

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 4th March 2020

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]

PRAYERS

Hon. Deputy Speaker: Hon. Members, we actually do not have the required quorum. Therefore, I order the Quorum Bell to be rung for 10 minutes.

(The Quorum Bell was rung)

Order Members. We now have the required numbers and, therefore, business will begin.

COMMUNICATION FROM THE CHAIR

DELEGATION FROM PARLIAMENT OF UGANDA

Hon. Deputy Speaker: Hon. Members, I have a Communication to make.

Hon. Members, I wish to introduce to you a delegation of Members of Parliament from the Parliament of the Republic of Uganda who are seated in the Speaker's Row.

The delegation comprises the following:

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| (i) Hon. Betty Aol Ocan, MP | – | Leader of the Opposition and Head of Delegation. |
| (ii) Hon. Wilfred Niwagaba, MP | – | Shadow Attorney General. |
| (iii) Hon. Medard Lubega Segooona, MP | – | Shadow Minister for Justice and Constitutional affairs. |
| (iii) The Hon. Fred T. Turyamuhweza, MP | – | Shadow Minister for Trade and Industry, and |
| (iv) Hon. Joy Atim Ongom, MP | – | Shadow Minister for Special Regions |

Hon. Members, the delegation is accompanied by the following parliamentary staff:

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| (i) Mr. Sunday Apolo | – | Policy Analyst and the Secretary to the Delegation. |
| (ii) Ms. Joan Atimango | – | Personal Assistant to the Leader of the Delegation. |
| (iii) Mr. Muniru Watuwa | – | Senior Liaison Officer. |
| (iv) Ms. Adrine Natukunda | – | Legal Officer. |

Hon. Members, the delegation is in the country on a benchmarking visit to learn Kenya's experience on the constitutional review process since Parliament of Uganda is considering a review of the country's Constitution through a Bill sponsored by a private Member, Hon. Wilfred Niwagaba, MP, who is the Shadow Attorney-General and also part of the delegation visiting our Parliament.

Hon. Members, on my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during the course of their stay in the country.

I thank you.

Next Order.

PAPERS LAID

Hon. William Cheptumo (Baringo North, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the President's reservations to the Law of Contract (Amendment) Bill (National Assembly No.1 of 2019).

Hon. Deputy Speaker: Next is the Vice-Chairperson of the Budget and Appropriations Committee.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on the Budget Policy Statement and the Medium-Term Debt Management Strategy for the Financial Year 2020/2021 together with compendium of departmental committees' reports on the 2020 Budget Policy Statement for Financial Year 2020/2021 and the Medium-Term.

Hon. Deputy Speaker: Let us have the Chairperson of the Departmental Committee on Finance and National Planning, Hon. Limo.

Hon. Joseph Limo (Kipkelion East, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Finance and National Planning on its consideration of the Business Laws (Amendment) Bill, 2019 incorporating reports from the following committees:

- (i) Departmental Committee on Communication, Information and Innovation.
- (ii) Departmental Committee on Justice and Legal Affairs.
- (iii) Departmental Committee on Transport, Public Works and Housing.
- (iv) Departmental Committee on Lands.
- (v) Departmental Committee on Labour and Social Welfare, and
- (vi) Departmental Committee on Trade, Industry and Cooperatives.

Hon. Deputy Speaker: We also have the Chairperson, Departmental Committee on Communication, Information and Innovation.

Hon. William Kisang (Marakwet West, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Communication, Information and Innovation on:

- (i) The 2019 Shenzhen Smart City Forum with International Friendship Cities held in the Republic of China from 14th to 15th May 2019.

(ii) The International Telecommunication Union (ITU) Regional Week on Emerging Technologies for the Sustainable Development and Digital Transformation from 26th to 30th August 2019 in Dubai, United Arab Emirates.

(iii) The Sixth Forum on Internet Freedom in Africa 2019 held in Addis Ababa, Ethiopia, from 23rd to 26th September, 2019.

(iv) The Internet Governance Forum (IGF), 2019 held in Berlin, Germany, from 25th to 29th November, 2019.

NOTICES OF MOTION

APPOINTMENT OF MEMBERS TO COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant...

(Hon. Clement Kigano consulted loudly)

Hon. Deputy Speaker, can you tell the Member for Kangema to speak in low tones? He is making a lot of noise here. He is a senior lawyer and an elder in the House. If he wants to consult with his colleagues from the mountain, they can use the Lounge.

Hon. Deputy Speaker: You must respect that Hon. Member, Leader of the Majority Party. He started his journey to this House in 1974. He is a very serious Member.

Hon. Aden Duale (Garissa Township, JP): So, he has finally landed?

