked after yet they bring cohesion among the various communities. Peace elders come in handy in various parts in Nairobi. They bring communities together yet they are not looked after. We do not give them anything. We talk about budgetary issues. According to our calculations, the elders need Kshs5 billion. In a

country where the wage bill is over Kshs700 billion, we say that we cannot give them something to promote and encourage them to continue working on the cohesion of communities. That is something that we need to come back to as a country and re-think. In various parts of this country, were it not for the village elders and peace committees, the National Police Service (NPS) and other arms of Government would not have brought peace to our areas. It is for that reason that I urge this Commission, once it comes into place, to look for the volunteers out there, work with them, build networks with them, collect information with them and ensure they are strengthened, so that their work can be made easy even as they sit in Nairobi. If they do so and borrow from some of our experiences, this Commission will make tangible contribution to the country.

With these few remarks, I support the Motion. I hope this Commission will be put in place as quickly as possible, so that they can start their work, especially as we move towards the coming years that lead to 2022. As we move there, as a peace practitioner, I can confirm that we are starting to see indicators that tell us that all is not well in the country, but we can make it well. When we look at some of the by-elections that we have held so far in Kilifi and Kibra, those are indicators that we need to prepare ourselves. This is why we need this Commission to work closely with other organs especially the National Steering Committee on Peace Building and Conflict Management in the Office of the President.

I support the Motion.

**Hon. Speaker:** Let us have the Member for Mwingi West, Hon. Ngunya Ngusya. Members put their cards to request to contribute and leave. Hon. (Prof) Oduol, you have the Floor.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): She is absent.

**Hon. Speaker:** She is present.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Speaker. I can see Hon. (Dr.) Chris Wamalwa is teaching me some lessons which I will not take.

I would like to take this opportunity to contribute to this Motion. I am a Member of the Select Committee on National Cohesion and Equal Opportunity and I would like to confirm to the House that as a Committee, we were aware that it was very important for this Commission to be occupied by citizens of Kenya who will not only bring academic, professional and other skills, but also would truly be a reflection of the cohesion and harmony that we want to see in our country. As it has been said, it is clear that the formation of NCIC was to help us, as a country, to celebrate our diversity and differences and see the way in which we can, by early morning signs, ensure that we do not let those aspects that can divide us to be the defining factors not only in public institutions, but also in private space.

I can indicate it was a very useful moment to see that in Kenya we have people who have different age brackets. A number of times, we hear young people complain that the older generation does not understand them or they take up their space. In some cases, we hear that there are older people who think that the youth only bring energy and passion. As we look at the curriculum vitae of different names of the nominees whom we proposed, it is clear that Kenya has a rich wealth of experienced and committed leaders. There are people of integrity, great

passion and those who truly want to make a difference. It was useful and very encouraging to see that we could get very young men and women. We had the two, whom I will speak about. We have Ms. Nyutu. It is extremely encouraging to find young people of any gender at this day and time in Kenya who are not only conscious of the need to try and bring Kenya together, but are also confident enough and have demonstrated experience and wealth, which they will bring.

So, as I support and thank the Members for the manner in which they have addressed this matter, I just want us to remember that, as a country, we would like to facilitate the elimination of all forms of discrimination. It does not matter whether or not it is discrimination on the basis of age, abilities, religious beliefs or gender. When we look at the manner in which the candidates presented their issues, we see a cross-section, not only in terms of age, but also in terms of representation. It is a reflection of the diversity in Kenya. Very importantly, we have male and female representation.

As I conclude, I just want to note that we continue to hope that we will find ways by which, as we speak about issues of gender relations, resources can be divided and opportunities presented. We might want not to be so hard on the female gender. I noted something and I want to say it with a lot of humility and due respect to the Leader of the Minority Party, Hon. Mbadi. It is important, as leaders, to pay attention, as Hon. Mbadi stated, to Article 73 of the Constitution. This burden should not just be placed on women alone. I would like to remind all of us that the very existence of the NCIC is that all of us, as leaders, should be aware when we use language that is vulgar, provocative, and divisive. Let us avoid language that will tend to pit one community, or one age group or one faith against the other. It will be unfortunate for those who have been championing the presence of women in leadership, if we stated that it is women to carry the burden alone. I just hope all of us leaders, male or female, will be aware that we need to be the epitome of harmony. We need to behave respectably. I also hope, as we ask whether we are male or female, we observe this and not burden the others.

I am particularly happy to be in this Committee and to have sat at the vetting. I thank you for allowing me to attend the 141<sup>st</sup> Inter-Parliamentary Union where I was elected the Vice-Chairperson of the High Level Advisory Group on countering violent extremism and terrorism. That resonates very well with what these commissioners will be helping us to do. We will be eliminating any form of extremism in speech, deed and in association.

Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Hon. Mbarire. Is she not here?

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Speaker. I too rise to support this Motion. I am very pleased to see the caliber of people that have been nominated to this Commission.

Looking at what has been happening in that Commission over the last few years since it was formed, I wish to state the following. Indeed, if one of its main roles is to cause national cohesion, to ensure unity across the ethnic divide, to ensure that there is peace in the country, then we want to see real action taken against perpetrators of some of those things that we have seen, especially on the political platform. We have seen many politicians taken to the NCIC because of hate speech, but it never goes beyond what we read or see on television. It ends there.

So, people look at it as a public relations exercise. Until certain politicians are held to account, this hate speech will continue even in 2022.

I have listened to Hon. Mbadi and with a lot of respect, I want to say the following. The worst thing we can do as politicians and Members of Parliament is to use political violence against each other. This is because we will then have absolutely no boundaries going forward. We are showing the rest of the country that we do not have political tolerance in a way that we can campaign in one area, as Members of Parliament, and still respect each other and not mete any political violence on each other. It was sad when I watched that video and saw what happened to Hon. Barasa. I never campaigned in Kibra, but I had been very happy to watch rallies held in Kibra and we never saw any incidents until the last day. I had thought we had come a long way. I thought we have come of age and matured. That the Deputy President William Ruto can go to Kibra, hold a rally and go home well, I thought that was real political maturity until the last day when I saw Members of Parliament going through certain violence. Even as much as we want to say “we did not do it, we are a very good political party, we want facts”, I think it is important for us to come straight and say that if we are saying “no more political violence”, which is one of the issues the Building Bridges Initiative (BBI) is dealing with, we must see it in terms of action. We cannot talk about political violence and the BBI and we are at the same time seeing people go through political violence. We have a handshake that was supposed to bring peace and political harmony and we are fighting each other. Honestly, then we are cheating Kenyans.

I know there is nobody with monopoly of violence. If you come to Embu, there will be politicians in Embu who know who the goons are. They will use it against you yet you did not think it would come to you one day. Therefore, it will be a vicious cycle of violence. I hope we can see real change going forward. Let us not imagine what we saw happening in Kibra cannot follow us into 2022.

I truly support the words of President Uhuru Kenyatta, the words of the Deputy President William Ruto and the words of the Hon. Raila Odinga that never again should Kenyans die. Never again should blood be spilled because of politics. If we cannot control ourselves, the leadership cannot do anything. We must walk the talk. I am also very happy that I have seen Hon. Dorcas Kedogo here. It helps when we see real politicians with experience getting into these commissions. They add value to the commissions. We have Hon. Philip Okundi, a former Member of Parliament and Hon. Abdulaziz Ali Farah. I pray that because they have experience and they know what it is that happens especially on the political front, they will work towards ensuring that there is peace in the country. More importantly, they will create harmony and national cohesion across the country.

I want to ask the Chairman, Dr. Samuel Kobia, a man we all know for performing well in his former dockets, to be firm. He is a man of action. A real worker and a civil servant. I ask that he does not allow himself to get intimidated when he goes out there to do his work. We will support him especially because we ask this Commission to support and protect women when it comes to politics. Women should not be intimidated and taken through political violence. We

pray that they will make sure that when disadvantaged groups choose to run for political offices, they can do so without fear of violence or any manner of intimidation.

Finally, may I plead that going forward, we should look at a level playing ground for all of us, as politicians, and start reaching out for one another. Kibra is gone. We do not know what will happen tomorrow. Truly, we can be the example of what national cohesion is all about. We can be the example of the purpose the BBI was formed in the first place. We can embrace national cohesion and tolerance without having to go through any form of a referendum. We should believe in it from within ourselves, so that if the time to make certain changes comes, we can do so for the better of the society, and more importantly, because we believe in what we are passing.

With those few remarks, I beg to support.

**Hon. Speaker:** The Member for Kiminini, you have the Floor.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. I rise to support this Report. I want to congratulate the Committee for the work well done. I did not know the Chairperson of this Committee, but when I inquired, I was told it is Hon. Kamanda. I want to congratulate him for the work well done.

The success of a committee has a positive correlation with its Chair. We have seen that in committees. If the chairperson is lazy, its output will be nil. The performance of a committee can only be demonstrated through its output. The Report is out. We say *hongera* to the Committee and *hongera* to Bw. Kaunya for the work well done. This Commission is important. When you read the preamble of the Constitution, it says that we acknowledge the supremacy of the Almighty God of all creation. The Preamble continues to say that we are proud of our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation. The Preamble is critical as far as cohesion and unity of this country is concerned.

We had a gap in the Commission. It is important, as Parliament, to have a strategy, so that we do not have such a gap in future. For some time, after Ole Kaparo left, we had a gap in the Commission. As Parliament, it is important for us to devise a mechanism, so that we do not have that gap. Right now, we do not have the Auditor-General. So, as Parliament, we must design a mechanism in terms of succession planning, so that we do not allow the gap to be there. It can be a recipe for chaos.

The previous NCIC chaired by Hon. Ole Kaparo performed below average. There was a lot of hatred around the country and we never saw anything tangible that the Commission did. However, I am convinced that Rev. (Dr.) Samuel Kobia, a man of God, is going to do good work. During campaign time, this Commission will be important to politicians. I have read so much about Kobia. He is a scholar and a man of God. He has a lot of experience on matters of cohesion and peace. I congratulate the Committee for picking the right man. I have no doubt that Samuel Kobia, wherever he is, is a man who cannot be compromised. He will be objective and not partisan. We value him. We will be praying for him. We have no doubt he will ensure the 2022 elections are peaceful.