Hon. Deputy Speaker: Yes, though he arrived a little late. He is a senior lawyer.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Orders 175 and 212B (3), this House approves the appointment of the following Members to the Committee on Members' Services and Facilities:

- (i) Hon. Ezekiel Machogu Ombaki, MP.
- (ii) Hon. Catherine Waruguru, MP.
- (iii) Hon. Florence Chepngetich Koskey, MP.
- (iv) Hon. Samuel Moroto Chumel, MP.
- (v) Hon. Silas Kipkoech Tiren, MP.
- (vi) Hon. Janet Nangabo Wanyama, MP.
- (vii) Hon. Rehema Hassan, MP.
- (viii) Hon. Rigathi Gachagua, MP.
- (ix) Hon. Charity Kathambi Chepkwony, MP.
- (x) Hon. Elisha Odhiambo, MP.
- (xi) Hon. Benard Otieno Okoth, MP.
- (xii) Hon. Elsie Muhanda, MP.
- (xiii) Hon. (Eng.) Thuddeus Kithua Nzambia, MP.
- (xiv) Hon. Christopher Wangaya Aseka, MP, and
- (xv) Hon. John Walter Owino, MP.

APPOINTMENT OF MEMBERS TO COMMITTEE ON
PARLIAMENTARY POWERS AND PRIVILEGES

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175, this House approves the appointment of the following Members to the Committee on Parliamentary Powers and Privileges, in addition to the one specified under Section 15(1)(a)(i) of the said Act:

- (i) Hon. Anthony Githiaka Kiai, MP.
- (ii) Hon. Vincent Kipkurui Tuwei, MP.
- (iii) Hon. Beatrice Pauline Cheronu Kones, MP.
- (iv) Hon. Francis Chachu Ganya, MP.
- (v) Hon. Jude Kangethe Njomo, MP.
- (vi) Hon. Peter Mungai Mwathi, MP.
- (v) Hon. Marselino Malimo Arbelle, MP.
- (vii) Hon. Gladwell Jesire Cheruiyot, MP.
- (viii) Hon. Capt. (Rtd) Didmus Wekesa Barasa Mutua, MP.
- (xi) Hon. Andrew Mwadime, MP.
- (xii) Hon. Omar Mwinyi Shimbwa, MP.
- (viii) Hon. James Onyango Oyoo, MP.
- (ix) Hon. Danson Mwashako Mwakuwona, MP, and
- (x) Hon. Vincent Kemosi Mogaka, MP.

Next is the Chairperson, Budget and Appropriations Committee. Before I do that, let me recognize the presence of students from Kabiro Secondary School, Dagoretti South Constituency, Nairobi City County.

Yes, Chairperson of the Departmental Committee on Budget and Appropriations.

REPORT ON BUDGET POLICY STATEMENT AND MEDIUM-TERM DEBT
MANAGEMENT STRATEGY- FY 2020/2021

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement and the Medium-Term Debt Management Strategy for the Financial Year 2020/2021, laid on the Table of the House on Wednesday, 4th March 2020.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. Next Order. We do not have Statements neither do we have Questions by Private Notice. So, we will go straight to Ordinary Questions. Starting us off is Hon. (Ms.) Nasri Ibrahim Sahal.

Hon. (Ms.) Nasri Ibrahim Sahal? Question deferred.

ORDINARY QUESTIONS

Question No.029/2020

STALLED CONSTRUCTION OF MODOGASHE-SAMATAR ROAD

(Question deferred)

Next is Hon. (Ms.) Halima Mucheke.

Question No.030/2020

UPDATE ON PREVALENCE OF HELICOBACTER PYLORI IN THE COUNTRY

Hon. (Ms.) Halima Mucheke (Nominated, JP): Thank you, Hon. Deputy Speaker. My Question goes to the Cabinet Secretary for Health.

(i) Could the Cabinet Secretary provide an update on the prevalence of Helicobacter Pylori (H. Pylori) in the country?

(ii) Could the Cabinet Secretary also provide the measures being undertaken by the Ministry to contain the spread of the bacteria in the country?

Hon. Deputy Speaker, this is the second time I am asking the same Question and I have not been told why I have not been answered.

Thank you.

(Hon. Aden Duale spoke off record)

Hon. Deputy Speaker: Yes, what is it, Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. (Ms.) Halima Mucheke said this is the second time she is asking the Question. Did she ask the Question here or in the Committee? She needs to be very specific, so that we can follow up on what happened to her Question. You know these days you can ask Questions even in the Building Bridges Initiative (BBI) rallies. So, where did she ask the Question?

Hon. Deputy Speaker: I am making an assumption, which I think is the correct one, that she might have asked the Question in the previous Session. So, if that is the case, which I think it is, she is lucky she has asked it early enough, so that we can have enough time to have it answered. It will be answered. That one will be replied to before the Departmental Committee on Health.

Next Question is by the Member for Loima Constituency, Hon. Jeremiah Lomorukai. It is very interesting that Members are not present today to ask their Questions. That one will be deferred, but next time, we will take more serious action. We will drop them.

Question No.031/2020

STATUS OF FLOOD VICTIMS IN TURKANA COUNTY

(Question deferred)

Hon. Deputy Speaker: The next one is by the Member for Kipkelion West Constituency, Hon. Hilary Kosgei.

Question No.032/2020

REASONS FOR SUSPENSION OF POLICE CONSTABLE REBECCA MORAA

Hon. Hilary Kosgei (Kipkelion West, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No.032/2020 on the Order Paper to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) What were the main grounds for the suspension of Police Constable Rebecca Moraa (Service Number 117166) from service in April 2018?
- (ii) Why is the officer yet to be reinstated back to the Service?
- (iii) When will the officer be reinstated back to the Service and paid her salary and allowance arrears?

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Administration and National Security.

Next is the Member for Njoro Constituency, Hon. (Ms.) Charity Chepkwony.

Question No.033/2020

CRITERIA FOR REGISTRATION OF SCHOOLS IN THE COUNTRY

Hon. (Ms.) Charity Chepkwony (Njoro, JP): Thank you, Hon. Deputy Speaker for giving me this chance to ask the Question.

My Question is directed to the Cabinet Secretary for Education:

- (i) What is the criterion used in registration of schools in the country?
- (ii) Why are the following schools in my constituency: Bidii Mau Primary School, Koibiyot Primary School, Kilo Primary School, Sossoit Primary School, Chorwet Secondary School, Amani Secondary School, Koilonget Secondary School and Tengecha Secondary School, yet to be registered by the Ministry despite having fulfilled all set requirements?
- (iii) Could the Cabinet Secretary consider ensuring that the said schools are registered without further delay?

Thank you very much, Hon Deputy Speaker. It is a serious concern. We are now talking about 100 per cent transition from primary to secondary school.

Hon. Deputy Speaker: Let us stop it there, Hon. Charity Chepkwony. It is true it is a very serious issue and that is why you have asked it. So, that one will be replied to before the Departmental Committee on Education and Research.

So, Hon. Members, we go to the next Order.

BILLS

Second Reading

THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL

(Hon. Gideon Keter on 26.2.2020 – Morning Sitting)

(Resumption of Debate interrupted on 26.2.2020)

Hon. Deputy Speaker: Hon. Members, I am informed that there was no Member with any balance of talking time. So, I will simply go by the requests by the Members. I will start with the Member for Endebess Constituency, Hon. (Dr.) Robert Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I stand to support the National Youth Council (Amendment) Bill (National Assembly Bill No.8 of 2019), which was sponsored by Hon. Gideon Keter.

As you are aware, youth in this country constitute about 60 to 70 per cent of the total population. Their input within the country in terms of economic development and other areas is very important. Youth in this country have only become useful during campaigns. For example, during the BBI rallies, we are able to mobilise youth for our own purposes, but after that, they are forgotten. So, this is a very timely Bill. The youth must form a youth council that can look into their affairs.

Once youth are not considered and given opportunities, it is a disaster in waiting. Countrywide, we have had historical cases where youths engaged themselves in very unpleasant activities, for instance, youths engaging in terrorist organisations where they move from this country to other countries to *Al Shabaab* and other organisations like the Sabaot Land Defence Force and the *Chinkororo* movement. Therefore, it is important for the youth to be organised in a structure that can look into their interests. This is a very timely Bill and should be supported.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Very well. We will go to Hon. Owen Baya Yaa, Member for Kilifi North Constituency.

Hon. Owen Baya (Kilifi North, ODM): Hon. Deputy Speaker, I contributed to this debate.

Hon. Deputy Speaker: Really? That is okay. So, we will go to Hon. Fabian Muli.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon. Deputy Speaker, for giving me the opportunity to join my colleagues in debating the National Youth Council (Amendment) Bill (National Assembly Bill No.8 of 2019).

I would like to support the Bill. Article 55 of the Constitution defines youth as the section of the population that is between the ages of 18 and 35 years. The population of the youth is the highest in this country. However, unemployment in that age bracket is high. Despite the unemployment issue in that age bracket, our education system does not give logistical support in terms of giving our youth employment. In the system we used earlier of the 8-4-4., youths who went through it, after eight years were not categorised where they belonged and they did not proceed with education. Others proceeded for four more years up to Form Four and they did not get a categorisation to understand where they belonged. From there, you have youths who went for training for two years and others for four years. So, this Bill has not given how the youth need to be streamlined in our system of unemployment coupled with other social factors. Clause 45(b) tasks the National Youth Council to come up with measures to have our youth join the political system and to have social and economic support. I would like to see the National Youth Council putting structures in the county governments, constituencies and wards.