I have looked at the names of the commissioners and they represent the face of Kenya. It may not be 100 per cent, but I salute it. I have seen Central, Coast, Western and North Eastern regions are represented. The only unfortunate thing is that where I come from in the Rift Valley, there is no name representing us. I have checked keenly. So, I am hoping that as we move on, Rift Valley will also be represented. I am from Trans Nzoia, which is in Rift Valley. Next time, Mr. President, we want Rift Valley to be represented.

*(Hon. Angwenyi spoke off-record)*

You know we have different sections of the Rift Valley. Hon. Angwenyi, I expect you to know this. I represent the North Rift. Please, when you see me mentioning that, I am talking about the issues of the North Rift. So, generally, we can see the face of Kenya. We salute that.

On hatred, we condemn violence. If what we saw in Kibra is anything to go by, in 2022, the Independent Electoral and Boundaries Commission (IEBC) and the police should ensure that we do not have chaos. In case there is any report that was done on Kibra, whoever was responsible for the chaos must face the law. I say “in case”, because as you know, English is a foreign language.

So, we are trying to put across the fact that as politicians, we are at the forefront on hate speech. People are profiling communities. Community profiling must stop. I have seen unfortunate things happening. Somebody told me that I will be put in a septic tank. Why should I be put in a septic tank? Is it because I have married from a certain community? I find that to be wrong. We should stop profiling communities. A good wife is a gift from God. You can get one from your own clan and you suffer. As you can see, I have never been beaten. So, I am not going to be put in a septic tank. Communities profiling is wrong.

*(Laughter)*

I have seen other people attacking other people’s cultural practices, for example, the circumcision practice. Worldwide, many people are not circumcised. So, people should not attack communities based on their cultural practices.

Cohesion is about respecting people’s diversity in terms of religion, ethnic and cultural practices. Today, I am speaking like a pro-life Catholic. I salute Hon. Duale, the Speaker and the President for the good work they have done. During the opening of the International Conference on Population and Development (ICPD) forum, I was keen. There was an element of sexual health rights. Some of the issues on it were that children as young as eight years should access contraceptives and sex education. That was part of the 12 points of the ICPD. His Excellency the President Uhuru Kenyatta was categorical and said that he will only support some of them. He did not subscribe to all the 12 points. We salute him for that. He is a Catholic and a family person. We were shocked with some of the 12 points. We are in neo-colonialism. People want to give us money with conditions and force us to sign into issues that are against the culture of this country.

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On gayism and lesbianism, the last time the former President of the United States of America (USA), Barrack Obama, was here, President Uhuru told him on his face that we appreciate him as one of our own, but on these issues, we will not go there. I salute people who love God and subscribe to Biblical issues. We will not accept same sex marriage in this country. When you read Article 45 of the Constitution, it is clear. It says:

“The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.”

It goes ahead to say:

“Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties.”

That is what we stand for. If you read Article 26 of the Constitution, you will see that every person has a right to life. At conception, you have no right to terminate a life. That is what we believe as Kenyans. Because the family is the source of social order, it also helps us in terms of cohesion. I want to thank everyone. I have no doubt the decisions this Commission will make when put in place, headed by a man of God, will be Godly. I wish to request the Members to pass this list of the NCIC commissioners, so that they can move to office with speed for us to see order and peaceful coexistence of Kenyans as we move forward.

I support.

**Hon. Speaker:** 001!

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker, for giving me this opportunity to contribute to such an important Motion, extremely especially for PWDs. On behalf of the 6.5 million PWDs that I represent in this House, I want to urge all the Members to support this list.

**Hon. Speaker:** Hon. Sankok, I just wanted to remind Hon. Jimmy Angwenyi that the National Assembly represents the people of the constituencies and other special interests. Therefore, I know your special interest and it will also come. Let us finish with this special interest first.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I want to urge the Members of this House, on behalf of the 6.5 million Kenyans with disabilities, to support this Motion and appointees, so that we can have this Commission up and running. We are going towards 2022 and possibly even before that, there will be a referendum. Whenever there is flare up of political violence, it is we, PWDs, who suffer the most. Some of us are on wheelchairs and whenever there is violence, we are not able to run away from them. Some of us are blind and we may not be able to see the political divisions that are there and may end up going into the hands of our political rivals. So, this Commission will assist the PWDs. That is why I urge the Members to ensure that this Commission is up and running, so that we can instil some discipline in our political leaders and avoid violence.

From political violence, people who were not previously PWDs have joined the club. You remember the time when the Deputy Whip of the Minority Party and a few Members joined our club due to political violence. Many others out there also joined the club. Even Hon.

Washiali was once our member. I do not know which violence he experienced, but when they join my club, they compete for the little benefits the Government gives to us. We do not want more competition. Our club of people living with disabilities is full. We do not want more members to join us. If today we have several members joining our club due to political violence, in 2022, I will have a lot of competition for nomination. Some of them will request for nomination to represent PWDs. The benefits that we have been given like tax exemption and importation of duty-free vehicles will be shared among many PWDs if they join due to political violence. That is why we have to guard our benefits. We pray every day that no more persons should join our club of people living with disabilities.

I have seen the list of the nominees and in terms of the two-third gender rule, it meets the threshold. There are four women and four men. That is what we want. The two-thirds gender rule should be implemented in terms of appointive positions where persons apply with their known credentials and qualifications. In terms of regional balance, I can say without fear of contradiction that the list is regionally balanced. The only fear that I have is that the youth of this country need opportunities. I have seen Rev. Kobia, and with due respect, he is 72 years-old. Eng. Okundi is also quite an octogenarian, just like the Chairman of the Select Committee on Cohesion and Equal Opportunity. I think they discussed at the level of octogenarians and that is why they brought the names here. As much as we need experience, we also need to give the youth opportunities in such commissions, especially a commission where when violence occurs, the youth are the ones used to perpetrate it. So, we really needed a youthful commission that will tackle specific issues that need to be addressed among the youth.

Lastly, as other speakers have said, especially Hon. Mbarire, we support family units. We welcome all our visitors from all over the world, but we will not welcome importation of some behaviours that do not go as per our Christian and Islamic teachings as well as our traditions. Some of these behaviours do not even exist in our languages. There is no word in Dholuo for gay. There is no word for homosexual in Maasai. We welcome all our visitors, but we will not accept importation of behaviours that do not fit within our Christian and Islamic teachings as well as our traditions. We stand for the family unit. You cannot have children through a relationship of gayism or lesbianism. Our Constitution stands for the family unit. That is why we, as Members of Parliament, will not attend the conference. It is in our country. We thank them for coming to our country, but for some behaviours, we say no. We stand with our President who was very specific on the key points among the 12 that he will support. He was very categorical that there is nothing like sex choices that he will support. Yes, people should have their choices, but remember choices have consequences especially when it comes to Christianity and Islamic teachings and our traditions.

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

*[The Temporary Deputy Speaker (Hon. Jessica Mbalu) took the Chair]*

With those very many remarks, I support. This Commission should be in place. I advise them to make sure that it deals with political statements that can cause tension in our country. I was perturbed when I saw some Members of Parliament, and I can mention the name of Hon. Simba Arati, being very happy that he could threaten a colleague in a constituency that they claim to be a bedroom. Whose bedroom? There is no bedroom of anybody in this country. We are all members of this country. We did not apply to be born in this country. Fate and destiny have brought us to this country. We have to learn to live together as brothers and sisters or perish together as fools, in the words of Martin Luther King. When other people claim that they have a bedroom inside this country, I ask Rev. Kobia to start dealing with such characters who think they have bedrooms inside Kenya. Kenya is the bedroom of all of the 42 tribes in this country. I know Hon. Babu Owino is not happy. But even if you are not happy, I know you will be the first Luo President. I can assure you that there is no bedroom in this country. This is our home and we love our country.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Jessica Mbalu): Let me have the Member for Rarieda, Hon. (Dr.) Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Deputy Speaker. I have read carefully this Report. I have carefully looked at the Constitution and the NCIC Act. I will also disclose that I was a member of the NCIC as a Commissioner for five years prior to 2016 by virtue of being the Chair of the Commission on Administrative Justice. While I have no fundamental issue with the Report and the persons nominated, there are certain issues of principle that raise grave concern to me and which make me reluctant to support this Report.

First, if you look at Section 17 of the NCIC Act, the President is supposed to nominate a chair and eight commissioners. In this case, we have a chair and seven commissioners. The Report does not render an explanation why we are one short of the number required by the Act. The reasons why it is a chair and eight commissioners is because it is never a good principle to have an even number in a commission. There is likely to be a stalemate. Unless the Report tells us why we are one number short, I am unlikely and unable to support it.

Secondly, I doubt if the Committee considered the full text of the Act in terms of the commissioners. Section 17 of the Act gives the President the power to appoint nine commissioners upon approval by this House. However, there are already three standing commissioners, namely, the Chair of the Commission on Administrative Justice, the Chair of the Kenya National Commission on Human Rights and the Chair of the National Gender and Equality Commission. They are already commissioners as we speak. So, it behooves the Committee not just to look at those who applied, but they ought to look at who are the other members who are existing and how that sits with the requirement of Section 17 on regional and ethnic balance.

We find ourselves in a situation where, and without in any way berating my friends already, the Chairman of the Kenyan National Human Rights Commission, Madam Kagwira Mbogori is my very good friend, we have members from one particular ethnicity. The

Chairperson of the Commission on Administrative Justice, Hon. Florence Kajuju, who took over from me is also from that very community. The proposed chairperson now, the very able Rev. (Dr.) Kobia is also from that community. How does a Commission that is supposed to ensure regional and ethnic balance end up with three chairs of different commissions in the same commission?

It should be noted and this has not always happened in this House. This is my third point that Article 250 requires that as we are looking at the distribution of commissions and independent offices, they should be taken as a whole and not individually to reflect the regional and ethnic balance of this country. Committees that propose names must, therefore, demonstrate not just how that particular commission satisfies that principle, but how other existing commissions and numbers taken as a whole satisfies that.