There are also issues with the functions of the National Youth Council. The National Youth Council should benefit from this Bill by putting in place the functions of officials who

will take the lead. We also have the issue of capacity building within the National Youth Council. The leadership, as mentioned in the Bill, needs to task itself with the responsibility of having proper capacity building initiatives.

The National Youth Council should mainstream youth issues. They should facilitate the youth to go through the public sector and understand the methods of communication of the youth in terms of unemployment.

I support the Bill. It is high time we implemented measures that will help our youth as per the Constitution.

Thank you.

Hon. Deputy Speaker: Hon. Nominee 001, Hon. Sankok.

Hon. David Sankok (Nominated, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity for my input to such an important Bill. Allow me to start by congratulating Hon. Gideon Keter who is a representative of the youth. He is a nominated Member like me, who represents the youth of this country in the National Assembly. He represents a huge chunk of our population, about 31.5 million Kenyans who are under the age of 35.

I have to put my input on behalf of who I represent in this House, who are youths with disability. I want Hon. Keter to note that there are many youths with disabilities and they need to be represented as per the United Nations Convention on the Rights of Persons with Disabilities, which Kenya ratified in 2008. The clarion call in the United Nations is “nothing about us without us.” So, we need to be represented as persons with disabilities. Hon. Keter should ensure that in the national office of the National Youth Council that is constituted by 11 members, there is one youth with disability. In every county, there must be representation of one youth with disability in every county committee, so that when issues of the youth are being discussed, issues of the youth with disabilities are also brought on board.

Section 4(a) of the National Youth Council Act, 2009, gives the functions of the National Youth Council as:

“(a) regulate and co-ordinate activities and initiatives relating to the youth being undertaken by youth groups, youth focused community-based organisation, non-governmental organisations, civic society movements and other organisations”.

This is to ensure that players in the youth space are accountable for the huge resources they receive from donors. We should be aware of the fact that some brokers have commercialised the issue of youth even within the youth themselves.

You have seen what is going on, on the social media on the issue of the BBI. The youth were being ferried and offered Ksh500 to attend some rallies as cheerers. We want youth groups to be regulated. Therefore, the National Youth Council should be given the mandate to grant accreditation to youth organisations and youth workers, in promoting professionalisation of the youth work. This shall ensure that organisations that violate or expose youth to harmful practices are put in check as well as youth workers who do not operate as per Article 55 of the Constitution of Kenya. As much as we want the National Youth Council, we also need it to regulate other youth activities. There should be genuine, free and fair elections, so that the youths who will represent their fellow youths have been given the mandate by the youth themselves. We should not have politicians handpicking a few loyal youths who can be misused in political rallies and during the BBI rallies to sing certain issues to do with BBI, for example, “*Nikisema BBI, sema baba.*” Such issues are not related to bringing this country together in inclusivity.

Lastly, I would like Hon. Keter to note that as the youth support the BBI, there must be inclusivity at the apex of leadership. If the president is a man, the deputy president should be a

woman. The prime minister's position should be reserved for a person with disability. The first post of deputy prime minister should be reserved for the youth and the second position of deputy prime minister should be reserved for the marginalised communities. Members are aware who is qualified to be the prime minister and who is not qualified because that position will be reserved for a person with disability.

Thank you, I support the Bill.

Hon. Deputy Speaker: We are just about to be through with debating time on this particular Bill. I will give one last person to my left. That will be Hon. Passaris.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Deputy Speaker. I was actually calling your attention to my point of order.

Hon. Deputy Speaker: You have a choice, which one do you want?

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Both.

Hon. Deputy Speaker: No! You cannot have both.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Hon. Sankok has already taken his seat.

I stand to support the Bill by Hon. Keter because one, we need a youth council to amalgamate all the functions that we do for the youth. It was disappointing to hear a Member supporting the same Bill, but at the same time saying that we are misusing the youth with the BBI by paying them Ksh500. That is misleading the public. The BBI is the agenda of the Government. It is for the good of this country. It is for unifying this country. So, when you stand here and say that we are ferrying youth, do you want the youth to walk such long distances? If we have a budget to ferry them so that they can hear and understand the BBI in the absence of printed booklets in this strenuous economic time...

Hon. Deputy Speaker: Hon. Passaris, I am a little lost with your contribution. If your intervention was on a point of order, that is exactly what you should be doing. But if you choose to do your contribution, you must be careful so that you do not become irrelevant. The issue of the BBI and those other issues can come under a different set of things. I would rather you do not respond to him and contribute. You have your time, use it.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you. I stand guided, Hon. Deputy Speaker. We have a problem with our youth. Obviously, they are the majority. They are unemployed because we have not created enough opportunities for them in terms of jobs. Certainly, we have neglected the youth in this country. There are efforts by the Government to try and remedy that position.

So, by having this Council, we will look at all the funds provided for the youth, like the Uwezo Fund, the Women Enterprise Fund and the Youth Enterprise Development Fund. At times, we duplicate efforts. I liken us to an octopus moving in different directions. So, we are not able to get to the point as far as the youth are concerned.

The youth have to be involved in decisions concerning them. We have seen a big outcry of the youth saying that when we want to discuss them or fund them or provide for them, we always hire people that are much older than them to deal with their matters. I hope this Council will employ the youth for the youth. The youth have to learn to be a bit more responsible. They have to take their education seriously. This came up recently when the issue of health came up. A lot of the youth said that they do not have money to pay and they feel that it is wrong. The big elephant in the room is corruption. Everybody seems to feel that because of corruption, we can all be justified to do the wrong things. The country is in the hands of the youth given that they are the majority. So, they should drive their agenda. If they have been misused in the past, they

must get the right education and take up positions in bodies that are formed for their benefit. They should use the social media not just to criticise and condemn, but to give constructive criticism that can help us serve them better.

Thank you, Hon. Deputy Speaker. I support the Bill.

Hon. Deputy Speaker: You seem to have cleared the time remaining, so we will give the Mover opportunity to reply. It is now 10.12 a.m. We will allow the Mover to reply.

What is your point of order, Hon. Makali?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Deputy Speaker. I do not know whether other Members are experiencing what I am experiencing. We are not able to access the Order Paper. These gadgets seem not to be working. We plead with you to ask those concerned to do something.

Hon. Deputy Speaker: What did you say, Hon. (Dr.) Makali Mulu?

Hon. Makali Mulu (Kitui Central, WDM-K): We are not able to access the Order Paper through the digital gadgets. I do not know whether we can be assisted to access the Order Paper.

Hon. Deputy Speaker: Do you need some assistance?

Hon. Makali Mulu (Kitui Central, WDM-K): A majority of us are not able to access.

Hon. Deputy Speaker: Hon. Elisha, is your gadget working?

Hon. Elisha Odhiambo (Gem, ODM): Hon. Deputy Speaker, mine is working. Maybe I can help my brother, if he is not techno savvy.

Hon. Deputy Speaker: If yours is working, then it is okay. I am told the system is okay, Hon. Makali. And you know you are an IT guru. What is it?

Hon. Makali Mulu (Kitui Central, WDM-K): Hon. Deputy Speaker, if we were to talk about people who can use computers in this House, I would rank among the top. So, when I complain that my machine is not working, and I have checked with my colleague here, we are having challenges. Let something be done.

Hon. Deputy Speaker: Well, I am now trying to inquire whether the challenges are self-inflicted or general in nature. I am informed that the gadgets are working. It is either yours is not working specifically or you are finding some difficulties yourself. So, we will make sure that yours is addressed specifically. But check your neighbour and see whether his is working.

Let us proceed, Hon. Members. The Mover should now respond. Hon. Keter, it is your turn.

Hon. Gideon Keter (Nominated, JP): Thank you, Hon. Deputy Speaker. I would like to thank Members for their overwhelming support of this Bill. I want to assure the Members that I took note of their concerns. During the Committee of the whole House stage, I will enrich the Bill with your concerns. I beg to reply.

I would like to start with Hon. Sankok's concerns. Actually, I support the fact that the youth should be given a position of the deputy prime minister. However, I cannot be drawn to his discussion that reserving a position of deputy prime minister for PWDs is something the BBI intends to achieve. My colleague may be looking for a position for himself.

The National Youth Council Act, 2009, under Section 4, provides the functions of the Council. It states very clearly that the Council should regulate and co-ordinate activities and initiatives related to the youth being undertaken by youth groups, youth-focused community-based organisations, NGOs, civil society and other organisations. As the representative of the 35.1 million youth, the majority in the country, I am aware there are many brokers that have commercialised the word "youth" and they have made the youth a business and a cash cow. They are masquerading across the country in the name of championing the youth agenda. It is in this

respect that the NYC should be given the mandate to grant accreditation to youth organisations, so that we can monitor what is happening in the youth space. This shall ensure that organisations violating or exposing our youth to harmful practices are put in check, as well as workers not operating as per Article 55 of the Constitution. The NYC should also provide non-executive membership in the Council for the youth-serving organisations, so that they can provide mentorship and other assistance to the youth.

There is also the mandate of the Youth Advisory Board, which conflicts with the role of the Council. In this regard, removing the duplication of mandates between the NYC and the Youth Advisory Board is essential towards eliminating governance challenges facing the Council, thus achieving the desired goals. I recommend that the Youth Advisory Board be scrapped and let the NYC be fully operational and autonomous. This shall be in line with the *Mwongozo* Principles and Guidelines for governance of organisations. The large number of members of the board should be reduced - that is where politics begin - from the previous board membership of 24 to a sizeable number as prescribed by the *Mwongozo* Guidelines.