I am afraid this Committee has not done that and previous committees also have not done that, but that is very important. Every other time the concentration of our discussions is limited to not more than 10 ethnicities in this country because we only look at the individual commission. We do not look at the other commissions that we approve and see the distribution.

Hon. Temporary Deputy Speaker, the fourth issue is the question of age. Every Kenyan has right to hold any position if they are qualified. However, this must be tampered with necessity and reality sometimes. I have calculated the age of seven of the eight proposed nominees, but in respect to Mr. Danfas Makori on Page 34, the Report does not capture his ethnicity or age. For all the others, it is captured. The seven nominees have a cumulative age of 392 years. I am sure we are all entitled to the opportunity, but 392 years... There is, at least, one nominee who is of a very tender age of 28 years, Ms. Peris Nyutu. However, the fairly advanced age of the others dilutes and completely whittles down that particular consideration. Committees must also consider that if we keep saying that we are a young nation, even from the census, and if the youth is defined as up to the age of 35 years, we need to give some due considerations to this.

About the work of the Commission, I can tell you, and while many Members have berated the Commission, the Commission is bedeviled with many statutory and institutional difficulties. Having served in that Commission for five years, I can tell you that the first difficult is parallel organisations. The Commission is supposed to look at cohesion, but there is a different department in the Presidency which is established to look at cohesion and which is given a higher budgetary allocation, almost twice what the Commission is given. This means it is a way of negating the Commission. The Commission is bedeviled with the definitions in the Act. Their entire mandate is to try and ensure cohesion balance in employment and deal with hate speech.

When appointments come for cabinet secretaries and permanent secretaries some of whom we approve here, and then they do not comply with that requirement, the Commission's hands are tied. When one says things that strictly do not amount to hate speech and if you look at the definition of hate speech, the Commission's hands are tied. So, even as we appoint people to this Commission, we will need to make a principled decision. Do we really want a Commission or do we just want the Executive to deal with the issues of cohesion? When we allocate more money to the Executive to deal with an issue for which we have mandated a commission to do, I

think the signal is that we are tending towards not wanting the Commission and we should confront that issue.

We must also accept that part of the difficulty the Commission faces is created by we leaders. When leaders at the highest level possible, whether it is on the Government side or the Opposition side, use words that are unpalatable and that amount to incitement, then we make the work of the Commission difficult. If we were to avoid usage of those words even in this House, the Commission work would be very easy.

At times we say things which we know to be untrue. For example, I heard a Member say today here in respect of another Hon. colleague, Hon. Didmus Barasa, that he was attacked and injected with some dangerous substance and is now in hospital in South Africa. We know and it is on record that Hon. Didmus Barasa is on parliamentary business in South Africa. He is there on account of the Committee on National Administration and Security. How do you then start telling people that he was injected with some dangerous substance? Then you are inciting his constituents to believe that maybe they should also react. Those are the kind of things we need to avoid.

Hon. Temporary Deputy Speaker, I am not fully satisfied to support the Committee's recommendations as made. I rest.

**The Temporary Deputy Speaker** (Hon. Mbalu): Hon. Otiende, are you supporting or not?

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): I said I am not able to support it in its current form. So, I am not supporting.

**The Temporary Deputy Speaker** (Hon. Mbalu): Very well, let us have the Member for Endebess.

**Hon. (Dr.) Robert Pukose** (Endebess, JP) Thank you, Hon. Temporary Deputy Speaker for allowing me to contribute on this Motion to approve the eight commissioners.

Contributing after Hon. Otiende has pointed out some of those very glaring issues is a big challenge. What he has raised are very weighty matters as far as this organisation is concerned.

We know this is a Commission that has a very challenging task to deal with in terms of equal opportunities for all the citizens of this country. We know that this is a Commission that must reflect the face of Kenya and ensure that it is reflected in the various appointments. However, as you can see, the Commission is already starting on a note where you are talking of eight commissioners being appointed and they will be joined by two other chairpersons, which will make it ten.

Therefore, any decision by this Commission will need to be put to a vote. So, you can see that more often, we will have stalemates. This is something that the Government of President Uhuru Kenyatta needs to pay keen attention to, especially when making these kinds of appointments. If the law talks about appointing eight members, then they should not be less. There is a reason why Parliament in its wisdom in the Act created that number of positions.

**Hon. Oku Kaunya** (Teso North, ANC): On a point of order, Hon. Temporary Deputy Speaker.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Therefore, it was important for the Committee to have captured this in its Report.

Hon. Temporary Deputy Speaker, Hon. Oku Kaunya is raising a point of order. I do not know whether your eye has caught him, but I will proceed. The issue of this Commission as we move into the current...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Hon. Pukose Robert! My screen has captured interventions from two Members. The Member for Teso North, you are on intervention.

**Hon. Oku Kaunya** (Teso North, ANC): On a point of order, Hon. Temporary Deputy Speaker. My point of clarification is on one key issue raised by Hon. Otiende Amollo.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): No! Hon. Chair, you cannot clarify at this point, but at the point when Hon. Otiende Amollo was contributing.

**Hon. Oku Kaunya** (Teso North, ANC): It is a legal issue on the composition of the Commission.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Chair, there is a way of doing it. Maybe you want to inform the House or can do so as you reply.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker, for that correction. I would like to inform the House.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): I have to agree to be informed.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Are you informing Hon. Pukose? Hon. Pukose, when another Member is upstanding, you resume your seat. Yes, Chairman.

**Hon. Oku Kaunya** (Teso North, ANC): I just want to inform the House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Can you inform Hon. Pukose?

**Hon. Oku Kaunya** (Teso North, ANC): I want to inform Hon. Pukose.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Now that you have said you want to inform Hon. Pukose, allow me to question him if he wants to be informed by you. Hon. Pukose, do you wish to be informed by the Chair?

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Yes, Hon. Temporary Deputy Speaker. I wish to be informed by Hon. Oku Kaunya.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you. Hon. Kaunya, procedurally, you are okay and can inform him.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker. On 12<sup>th</sup> June 2019, this House made an amendment to the National Cohesion and Integration Act. Under Section 17(1), the amendment clearly states that in terms of composition, the Commission shall consist of (a), a chairperson appointed by the President and approved by the National assembly in accordance with the First Schedule. (b) Seven commissioners nominated by the President and approved by the National Assembly. Therefore, the total number is eight in accordance to amendment No.6 of 2019.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Otiende is in the House and I can see him seated next to the Member for Emuhaya. Let us have Hon. Pukose with that information.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Temporary Deputy Speaker, with that information, it still creates 10 positions. There are two positions plus the eight, but they have been appointed as per the Act which this House passed. The amendment made by the House was not well thought out and still creates an issue because you will still end up with a stalemate. This might call for an amendment to be brought to the Act.

This is a very important Commission. As we move into the 2022 elections or the referendum issue, we need to look at it. They should be moderate and ensure that they do not just focus on politicians. More often, we tend to think that it is only politicians who make inflammatory remarks. When you go to the social media, you make very serious and bad remarks about others.

Right now, the field for the Commission is widened considering the improvement in terms of technology, namely, the changing technology and accessing it in terms of the social media and other areas. It is high time we started balancing what we are saying as we can see in recent events. More often, we tend to favour our sides.

Some of us were not in Kibra during the by-elections, but what we have seen is a trend that needs to be stopped with immediate effect. Hon. Simba Arati took a cap belonging to Hon. Didmus Barasa. The next day during thanksgiving for Imran, we saw the same cap being worn by the Minority Whip. So, I wondered what was happening. I saw Hon. Junet wearing a similar cap to that of Hon. Didmus Barasa. There was a high probability that maybe it belonged to Hon. Didmus Barasa. We have never seen Hon. Junet wearing a cap like that. It is synonymous to Hon. Didmus Barasa. These issues need to be addressed by this Commission. We hope it will do better than the previous Commission.

With those few remarks and information given by Hon. Oku Kaunya, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, the substantive Speaker said that we should not concentrate on Kibra in as much as we want to marry it to this Motion.

The Member for Kitutu Chache North, you have the Floor.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this important Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Makali Mulu, the Member is Hon. Angwenyi Ondieki, the Member for Kitutu Chache.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the nominees to this Commission on various grounds. One, they are qualified people. For example, the Chairperson has a lot of experience. Two, the youth are represented in the Commission and third, the one-third gender rule has been observed.

This Commission is very important especially now that we are moving towards elections in 2022. The previous Commission did a good job. Remember where we were before the commissions were established in 2007/2008. We did not face the same situation in 2017. We

should thank them for doing a good job. This country held peaceful elections because of their work.

However, we need to enhance the mandate of the Commission and facilitate them by enabling them to move around the country, so that they can consult with various community leaders and unite the country. They should embark on a program of making Kenya a one community nation like they have done in Tanzania. Maybe they should promote the usage of Kiswahili in the entire country, so that whenever we are attending official functions, we can use one language. If they achieve that, we will not have the situation like the one I saw yesterday on television where a Member of Parliament - I am not afraid to mention his name, it was Hon. Ichung'wah - stated that Hon. Arati and Mr. Matiang'i come from the same village simply because they come from the same community. He degraded our community of more than four million people to a village. We are waiting to see whether somebody will come to look for votes in that village. A village is too small. Such utterances should not be made with this new Commission in place.

We saw what happened in Kibra. Given our Kenyan standards, there was no violence there. That shows the work which the outgoing Commission has done for this country. Now that we are installing a new Commission, we know they will do even better, so that by the time we get to 2022, when my opponent loses, he or she will give me a hug and say: "You have won. Continue with the work of our people".

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Did you say he or she? You said she will give you a hug.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Yes. He will give me a hug at a distance if it is a man. If it is a woman, she can come closer. I believe in what God has created and God's word. God created a man and a woman. I am not prepared to support anybody who says a man can be a woman or a woman can be a man. We must respect God's creation. That is why I did not attend this conference which is around here which is telling us that you can support gayism, lesbianism or lesbian, gay, bisexual, transgender and queer (LGBTQ). We cannot support that. Over my dead body! We cannot support that kind of thing because it is against our Constitution, culture and God.