The House strongly recommended that election of members of the Council should be done as soon as possible. We all know the agenda of the youth in universities was reversed. Previously, they were allowed to conduct elections and later, we allowed them to conduct a process that is more of nomination. It is a funny process that I am sure not all the youth were happy about. In this regard, we all know that even primary schools these days conduct elections of school prefects. I had proposed a constitutional amendment of having elective positions for the youth instead of nominations. On the recommendation Members gave regarding elections, the status quo remains. The NYC will be given an opportunity to elect representatives.

On the issue of funding, at the Committee stage, I will provide a framework in which we can arrive at ensuring that the Council is fully funded.

With this, I urge Members to support the National Youth Council (Amendment) Bill. I know many Members wanted to contribute to this Bill. Therefore, I would like to donate a few of my minutes to Hon. King'ara, just for one minute.

Hon. Deputy Speaker: You have done it the wrong way. If you wanted to donate, you would have donated at the beginning, so that we would only be dealing with your balance.

Hon. Gideon Keter (Nominated, JP): I stand guided.

Hon. Deputy Speaker: So, Hon. King'ara loses.

Hon. Gideon Keter (Nominated, JP): Yes.

Hon. Deputy Speaker: We will close that particular one, you having moved it. Since we do not have the required numbers to put the Question...

Hon. Elisha Odhiambo (Gem, ODM): Point of information!

Hon. Deputy Speaker: Hon. Elisha, whom do you want to inform? I certainly do not need information on this particular one.

Hon. Elisha Odhiambo (Gem, ODM): I want to confirm that the Ipad next to him is working. I just went to check and it is working. So, to make a general statement that Ipads in the Chamber are not working is obnoxious.

Hon. Deputy Speaker: You did not need to inform anybody including him because I do not think he is interested in that information. He has already been given. Well, it is something good to hear. Hon. Keter, you did not reply to the Bill. So, go on record and do it.

Hon. Gideon Keter (Nominated, JP): I beg to reply.

Hon. Deputy Speaker: That is okay. You have done it well. Thank you very much, Hon. Keter. As you can see, we do not have the numbers. So, that one would be deferred. The Question will be put later.

(Putting of the Question deferred)

We will go to the next Order, but before we do so, let me recognise in the Public Gallery students and pupils from Kinderworld Academy School, Langata Constituency, Nairobi County; Gatero Girls High School, Laikipia West Constituency, Laikipia County, and PCEA Makadara Academy, Makadara Constituency, Nairobi County.

Next Order!

Second Reading

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL

Hon. Deputy Speaker: Hon. Mwandime, are you ready?

Hon. Andrew Mwandime (Mwatate, ODM): Yes, I am.

Hon. Deputy Speaker: Proceed.

Hon. Andrew Mwandime (Mwatate, ODM): Hon. Deputy Speaker, I beg to move that the Public Service (Values and Principles) (Amendment) Bill, (National Assembly) Bill No.17 of 2019, be read a Second Time.

Some of the reasons for these amendments are to make the public service compliant with our Constitution. Article 232 of the Constitution provides for principles and values of public service which include high standards of professional ethics. It also requires representation of Kenya's diverse communities, affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service of men and women, members of all ethnic groups and persons with disabilities. The proposed Bill ensures that the public service reflects the nation's diverse communities and affords adequate and equal opportunities for appointment of women and men, members of all ethnic groups, age groups and persons with disabilities.

Two, the purpose of this Bill is to amend the Public Service (Values and Principles) Act to require all State organs in the national Government, county governments and State corporations to submit annual reports on details of the human resource in constitutional commissions, independent offices and county public services boards. The reports should contain detailed information outlining the total number of employees and highlighting the gender, age, country of birth and country of residence once every year and each service commission shall prepare a report on the status of promotion of the values and principles of public service.

Each service commission shall submit the report prepared to Parliament, the President, governors and county assemblies where relevant by 31st December of each year. The reports under this section shall provide information on the measures taken to promote values and principles of public service, the progress achieved in promotion of values and principles of public service, the challenges faced and any recommendation for the progressive realisation of values and principles of public service and any other matter that maybe relevant to such realisation.

Hon. Deputy Speaker, the other day when we were vetting one of the Principal Secretaries for one of the ministries, our Leader of the Majority Party said that he was shocked in the way some ministries just employ their clansmen yet his office reflects the entire face of the country. According to Article 232 of the Constitution, that is how we are supposed to do. Right now, people are moving round talking about the BBI to raise concerns that all Kenyans should be one thing simply because people have gone the tribal way. If somebody is given a mandate, he makes sure that all his tribesmen are given positions before giving chances to other tribes.