Like I have said, if we give this Commission adequate budget and we enhance their mandate, I am sure it will deliver and by the time we get to 2022, this country will be united. The President and the former Prime Minister have said that they want to unite this country. Those are two people who got more than 15 million votes in this country. None of us can say that they can get 15 million votes. So, when they speak, they speak on our behalf. When they ask us to go in a certain direction and they are united, we should follow that direction.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, father of the House, Hon. Angwenyi. Next is Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Motion. I start by thanking the Committee for the work it has done of interviewing the commissioners and approving the list as it was presented to them.



In terms of qualification, because I have looked at the names, you realise that the people proposed to be commissioners are qualified in terms of experience and academics. What I like most is that there is a mix in terms of the elderly and the young ones. The elderly will provide the experience and the young ones will provide the energy required to move the Commission. The other encouraging thing is the fact that our colleagues who have been in this House in the past have managed to get into this list. We have three of them. I believe with their experience as politicians, they will do justice to what is expected of the Commission.

Even though we are talking about regional balancing, an attempt has been made, but I think there are still gaps. Since this is a Commission which is charged with the responsibility of ensuring that there is national cohesion and integration, their job is well cut for them. Why am I saying that? There are scenarios in this country which will make this Commission awake throughout. These issues will make them not sleep. I want to make a list of the issues that I think will make the Commission not sleep. The first issue is that of equal opportunities. As a country, we are expected to make sure that Kenyans have access to equal opportunities and when opportunities arise, every Kenyan is given an opportunity to participate in the opportunities. Currently, if you analyse the way opportunities are being shared in this country, it is obvious that there is room for improvement. These are the issues Hon. Otiende was raising. By design, you end up having some regions being overrepresented in some of the commissions. When this Commission is appointed by the President, it must sit and look at the issue of whether Kenyans are provided with equal opportunities.

The other critical issue is that of resource distribution and the way our resources have been shared. The Commission will have to look at whether we are realising equitable sharing of resources. Mark my words, I am not talking about equality, but about equitable sharing of resources. This is an area which should take a lot of the commissioners' time, so that as Kenyans, we have a sense of belonging to this country. In a situation where there is skewed allocation of national resources, Kenyans cannot sit and just assume things are okay. So, for us to realise national cohesion and integration, the area of resource distribution must be looked at.

The other important issue which the Commission must address effectively is that of leadership in this country or the Speaker and leaders in this House. I think this Commission will have a lot of work to do starting with this House which is led by the Speaker, Hon. Muturi. I think this House is one of the sources of problems in this country. We have Hon. Members here who do not believe what the Bible says. The Bible says that the tongue is a very small part of the body, but it can destroy. We have Hon. Members here who think after they have spoken. I am sorry to say that. I think time has come for this Commission to make sure that those people who think after they have spoken do not take advantage of that, but are put in the right place. For this country to realise national cohesion and integration, Members of Parliament must behave honourably.

The other point, which should be considered by this Commission is that of ethnic mobilisation. This Commission, once appointed, will have to come up with very clear strategies on how to make sure that Kenyans are not mobilised on ethnic grounds, so that leaders do not take advantage and start mobilising their communities in terms of ethnic perspective. We want to

have a situation where Kenyans will be mobilised as Kenyans. At times I wonder why Kenyans cannot borrow a leaf from our neighbours, the Tanzanians. When you go there, you hardly care about who comes from where. They are all Tanzanians, think like Tanzanians and talk like Tanzanians. Since they are our good neighbours, we need to start thinking in that direction.

One thing the Commission must take into consideration once it is approved to realise national cohesion and integration is the issue of divisive electoral processes. As long as we have electoral processes where the loser cannot accept that they have been beaten thoroughly or where the winner believes they have won fairly, this is another area which will divide this country. For us to realise national cohesion and integration, the electoral process must be properly analysed by the commissioners. They should tell Kenyans where we need to improve, so that when an election is conducted, the loser accepts that they have been defeated.

Lastly is the issue of political violence. We have gone through electoral violence in this country. This is the third Commission to be appointed. The first two have done their bit. They tried their best, but I do not think they have achieved the optimum result of their work. The area of political violence must be addressed in the best way possible if this Commission is to realise national cohesion and integration. It requires the commissioners to sit down at some point and come up with strategies on how to minimise political violence, so that any Kenyan who wants to compete for a political office is given a fair chance. They should win on the basis of issues not on the basis of whether you are a woman or a man or how much violence you can unleash on your competitors. If we go that way, we will be helping this country.

My only consolation - and I am happy - is that the people being proposed as commissioners are up to that task. They can achieve what I have said. I wish them well as I support their appointment. Once they are in office, they have no time to settle. They need to hit the ground running, so that the issues that I have raised are addressed for the benefit of Kenyans. As we have said, all of us are very serious family people. Anybody who will talk against the family will not be our friend.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, let me appreciate the number of requests from Members. I have 27 requests from the Members who want to speak to this. I would like to give guidance to the Members who have put their cards in the intervention slot. Some have been here for long. Intervention is provided for by either a point of order or a point of information. Could you remove your cards from the intervention slot, so that we can run the House better?

On the issue that was raised by Hon. Otiende and the Member for Endebess, it is still the same House. We make laws. We are free to bring amendments at the right time when making the law. Now that we had the composition issue, let us have the Member for Embakasi East. Before that, the Member for Kasipul, are you on intervention? Let me hear what is out of order. Please, state the Standing Order.

**Hon. Charles Ong'ondo** (Kasipul, ODM): In reference to Standing Order No.95 and going by the mood of the House, I request your approval for the Mover to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Were is in order. He is following the procedures of the House. Before I prosecute your point of intervention, let us have the Member for Embakasi East.

**Hon. Babu Owino** (Embakasi East, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion on the appointment of commissioners to the National Cohesion and Integration Commission.

First, I totally agree with His Excellency the President, Uhuru Muigai Kenyatta, for appointing a youthful leader, namely, Madam Peris Wambui Nyutu. This lady is not only competent, but also very intelligent, hardworking and very beautiful. I served with her at the University of Nairobi at the helm of the Student Organisation of Nairobi University (SONU). She is very hardworking. She used to fight for the interests of students. When students were arrested, she and I used to go to have them released. We used to fight against inter-varsities fee increment. We used to fight when the Higher Education Loans Board (HELB) funds delayed. I have no iota of doubt that this lady will deliver. However, the President also nominated some people who are older than Methuselah in the Bible. This is not good for us as the youthful people in this nation. Youth should be given an opportunity because they have fresh ideas, energy and can prosecute any case.

I also wish to talk about Kibra Constituency where Hon. Didmus Barasa was allegedly assaulted. In life, you get what you bargain for and not what you deserve. Therefore, Hon. Didmus Barasa got what he bargained for. What happened to him is very good. His constituency is in western province. He left his people without water, roads, bursaries, proper schools and desks to come and interfere in somebody else's constituency. On that evening when Didmus Barasa said that he was admitted in hospital after the alleged assault, he was spotted in a brothel receiving a massage.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member for Embakasi East, are you through with your contribution?

**Hon. Babu Owino** (Embakasi East, ODM): I support the nomination of the commissioners to the NCIC with all my organs and body parts.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): At least, the Member has been a bit careful in terms of time. Members, you could use less time - I am not dictating - but it is your right, so that we can allow other Members to contribute to the same.

Allow me now to prosecute the issue by the Member for Kasipul. He stood under Standing Order No.95 on closure of debate that the Mover be called upon to reply. From where I sit, I can only put the Question for the House to take a position.

*(Loud consultations)*

I will put the Question again for clarification. Now you know what it means.

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

*(Several Members stood in their places)*

*(Loud consultations)*

Order! Let the clerks do their work. This is a House of procedure. I am sure we will follow the procedure. Order Members! I appreciate the Members who are up standing. It is procedural if you are not satisfied with any decision. They are 19 Members. We are supposed to have 20 Members. So, your request is defeated.

*(An Hon. Member stood in his place)*

It is too late. He stood after I made a decision.

*(Loud consultations)*

Members, you should make decisions early. The Clerks-at-the-Table have already counted the Members. With all due respect, they cannot do it after that. That is the report of the Clerks-at-the-Table. The Mover will reply. Hon. Mule, you were the Secunder of the Motion. The Mover is upstanding. Members, we usually require 20 Members for Division. We had 19 Members. The Mover will reply.

*(Loud consultations)*

*(An Hon. Member stood on the gangway)*

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker. I want to take this opportunity...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order! Can you give the Mover a chance to reply? Hon. Members, you will have a chance to contribute to the same Motion. Order, Hon. Member! There are some Members who are used to speak and to be heard in the Chamber. Can we have decorum in the House?

Order Member! You either walk out or get into the Chamber. Allow the Mover to reply.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker. I want to really thank the Members for their contributions, which were very constructive. The approval of this particular Motion has generated a lot of interest. As you have realised, almost all the Members feel that they should contribute.

I want to thank all the Members who have contributed and even those who have participated in one way or the other for supporting this Motion. It is an important Motion that urges the House to consider and approve the nomination of the members of the National Cohesion and Integration Commission (NCIC), which is very important. There are a number of issues which Members have pointed out, and which we have taken note of. I wish to clarify some

of them. One of the key issues was legal, which I will bring out. It is important for Members to know that we approved the new Act in June 2019, which is an amendment of the National Cohesion and Integration Act of 2008. We made substantial changes in this amendment. One of the most important changes was on the procedure for appointment, including the number of commissioners. According to the new Act, we have eight members: seven members plus one Chairperson.

The other change which was very important is what was raised during the initial attempt by the Select Committee on National Cohesion and Equal Opportunity of this House. It had the powers to interview the commissioners. However, a member of the public challenged that process of interview and said that Parliament is empowered to vet but not conduct the interview process. Then this Act now provided for a selection panel which the Cabinet Secretary (CS) responsible will constitute. Upon the selection and interview, the process continues.

In conclusion, on behalf of the Select Committee on National Cohesion and Equal Opportunity, I wish to thank all the Members for their contributions and to urge them to approve this Motion, so that the Commission can start work immediately.

Hon. Temporary Deputy Speaker, I beg to reply. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, for the purpose of putting the Question to the Motion in Order No.11, the House is not properly constituted for the same. I order that the Question for the Approval of the Nominees for Appointment to the NCIC be put in the next sitting. It will be slotted in our Order Paper.

Next Order!

## BILL

### *Second Reading*

#### THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

*(Hon. John Mbadi on 12.11.2019)*

*(Resumption of Debate interrupted on 12.11.2019)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, this is a resumption of debate which was interrupted on Tuesday, 12<sup>th</sup> November 2019. We have 28 Members who contributed to the same. The 28<sup>th</sup> Member is Hon. Oduol Odhiambo. You had five minutes remaining. So, you take priority.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I support the Bill and the intention to ensure that former Members of Parliament who served from 1<sup>st</sup> July 1984 to 1<sup>st</sup> January 2001 would be in a position to have the sum that they receive, which is Kshs6,000, raised as it is indicated in the Bill which was brought by the Leader of the Minority Party, Hon. Mbadi.

We want to ensure that those who serve in public offices that are demanding and honourable get handsome pensions. People see them as their representatives; whom they can look up to and through whom they can get their concerns, including legislation, addressed. It is important that we come up with clear legislation and provisions that will address their welfare. We should do so. As indicated, it is also important that the manner in which we seek to address the matter of the pensions of the parliamentarians is informed in a very clear way by the kinds of clear definitions like we see even in other jurisdictions or countries. We see that it is clearly indicated that not only those who we are speaking to in terms of who will be beneficiaries, but also clearly indicating that it will only be those Members that served for more than one term who will qualify. However, I would like to also say that us, as MPs of the 12 Parliament, and because we are aware there are ways in which some of the former Members' lives are challenged not only because of lack of financial resources but also because there is a sense in which a lot of the very basic infrastructural arrangements, in particular when we talk about health... In my County of Siaya, we now know that we have devolved health and we have seen the kind of turmoil and challenges that have really been sort of defining the health sector getting to the point where even the very respected seem to have a challenge. I think it will be important that we ensure that we can have a pension that will enable former MPs to have a dignified life. But it is also extremely important that to the extent that we can both from the national level as Members of the National Assembly but also from the county level, we ensure that we make provisions for all the citizens and we look in particular at health provisions and availability of drugs and the manner in which all members, particularly as they get older or those who are young like children or women and persons with disabilities, are taken care of.

If we were to make sure that we will, to a large extent, continue to review policies and provisions and if we were to ensure that we would have water and other very necessary facilities available, then those MPs would have a dignified life.

With this, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let me have the Member for Kiharu.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Bill.

If you just go back to history and check what those MPs were earning, it is a paltry fraction of what we enjoy. Therefore, most of those people who served this nation through this Parliament then, we can dare say, worked for charity. It is our obligation as a nation to look at such selfless people who did so well for this nation and laid the foundation in terms of the legislation in this country. It is not very good for us to look at them, most of them who are wallowing in abject poverty, continuing with the same lifestyle when we have an opportunity to make their lives a bit more bearable.

We have to go deeper to the politics in this nation. When we talk about former parliamentarians, we are talking about people who actually served in political offices. We have to try to dig deeper on why, in this country, even then, the best brains would leave any kind of employment to join politics or choosing to serve this nation through political offices comparative

to any other position. This cuts across. It is not just in Kenya. We have the best brains in Africa, Kenya being included, doing the same. I believe that we are among the top cream, in terms of the brainpower in this country, of the kind of Legislatures we are talking about. It is a very clear sequence in Kenya and any other African State and actually all developing countries and economies. We have a sequence where the best brains and talents choose to leave their professions like being a doctor and being an entrepreneur to join politics. I can dare say, comparative to countries like the US and the UK where you can hardly find a young person, for example, in the Senate in the US, you can hardly find a young person in both Houses in the UK. It is basically because there are so many other alternatives for young people in those countries. Anyone looking to make money in the US or serve their nation in a great scale, in other such developed economies, has many alternatives. First, it is for personal growth and also to serve. Giving just an example, a young person in the US has an alternative to go to Wall Street. The other alternative is of going to the Silicon Valley, making more money there and consequently, based on what they choose to do, impacting their countries and economies in a better way. For example, if Mark Zuckerberg the founder of Facebook was Kenyan, if somebody like Kalanick who is the founder of Uber was a Kenyan, there is a great probability that those two gentlemen would be here in Parliament choosing to be politicians other than serving their countries through their ingenuity and imagination as they have been able to do, both of them, in the Silicon Valley, where they are now serving greater multitudes through their imagination and products other than any politician would wish and manage to do. Therefore, this is a call for all of us that we have to continue making the right policies so that we can have many alternatives for the young people of this country to serve our country and also advance their personal agenda other than just relying on politics, especially politics of patronage.

This issue of pension, I am happy that we just passed the other Bill about pensions the other day, is a gem that we can use as a country. A country like Singapore has the highest percentage of housing ownership in the world. Over 90 per cent of Singaporeans own houses. What happened was just a policy issue. This money that we keep to use during a rainy day, especially when we are not working, can be used and expended as security for, one, people to own houses and two, so that facet can be opened up. That is instead of saving money in terms of cash in the bank accounts where I can get the exact amount I am saving. This money can be used to help those people who are saving for future use to own houses and, of course, make their lives better when that time comes.

*[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]*

Also, something else comes to mind when we talk about pension. This is labour mobility. In this country, we seem to place a lot of premium on what we call permanent and pensionable jobs. That is basically why we really want something that we cannot gamble with. Looking at it objectively, I would rather you give me cumulative money that I can earn in a 100 years, you

give it now other than waiting for the 100 years to lapse so that I can enjoy the utility of that money. We also need to open up many opportunities in this country, especially for people to work because there is a clear correlation of labour mobility and economic growth. Of course, that cannot happen if those opportunities are not there and so, for our economy to grow, it has to be both ways. The more we continue to open up many opportunities for our people to work, the more people have alternatives. The more we increase labour mobility, the more we decrease the liability of government in terms of servicing pensions in this country. It is because many people will have many other areas to serve and not necessarily long-term.

As I wind up, because this issue of political violence is live in the country now, even as we talk about pension for former politicians, I would urge all of us politicians to conduct our business in a peaceful manner; not in the manner we saw being executed by Hon. Mbadi's party in Kibra. Many people, including the youth in this country, look at us as an example. And I do not think ODM set a very good example in Kibra. They meted violence on fellow Members of this House.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order, Hon. John Mbadi, the Minority Leader?

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I do not know why Hon. Ndindi Nyoro likes to ruffle feathers. Is it in order for him to start misrepresenting facts about Kibra and then go ahead to discuss my political party, the party that I chair, unnecessarily without any substantive evidence and yet we know very well that Hon. Ndindi Nyoro went to a church and caused violence there? Honestly, is Hon. Ndindi Nyoro...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. John Mbadi! You did very well up to the extent that you actually started telling Hon. Nyoro not to... Hon. Nyoro, please take the unchartered waters and finish your submission.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I just went that direction because we are talking about former politicians. I am just urging ODM and other violent gangs that you can actually conduct clean and peaceful campaigns and ascend to any position. I believe they are learning. And they learnt from our candidate that you can lose in an election and congratulate the winner. That is because you can live to fight another day.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall now have Hon. Obara Akinyi.

**Hon. (Ms.) Eve Obara** (Kabondo-Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I too stand to support the Bill and appreciate my party leader and the Minority Leader for bringing it up. We did hear yesterday that this Bill has been in the queue since the last two Parliaments. It has finally come to fruition and I want to thank my colleagues for that. We were also told that this pension is for those who served between 1984 and 2001 and payment will be in line with the regulations in force, that is, those who served for, at least, two terms and the minimum amount payable is Kshs100,000. I want to state here that I truly believe that those who served during this period deserve the pension as has been prescribed here. Those ladies and gentlemen were truly selfless and true servants of the people. And I am saying this



from the bottom of my heart. What we are today witnessing in this Parliament was actually from that group of citizens who sacrificed their time in service for the people of this country. As was observed yesterday, the pension is supposed to cushion those who finally leave regular work in old age. Therefore, extending this to former Members of Parliament is really timely.

I want to make a statement here, although we were told yesterday that we stick to the agenda or the topic of discussion. I want to say here that Members of Parliament do not live in isolation. Even as we are doing for those Members of Parliament, I want us to remember as Members of this Parliament that there are hundreds of Kenyans out there who served many years ago with minimal pension of sometimes less than Kshs1,000. If there will be a way—and I believe this is the House that should look at this—we put laws in place that will give us periodic reviews of pensions to be in line or commensurate with the current salaries, and a percentage for current salaries so that those people also get something that they can live on. I have people who are being paid Kshs900. You can imagine waiting for Kshs900 in a month. It comes on M-Pesa and you finish it on airtime.

Thank you once again. I support. And thank you our party leader for this Bill. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Arbelle Malimo. Where are you? I saw that you were almost under the table? Were you consulting with someone?

**Hon. Marselino Arbelle** (Laisamis, JP): Yeah, I was being pressed by my shoe and I was just taking care of my shoelaces. Thank you so much for giving me this opportunity. I was prepared to speak to the earlier Motion, which was on the NCIC. It is because of the fact that I come from a marginalised community where we have minority tribes like the Rendille. I wanted to contribute so much without emotion that it is very unfortunate that every single commission whose members are appointed, and the fact that the Constitution has provided...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Arbelle Malimo! What are you speaking to?

**Hon. Marselino Arbelle** (Laisamis, JP): I am just trying to give you a background.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Background to what? You seem to be speaking to an earlier item.

**Hon. Marselino Arbelle** (Laisamis, JP): Yeah, Hon. Temporary Deputy Speaker. I was just trying to give some background of the frustration I am going through.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): On this Order?

**Hon. Marselino Arbelle** (Laisamis, JP): On the earlier Motion which was on the NCIC.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Arbelle! You have an opportunity to speak to Order No.12, not an earlier one because a decision has already been made on Order No.11. Would you like to speak to this?