This amendment would bring sanity to public service, so that every year reports are submitted just the way reports from parastatals are submitted to the Public Accounts Committee or the Public Investments Committee. There will also be submission of reports from the human resource office to one of the committees here in Parliament, so that Members can do their oversight role. With that, we can see who is messing up with Article 232 and failing to unite our country.

The amendment is self-explanatory. I do not need to talk much. I am calling on my colleague, Hon. Paul, Member of Parliament for Rongo Constituency, to second.

Hon. Paul Abuor (Rongo, ODM): I second.

Hon. Deputy Speaker: Is that Hon. Abuor? You have the Floor.

Hon. Paul Abuor (Rongo, ODM): Thank you, Hon. Deputy Speaker. I rise to second this amendment.

First of all, I must say that the amendment has come at a very good time. It is timely. It is very important for the public to get annual reports on the age, county and gender status of the people who are employed. The issue is timely because at the moment, we are engaged in the debate of the BBI. This amendment tackles one of the agendas or the nine-point agenda that came as a result of the handshake. The issue of inclusivity was No.3 in the nine-point agenda. As a matter of fact, they were trying to change the Constitution through the BBI and this report will at least assist in getting to know how people are employed.

Currently, what is going on in the country is not good and we have to call a spade a spade. We have two main communities that are being employed. They are mainly from Central and the Rift Valley. I think once we get this report annually, it will assist the country to know the people who are being employed. Apart from encouraging employment for the youths and women, I support the amendment, but also propose that we also include information on the status of the people who are being employed, whether they are people with disabilities or not.

With those few remarks, I beg to support.

(Question proposed)

Hon. Deputy Speaker: To start us off is Hon. Cheruiyot Chesire, Member for Baringo.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker for the opportunity you have granted me to discuss what is pertinent to Kenyans in terms of the public service. The public service has its own principles in terms of how employment is distributed as you have heard from the owner of the amendment. Unfortunately, both at the national and county government levels, this is not followed to the letter. Many times, some people, even in our counties, are denied chances just because somebody thinks they do not belong to that county. The spirit of devolution was to bring every service, including employment, nearer to the people. Unfortunately, it has come to discriminate other people in terms of their tribes and gender and even the socialisation groups they belong to.

As Kenyans, if we really want to uphold patriotism, we need to shy away from practices that do not foster national integration. As much as we talk about the BBI, we cannot build bridges in a country where people who have been given the responsibility of appointing people to public offices are so discriminative because they think they have to reward certain people.

It is unfortunate to again describe what happens most of the time at the county government. Some of the governors will only reward some people because of reasons that are best known to them. We need to be serious if we love our people, and if we really want to move towards realisation of the Vision 2030. It is important that our Constitution is followed to the letter.

Hon. Deputy Speaker, even at the national Government level, appointment of Cabinet Secretaries, as we have been saying all the time, gender is an issue. The other day, the Law Society of Kenya (LSK) made it differently. The gender issue in the election of the LSK leadership became the main issue because more than two-thirds of women were elected. When we talk about the gender issue, people think that gender is about women. It is time men realised that gender is soon going to be about men. While we talk about the two-thirds gender rule and we hesitate to pass it, the LSK gave us a good example. It is time men in this House woke up to the matter because soon or later, it will affect everybody.

You also realise that we have widows in this country. We have special groups comprising of people with disabilities and other unfortunate groups. We need to consider them all the time. When I talk about widows and widowers, these are groups of people whom we are, unfortunately, not showing interest in yet they are so vulnerable. They are almost as vulnerable as people with disabilities. We need to consider such groups when we talk about public service. When we use the term “public”, let it be public because some offices, like you have heard the owner of the Bill say, have become private instead of public. Somebody can just bring their tribesmen and friends, and it does not become good. We should remember that a good number of our youths are unemployed. When those youth look for jobs, we ask them for experience of 10 years. Where on earth will a youth get experience? Therefore, if we want them to get experience, it means it is only the people who have been working who will continue changing jobs from one office to another. We had better look for another method of making sure that our youths are not disadvantaged as far as public service jobs are concerned. The principles guiding employment in the public service must be upheld.

(The Deputy Speaker (Hon. Moses Cheboi) left the Chair)

(The Temporary Deputy Speaker (Hon. Ms. Jessica Mbalu) took the Chair)

The other day we got a Cabinet Secretary for the Public Service. We are persuaded she is going to do the right thing, being a mother and given her performance before. We are sure she will do her best to bring sanity at the public service, so that people have confidence with our Government at both the national and county levels.

With those few remarks, I beg to support, Mr. Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Baringo County, you are of my gender.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Oh, I am sorry! You changed seats! I did not see. I was talking, Hon. Temporary Deputy Speaker, when you took the seat.