**Hon. Marselino Arbelle** (Laisamis, JP): Yeah. Thank you, Hon. Temporary Deputy Speaker. I can also contribute to the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Please do.

**Hon. Marselino Arbelle** (Laisamis, JP): Hon. Temporary Deputy Speaker, the Parliamentary Pensions (Amendment) Bill which is being discussed on the Floor today, personally being a first-term Member of Parliament, I concur with the amendment which is being

inserted into the Act that parliamentarians.... In the old days, I hear that those who were eligible for pension were those who served more than two terms. I think that is very unfair. As long as somebody has made his way through that gate into the National Assembly, I think that person deserves, for the five-year term one will be in this august House, to be given a pension, whether he makes it for a second term or he might end up serving only one term. I think it is in order so that every single Member who makes it into this House is given equal opportunity. You never know. It is the voters out there who will determine whether a particular Member of Parliament will come back or not.

Yesterday, there was a discussion on television whether one can make it to Parliament if one does not have money. Out there, the perception people have about the National Assembly is that people come here and carry moneybags with them. It is very unfortunate that the public out there does not understand. You can imagine, every single Member, whichever constituency you come from, you will be called on various issues touching on insecurity, health, school fees and so on. The list is endless. So, what will you expect of a Member of Parliament who has served a five-year term, assuming that the salary he earns is just to ensure that he has contained his constituents. Sometimes, people run out of water. Sometimes, pipes break down. Much as devolution has come to bridge the gap and provide services to those particular constituents who fall under one county, it is very sad out there that the counties do not get their monies on time. Therefore, whenever the constituents have some challenges along the way, the immediate person they call is the MP. As an MP who has been elected to represent your people, your representation is across the board on the issues that affect them.

As a representative of the people, you will never deny that you are unable to handle a matter. You have to be in their shoes to ensure that you have helped your people. As such, how do you expect this MP to give his people whatever is in his possession? At the end of his term, in the unlikely event that he does not make it to this august House, the image in the public is that you have been a Member of Parliament. There is no single office under the sun that will employ you. This is because you have raised your status in the public domain. If that is coupled with lack of pension, and people are unable to meet their daily needs, you will have put such Members between a rock and a hard place. I am, therefore, in support of the Pension (Amendment) Bill. Members who have served one, two or three terms should be treated under one package; all MPs need to get pension.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kimani Kuria, you have the Floor.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker. I support this Bill about former MPs. There is one MP who served my constituency the most – Hon. Njenga Mungai. He served us for 25 years. I can imagine that even after doing that, he might not benefit from the great service he offered the people of Molo. More so, are the councillors that were there in the 1990s and 1980s. Some of them are languishing in poverty. It is good that we take care of those people.

Earlier on, we heard about a candidate who has 22 years left before retiring; the nominee for the NCIC, one Ms. Nyutu. It is very exciting to see for once someone aged 28 years being appointed a commissioner. According to recently released statistics, three out of four Kenyans are young persons. However, if you go to representation in houses that matter, where decisions are made, be it the National Assembly, the county assemblies, the Senate or commissions, it is probably one out of eight. But the rest are people who are over 50 years old. I hope in the same spirit, we are going to have people bring their great skills to public service and contribute to nation building.

Talking about pensions and age, I would like to bring out the subject about one Paul Manyasi. He was a 28-year old who was working at the JKIA as a cleaner. The young man would watch people fly to other countries and come back. The man got inspired but what did he do? He got onto a plane that flew for eight hours, and he found himself dead in the United Kingdom. It took a journalist from the United Kingdom to come and investigate and find out who his parents are. In his bag, he had the inscription MCA. He had hoped that one day, he would serve this country as a Member of County Assembly. His dream was shattered. More importantly, the Government, his employer and the airport authority never cared to know how his parents were because he is dead. So, as we discuss pensions that should go to old people, can we also consider the young people of this country? It is very sad that, that person is dead. We did not even care. It took somebody to fly from the United Kingdom to come and find out who his family was.

About cohesion, I was checking on one of our mandates, as MPs; namely, representation. Those are the people we represent in this House. However, the role of representation comes with qualifications. As some Hon. Members said, Parliament has become a place where people do not want to be anymore. It is a call for all of us to support the youth and the old of this country. We should consider matters and represent everyone equally as we are mandated by the Constitution.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): To my left, Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to comment on this important Bill that has been sponsored by my party Chair and Leader of the Minority Party in the National Assembly of Kenya.

Hon. Temporary Deputy Speaker, the greatest benefit for any worker is to retire knowing that he will be in a position to, at least, buy a newspaper, a packet of milk and his favourite drink while he enjoys his sunset days. Working for so many years and retiring to suffer until one finally dies is very bad. It is, indeed, an indictment of our system in this country.

Hon. Temporary Deputy Speaker, before I joined Parliament, I had very lofty ideas of Parliament. I had a rosy view about Parliament. But sitting here, interacting with people and having to deal with the expectation of the people, I believe that we need to treat our former MPs with utmost experience in a manner that befits the position they hold. During the much talked about Kibra by-election, I met one former MP from the coast region, who was an agent of a party that had no chance of winning that particular election. What I saw did not inspire confidence on

what the society does to some MPs. I prayed silently that when the people of Funyula have had enough of me and send me away, I will not get to that desperate position.

Honestly speaking, it would be a great failure on the part of the National Assembly to treat former MPs in such a manner. Hon. Members who served between 1984 and 2001 are some of the most distinguished politicians in this country. Some of us are serving our first term and we hope we will not fall in that situation. They are not in a good state. It is as if being an MP in this country, and subsequently losing an election, is a curse and punishment until you die. He was very candid enough that he gets less than Kshs20,000 every month. I wondered since he said he is not employable and cannot do anything. The only thing he is left with now is to run simple errands for party leaders so that he can put some food on the table. Woe unto you if you leave Parliament and you are still active having children whom you have to educate and feed. This becomes a very desperate situation.

Luckily enough, in Funyula Constituency, due to providence or an act of God, most former MPs are people who had a stable professional job. Therefore, when they left Parliament, they continued with their lives fairly well like Prof. Julia Ojiambo, His Excellency former Vice-President Moody Awori and my former immediate predecessor, Hon. Dr. Paul Otuoma. Those are people you can say are not exhibiting a bad image of the Parliament of Kenya. Therefore, as my party chair has said, probably, I would have a fall-back position. But many of us do not have that fall-back position.

Therefore, it is important to have a system put in place to cushion former MPs. Indeed, they have done a commendable job for this country. They have passed laws, policies and budgets that have in, one way or another, shaped the destiny of this country. It is unfair to treat them in such a manner to an extent that a former Hon. Member cannot afford to fuel a car and he has to sell it to pay for medical bills. Every Member who has served in this House should be entitled to pension. The only difference is that it should graduate and the amount should be different. If you have served for one term, we expect you to earn a certain amount. If you have served for a long period of time like the grandfather of the House Hon. Angwenyi, he should expect to earn much more.

Honestly speaking, I can assure you that there are quite a number of Members here who, in the event they lose, they will suffer tremendously. This is because they are not employable and probably most of them are not businessmen by their nature. So, they will have trouble managing to survive. That is why I support this Bill that has been brought by my party leader. At least, we need to have a threshold. In this country, having been an MP, society exalts you. They believe you led a certain lifestyle and honestly speaking, there is a certain minimum amount of money you are expected to have to enable you to do the basics you used to when you were in Parliament.

It is also important that the electorate who are our voters and employers appreciate the amount of work we do and the challenges that we face so that, when we seek some kind of pension after our term, they should not continue to label us in such a manner to indicate that we are greedy and are less concerned about the plight of this country. As I conclude, as we talk about pension, there is obviously a growing problem even with our own Members. The

desperation that some of our Members exhibited during the Kibra by-elections was truly a sign that there is a big problem in this country.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): This Kibra business seems to be quite a big thing. Literally, every Member when concluding is saying a line about Kibra especially this afternoon. Shall we have Hon. Obo Mohamed.

**Hon. Ruweida Obo** (Lamu CWR, JP): Ahsante sana Mhe. Naibu Spika wa Muda. Nimeamka kuunga mkono Mswada huu. Kama unavyojua, uongozi huja na kwenda. Leo tuko hapa na siku nyingine tutakuwa kwingine. Lakini maisha huwa magumu kule nje baada ya kuja hapa. Hii ni kwa sababu ukishakuwa kiongozi na kuja hapa Bungeni, hata wakati uko nyumbani, wananchi wanakufuata hata kama hawakukuunga mkono. Lakini wao huja kukwambia shida zao na kusema wamejuta. Lakini kama wewe ni kiongozi, lazima uwe pale kuwasaidia kwa matatizo yao.

Kwa hivyo, yale matatizo yote tunapata saa hii na wale ambao walitutangulia bado wanafuatwa, hata kama pengine ni kwa kiwango kidogo. Sasa kama walitoka hapa na hawakuangaliwa vizuri, hii inaleta matatizo zaidi. Wengine mpaka hukimbia, kuhama miji na kukaa sehemu zingine. Wanakaa mafichoni na kujificha. Kwa hivyo, Mbunge akiwa hayuko mamlakani angalao ile hadhi yake iwe inapendeza. Haipendezi na kukufurahisha kumwona Mbunge pengine amefunga kioo cha nyuma cha gari na mfuko wa nailoni. Huwa inaogopesha sana ukiona mambo kama hayo.

Kwa hivyo, ni vizuri waangaliwe ndiyo wasiaibishe Bunge. Yule Mbunge anapaswa kuwa na pesa kidogo ya kumshikilia yeye na familia yake ili kutimiza matatizo madogo madogo. Pia, pengine mawazo mengi huleta magonjwa. Kwa hivyo, hii pesa inaweza kumsaidia ndiyo ajisukume. Naunga mkono waangaliwe vizuri na kuwe na mipango mizuri. Ahsante kwa aliyeleta Mswada huu.

Ahsante sana, Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Ibrahim Sahal. Hon. Sahal, you had taken a tangent and you were on a frolic. Yes, you have the Floor.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker. From the stakeholders' submissions, especially the former Parliamentarians Association of Kenya, it is evident that majority of the Members who served the nation with dignity are living in abject poverty.

This proposed Bill is purposed to address the welfare and plight of the ladies and gentlemen who helped to create the democratic space we are currently enjoying. The current socio-economic situation in the country is well supported by the current pension plan which awards former MPs Kshs10,000 per month. It is in line with the 2009 Akiwumi Tribunal recommendations which enhanced pension by way of improved terms and conditions for MPs, employees of Parliament and gave a living pension of Kshs100,000 per month for former MPs who served from 1984 upwards.

My son is a neighbour to a former MP and what he was telling me hurts. He told me that the former MP living next to him is suffering a lot and cannot pay his electricity bill. This is

really hurting and we would like to have our former MPs living a better life. Therefore, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. ole Kenta, Member for Narok North.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to join my colleagues in supporting this Bill. First, I want to commend the Mover, Hon. Mbadi. I think this Motion should have been brought 10 years ago. Everybody knows the kind of service parliamentarians give to this country in form of loans and keeping it united. When we see most former MPs living in abject poverty, we wonder what our principles and goals are as a country. I am well aware that the Akiwumi Report was actually reached upon after benchmarking with other Commonwealth countries. In fact, even this amount of Kshs100,000 is the bare minimum that those people deserve. I think there is a lot of money in this country that is actually wasted and that goes into the wrong hands that actually should benefit not just those people, but many other Kenyans who deserve.

There are three arms of Government in Kenya. There is the Executive, Judiciary and Legislature. The other two arms get their pension because they are working for this country. Unfortunately, politicians are seen as people who do not deserve any pension in their own country. A sum of Kshs100,000 is very minimal, if you look at the kind of inflation that we face in this country. Those people are dying day by day. In fact, I do not know how many of those people are still alive to benefit from this. I believe it is time we moved with speed to ensure that, at least, their sunset years are taken care of or, at least, they live better, beneficial and fulfilling lives. I think the old men we had here the other day when we had the Committee meetings are suffering. Very many of those old men are suffering. You can actually see from their demeanour, looks and dressing. They are suffering. Then one wonders how this country appreciates their heroes. They are the same ones who fought for Independence that we enjoy today. They are the same ones who actually sacrificed. You must know that a leader is always a leader. Even when you are defeated, you have your supporters. They still milk you dry.

In fact, the worst part is that most of the families of those politicians suffer a lot. Their children do not get good education because what could benefit their families is actually given to other people. So, they do not educate their children. They do not give them the attention they deserve. They do not even give them their time. Sometimes, their families actually disintegrate once they are out of power.

I would not want to belabour this because my colleagues have spoken on this for all this time. However, I believe they deserve and they do not really need to be punished like this by this country. They are people who are actually made managing directors. They milk those corporations dry and, at the end of the day, they go home with billions of shillings in form of pension. Why should we do that? I think this is something that must be done and I really request the Executive not to bring this back because it will be so disheartening and unfair. I request the President to support this because it will be shameful if this Bill is returned to us with some funny comments that we see every day. We do not want this law to be made by anybody else.

Thank you, Hon. Temporary Deputy Speaker, for this. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Paul Abuor.

**Hon. Paul Abuor** (Rongo, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill by my party Chairman, Hon. John Mbadi. As my colleagues have just said, this amendment is a timely one because we all know that most of the Members who served between 1984 and 2001 are now really elderly and suffering. So, I think it will only be fair if this amendment goes through so that they can get some pension.

As I support this amendment, I would like to remind my colleagues that, as parliamentarians, we are all potential former MPs. So, as we serve this Parliament, let us also try to plan our lives and finances so that by the time we retire, even as much as we will get pension, we can also continue living dignified lives. I am saying this because we have seen some of our former MPs who are earning pension like the ones who served for two terms. We have seen what happened recently even in Kibra. You saw a former MP who is earning a pension engaging in things that are done by youth wingers. Somebody like Bonny Khalwale, who is a former MP earning pension and who should be living a decent life, was carrying stones. I do not think that is something that is meant for former MPs to do.

So, I request my colleagues, even as we support this amendment, to plan our finances so that we do not get reduced to the level of some of our former colleagues like Bonny Khalwale.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Kibra thing came again. As I said earlier, this Kibra thing is the latest occurrence. Every Member seems to refer to it. Let us have Hon. Mboko, Member for Likoni.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Ahsante sana, Mhe. Naibu Spika wa Muda. Mimi pia nachukua nafasi hii kumuunga mkono kiongozi kutoka chama changu, Mhe. Mbadi, kwa sababu ya Mswada huu. Mswada huu ni muhimu haswa tukizingatia Wabunge ambao walichaguliwa mwaka wa 1984. Wakati huo walikuwa wanapata mishahara duni na haba. Pia hawakuwa na limbikizi ambayo ingeweza kuwawezesha kufanya miradi fulani ya kujikimu katika maisha yao.

Mbunge yeyote ambaye anachaguliwa katika taifa la Kenya ni Mkenya kama Mkenya mwingine ambaye hufanya kazi na, wakati amestaafu, akaweza kupata pesa hii ya uzeeni. Iwapo sisi viongozi kama hawa ambao pia siku moja tutakuwa Wabunge wastaafu hatutawafikiria katika maisha yao, itakuwa makosa makubwa sana. Tumeona viongozi wengi sana ambao wametoka katika Bunge hili. Hata anapoingia katika jamii na kutafuta kazi katika taasisi za Serikali au za kibinafsi, inakuwa vigumu kwao kuandikwa kazi kwa sababu kwanza watu wanakuchukulia wewe kuwa mtu wa siasa na wanasema pengine unapoingia katika taasisi yao, utaleta siasa na fitina. Hivyo basi, ni vigumu sana kupata Mbunge mstaafu ameandikwa kazi tena katika sekta ya umma au ya kibinafsi. Ndiposa tunasema viongozi kama hawa lazima wawekewe pesa hizi ambazo Bunge hili leo tunapitisha Mswada.

Pesa hizi wakizipata, tunajua wengi wana familia na wanasomesha. Kuna Wabunge ambao wameingia katika Bunge hili wakiwa wachanga sana. Nikifikiria siku za nyuma, nafikiria kama Mhe. Khaniri wakati ule akiingia Bungeni alikuwa kiongozi mwenye umri wa chini ya miaka 30. Nafikiri alikuwa kama miaka 26. Kwa hivyo, ukiona kiongozi ameingia hapa akiwa na

miaka 20 au 25, amekaa pengine mihula miwili na akatoka akiwa na miaka 30, mtu huyo hawezi kuandikwa kazi mahali pengine. Halafu awe hana pesa ambazo zinaweza kumkimu kimaisha, inakuwa matatizo sana. Najua pengine watu wanauliza kwa nini tunapitisha Mswada huu na labda pengine kutakuwa na mambo ya pesa kuongeza bajeti ya kuwakimu katika suala kama hili, lakini nataka niseme, kupitia Katiba yetu, tunajua Wakenya tuna usawa na tuna haki kwa mujibu wa Katiba. Kwa hivyo, kiongozi ambaye amewakilisha taifa la Kenya kupitia Bunge pia ana haki kama Mkenya mwingine yeyote ambaye amewakilisha taifa katika taasisi za umma au za Serikali. Kwa hivyo, hawa wote lazima wapate haki zao za kimsingi na waweze kuendelea.

Katika siku za hivi majuzi, tumeona kuna mkurupuko wa maradhi mengi sana kama saratani. Wakenya wengi sana wanashikwa na maradhi ya saratani na haswa viongozi kutokana na kwamba wanakuwa na mambo mengi sana ambayo wamepitia katika maisha ya kazi zao za kisiasa. Wamekuwa na misukosuko mingi katika kazi za kisiasa. Wengi utawapata wanashikwa na maradhi pengine ya kisukari na saratani ambayo yanahitaji mtu kuwa na fedha au kuwa na kitita cha pesa ambacho kinaweza kumkimu katika mambo ya kiafya.

Kwa hivyo, iwapo hatutaweza kuwaangalia, hilo litakuwa tatizo nyeti sana. Nataka kuwaambia Wabunge wenzangu; sisi pia njia ni hiyo hiyo kwa sababu hatutakaa milele katika Bunge hili. Watu watasema wanakupenda, watakuchagua na itafika wakati watasinywa na wewe na waseme ni wakati pia wewe unapaswa umpishe mwingine. Kwa hivyo, kama tutaweka mikakati ya usawa, tutapunguza shida nyingi za jamii kwa sababu yule Mbunge ana familia ambayo inamsimamia. Vile vile, unapokuwa Mbunge, hata unapostaafu au unapokosa kiti, bado unabeba taji kwamba wewe ni Mheshimiwa. Hivyo basi, watu wana matarajio mengi sana kutoka kwako na utakuta hata kila mahali unapokwenda kama ni mazishini au kwenye sherehe za kijamii, basi watu wanakuwa na tamaa nyingi sana kwamba Mheshimiwa ameingia na anaweza kutusaidia katika jambo fulani. Kwa hivyo, kiongozi huyu huwa ameingia katika anga zingine na hesabu nyingine ambapo kama hatakuwa na pesa ambazo zinamsaidia, ataishi maisha ya uchochole. Wakati anaishi maisha ya uchochole, kutatokea mambo mengi sana. Hata unaona mara nyingi sana viongozi wengine waliokuwa nyuma wanatamautishwa au kuwa na shida nyingi sana mpaka unasikia ameamua kuunda jopo fulani ili kusudi ajitengenezee ajira. Inakuwa bado ni changamoto.

Serikali yetu ya Kenya katika mikakati yake - haswa kuhusiana na bajeti... Hizi hazitakuwa pesa nyingi sana za kuwakimu viongozi hawa ambao wamepigania taifa la Kenya. Wamejenga taifa. Ukiwa mwakilishi katika Bunge la Kitaifa, umejenga taifa kwa njia nyingi sana. Kwanza, umetengeneza zile sheria ambazo zimebuni mambo mengi sana kuongoza taifa la Kenya. Pili, umewakilisha matakwa ya Wakenya wengi ambapo bila ya kufanya mambo kama hayo, Kenya haingeweza kusonga mbele. Kwa hivyo, hawa ni watu muhimu sana. Mheshimiwa Mbadi ambaye ni kiongozi katika chama cha chungwa, alifikiria jambo la msingi sana kusema ya kwamba lazima Wabunge hawa waongezewe pesa hizo.

Ikiwa hizo pesa zimeongezwa, kusiwe na kizungumkuti ya kwamba pesa hizo ziko lakini Mbunge huyu ambaye amestaafu ama amekosa kuingia kwenye mamlaka tena anazungushwa. Inakuwa kama ni ule mchezo wa paka mshike panya. Hayo ni mambo tumeyaona hata kwa zile taasisi nyingine za Kiserikali. Mambo ya pensheni yamekuwa na shida. Wazee wengi



wamefariki bila kuonja utamu ama kupata asali ya hizo pesa za pensheni. Kumekuwa pia na mambo ya ufisadi sana katika mambo ya pensheni. Iwapo sisi tunaweka Mswada kama huu, lazima mikakati na miundo msingi iwekwe sambamba kuhakikisha ya kwamba fedha hizi zitawafikia kwa wakati unaofaa. Tukisema wakati unaofaa ni aweze kupata fedha zile ikifika mwisho wa mwezi ama pengine ikizidi sana, iwe ni tarehe tano ili aweze kukimu maisha yake. Ikiwa itakuwa tu ni mazungumzo baada ya habari, tumetengeza sheria na zile pesa pengine zimetengwa lakini inakuwa, “Njoo leo, njoo kesho, rudi, ama sasa hivi hakuna pesa tutatoa wakati mwingine”, basi lile donda sugu la kutaka kumaliza umasikini na kusaidia kuondoa uchochole kwa viongozi hatutaweza kulikimu.

Bunge hili limefanya maamuzi mengi sana ambayo ni mazuri sana na yako sambamba na mataifa yaliyostawi. Katika mataifa yaliyostawi mengi, mtu ambaye amekuwa kiongozi na kujenga taifa lake huwa anapewa kitu kile kwa Kiingereza tunasema *a certain package*, yaani huwa kuna malimbikizi fulani ambayo yametengewa ili kumuwezesha kiongozi yule aweze kujipanga katika maisha yake ndio asionekane ya kwamba alikuwa ni mtu tu wa kawaida. Kuitwa “Mheshimiwa” si rahisi. Sisi sote tumeingia katika nyanja za siasa. Tumepiga siasa na tunajua siasa ni nini. Tunajua zile changamoto. Iwapo tumeng’ang’ana, tumesimama kidete na taifa letu mpaka tukaingia katika Bunge hili, iwapo tutatoka lazima tutoke na heshima. Tupewe ile heshima yetu kama viongozi wanavyopewa heshima wafanyikazi wengine wa Taifa la Kenya kwa sababu sisi sote ni Wakenya na tuna haki zetu za kimsingi. Ni haki kwa taifa kuangalia ya kwamba Mkenya kweli ana makao, anapata chakula na ana masomo. Hivyo basi, vizazi na vizazi vya viongozi hawa wataweza kupata masuala yote haya ambayo yamewekwa katika Katiba yetu, na sisi Wabunge wenyewe ndio tumepitisha Katiba kama hiyo.

Naunga mkono Mswada huu. Nataka kuwaambia wenzangu nimefurahi kuwa tangu tulipoanza Mswada huu, sijasikia hata kiongozi mmoja ambaye amepinga, ijapokuwa kuna wale ambao wanataka kuleta marekebisho machache ili kuboresha Mswada huu. Cha msingi, nitaomba, tuboreshe kwa njia ya kujenga zaidi ili watu wale wafaidike zaidi. Tusilete marekebisho ambayo yatadunisha Mswada huu na kufanya sasa tusiweze....

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Sawa, Mhe. Mishi. Wakati wako umekwisha. Tunampa sasa Mhe. Buyu Akinyi, Mbunge wa Kisumu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I can see that my friend is asking me to speak in Kiswahili. However, speaking in Kiswahili after Hon. Mishi will just be disastrous for me.

When I think of pension, I think of an accumulation of one’s effort, commitments and service during their working period, which is given to them at the end of their working period on monthly basis. That is what pension is. This will not only apply to Members of Parliament but also to people who work in all other sectors because they serve diligently. The Members of Parliament have a legislative role. They make and pass laws that affect all the people of this country. These are laws that are geared towards making Kenya a better and good place to live in for everybody else. Unfortunately, at the end of five years, their lives depend on whether the people they serve will re-elect them or not. Some Members are re-elected but some are not. If

you are re-elected, after 10 years of legislating and doing the oversight role to ensure that all the ministries and people who are given mandate to perform or render service to the people do it effectively.... After 10 years, during the period of 1984 to 2001, the Members who performed in those capacities only end up with a paltry Kshs6,000 every month.

I know that many people think that Members of Parliament do not deserve anything good. However, I know that in their absence and with the mandates and the roles that they perform, Kenya will be totally different. I speak for all those people who served in that capacity and who languish in poverty, despite the fact that they gave us Kenya that we enjoy to live in today. I speak for those men and women who cannot afford to buy food for themselves and their families. I speak for those men and women who cannot clothe themselves, despite the fact that they rendered 10 years of service to this country. I know that the country is going through a very difficult moment financially. So, I know that it might not be possible to backdate this to 2010 because that needs a colossal amount of money. That needs another amendment to do away with it. We can say that henceforth, we will be paying those people who served the country diligently for 10 years. If we agree that we will pay them Kshs100,000 up from Kshs6,000, we will have done a big service to this country.

I speak knowing very well as somebody who has tried to come to this House for the last 12 years, but did not make it. Now that I have come, I am ready to serve this country very diligently. I hope that I will serve for 10 years. At the end of that, I will, at least, look up to the country to say a big thank you to me by ensuring that I get a monthly pension which can help me to look after myself. It will be good if this pension is summed up or calculated as a percentage of a monthly salary. In the absence of that, I think it is just prudent to give, at least, Kshs100,000 a month to those diligent MPs who served between 1984 and 2001.

As I sit down, I would like to thank the MP for Suba South, Hon. Mbadi, who also sits as the Leader of the Minority Party and also the Chairman of the ODM party for ensuring, once again, and showing that, indeed, ODM is a party that cares for the citizens of this country and that ODM is a party that does not take people for granted, but looks after the lives and welfare of people who have diligently served this country.

I thank him and, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Those are very flowery sentiments around the Leader of the Minority Party. It is not that I am against it. It is just a note from here.

There being no other interest from any other Member to speak to this Bill, we shall now call upon the Mover to reply. Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, I am actually humbled by the kind of overwhelming support that this Bill has generated.

There is very little to say because I think Members have contributed to this Motion from the day I moved it, I think it was on Tuesday. I just want to say two things: First, I want to thank all MPs who made a contribution or found time to contribute to this Motion. All of them have supported. Of course, I have also listened to a few Members who proposed that we bring some amendments to the Bill. I will speak to that as I wind up.

First, there is something that I need to clarify. Maybe, I did not say it when I was moving the Bill. This figure of Kshs100,000 was actually US\$1000. This was a proposal from the Justice Cocker Commission and more prominently, through the Akiwumi Commission. Where did this figure come from? The Akiwumi Commission and the other did a research among Commonwealth countries and it was found out that former MPs were being paid, as pension, a minimum of USD1,000. Even if you go across to Uganda, that is exactly what they give as a minimum pension to those who have served as MPs.

Therefore, we are not going to be acting in isolation. I think it is only Kenya where some MPs have been earning as low as Kshs2,000 as pension. So, we are not doing something that our colleagues, peers and counterparts, even in the region, are not doing. It is something that should not be argued as that we going to spend so much money. In fact, as I said yesterday, the 150 MPs or thereabout who are still alive and are likely to benefit from this will take home a maximum of Kshs180 million per year. That is if this Bill becomes law. I do not think that is too much for this country given the kind of service those gentlemen and ladies have offered to this country.

Allow me just to say something about the possible amendments. I propose to my colleagues who are here that on this Bill, because it was purely targeting former MPs who served within a period of time, I do not think it will be right to vary it to include other Members who served outside that period because then, that will defeat the objective of the Bill. My thinking is that there is a Bill that is coming immediately after this one. That is the one by Mwadime. If you look at it critically, it addresses the issues of those who are serving for one term. I do not see why we cannot use that Bill to propose amendments that can cushion some of the MPs who serve one term outside the bracket of 1984 and 2001. But I will discuss with the Departmental Committee on Finance and National Planning which is proposing the amendments and with the leadership of the House and see how we can deal with those amendments.

I want to end there because I do not want to say much. The rest we can reserve to say during the Mwadime Bill which is coming immediately after this one. I want to end by again saying thank you very much, Hon. Members, who made contributions to this Bill. All that you have said, I think Kenyans have listened. When you talk to Kenyans out there when they discuss this Bill, I think it enjoys wide support among them. That is because they know the role that those Members of Parliament played and they see how they live. Many of them are really waiting for this Bill. I am sure we will prioritise the Committee of the whole House so that this Bill is brought back to the House for Third Reading as soon as possible, so that we can dispense with it before we go on recess on 5<sup>th</sup> of December.

Thank you, Hon. Temporary Deputy Speaker. I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Oundo, what is the intervention for?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Speaker, when I glance around the Chamber and standing under Standing Order 35, I am not so sure we have got the requisite quorum to conduct the next business in the Order Paper. So, I seek for your guidance by virtue of Standing Order 35.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Member having raised that, we may not proceed beyond that. I will order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we cannot raise the numbers. Obviously putting of the Question of Order No.12 will be done in a subsequent time.

*(Putting of the Question deferred)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, in the circumstances, and the time being 6.45 p.m., this House stands adjourned until Thursday, 14<sup>th</sup> November 2019, at 2.30 p.m.

The House rose at 6.45 p.m.