When contributing, I was not looking at what you were doing. So, I did not realise that you had changed seats.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Be advised.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): I did not see that you and the Deputy Speaker had changed seats. You know I was very serious with my contribution. I am so sorry. If I offended you, forgive me.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): No, I am not offended. I am just putting you to notice. Member 001 was...

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Hon. Temporary Deputy Speaker, you know Member 001 always likes interfering with my contribution. He is telling me to say that you are beautiful.

(Laughter)

Is that in order? I do not understand. Okay, beauty is in the eyes of the beholder. He cannot be here to comment how beautiful Members of Parliament are.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me have the Member for Makueni, who is next on my request list.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Bill. The amendment seeking to be added is the “details of human resource established within the service commission outlining the total number of employees and highlighting their gender, age, county of birth and county of residence.”

Hon. Temporary Deputy Speaker, the most important thing about this amendment is that we want to get the true face of Kenya in the public service. This is in the spirit of making sure that there is fairness and the Public Service Commission (PSC), or bosses at the county level, follow the principles of integrity as espoused in Chapter Six of the Constitution. Public appointments should reflect the face of Kenya to ensure fair distribution of public service jobs, not forgetting to comply with the constitutional one-third gender rule. The Constitution provides that not more than two-thirds of public appointments should be members of the same gender.

Hon. Temporary Deputy Speaker, as stated in Chapter Six, we need to reflect the face of Kenya, fair distribution of the public service jobs and gender parity. This is because whenever they hire, the Constitution talks about the two-thirds gender rule. So, whenever the Government hires people for key positions such as Cabinet Secretaries, Principal Secretaries and senior Government positions, it is good to have a balance in gender and ensure that every region is represented. This is because the Civil Service is largely what is used to share the national cake and wherever a senior civil servant has the position of a PS, automatically some benefits spill over to his or her region. If for example he or she is a CS in charge of roads, he or she will ensure that his or her region has roads together with other people who work for him or her mostly because it is human nature to consider yourself first. Similarly, there will be water and many other resources in the country because the budgets are in the hands of those Kenyans. So, it is very important that we balance gender and communities in the country. This is to ensure fairness in resource distribution in the country because those particular jobs are big time resources.

Hon. Temporary Deputy Speaker, all the taxes we collect and the Budget we make here are managed by such individuals. So, it is only fair that we ensure that there is equity in sharing

of resources and jobs in seniority. A PS who is an entrant is paid differently, but some of those young people in the Civil Service grow to the top. Recently, we vetted a number of PSs and CSs and you could see there were men and women. The PSs equally have a bit of balance but we want this to be documented so that we have a point of reference and that audits can be conducted within certain intervals. People retire daily, change jobs, go into businesses, others leave the Civil Service to work for the United Nations (UN), others become Members of Parliament and so there is always hiring at all times. While others exit, others apply for jobs.

We want to ensure that there are no cartels so that parastatals and the Government is generally not skewed. At times, when advertisements are made, they already know who is going to occupy those positions. But they just advertise for the sake of it and people apply. The interviews are skewed. You know who is going to be appointed and you just cheat the public. So, we want to have a law to ensure that when audits are conducted, we need to put people to task. If they are found to have abused their offices or have given misleading information to persons in authority or the public service, then they can face the Director of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC) or the Director of Public Prosecutions (DPP) and be taken to court. This is for the benefit of the country to ensure that hope is given to the young people. I heard them in Meru when they were making their contributions... We are happy two young people have been hired in the Ministry of Youth at senior levels.

They said that unless you have experience, you may not qualify for those jobs. My good friend Hon. John Paul is young, is in this Parliament and is ably representing his people. Therefore, when it comes to the young people, the retirement ages should be re-looked into because we are the legislators. We can make laws, amend laws and make it better for the people so that Parliament can also serve the people better.

So, this amendment is important as introduced by my good friend Hon. Mwadime. Despite his recent accident, he has recovered and is here to prosecute this particular important legislation. Part of it is where he comes from and how his community has suffered generally for those who work in the Civil Service. Kenyans should be of a good culture of hiring talents. If you come to my law firm, it is not only people from my community who work there. We have people from different communities and they have been very useful. They work with me and we help one another so much. Therefore, even in the private sector, let us look at the face of Kenya. Let us look at the people with disabilities and gender.

I thank you, Hon. Temporary Deputy Speaker and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Hon. Members for Igembe South.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the amendment of this Bill.

Time has come in this country for people to realise how appointments are done. Those are the offices which are entitled to employ Kenyans. Compliance with the Constitution should be adhered to so that when the officers are doing placements and employment, their integrity should be in tandem with the Constitution. In this country, most of the tribes are disadvantaged when it comes to employment matters whereby you see few communities getting employed in national offices. At the same time, the criteria for appointing the people of various ages, tends to be discriminative.

Hon. Temporary Deputy Speaker, when we have fresh young graduates and they want to secure positions in offices, they are asked for experience. If they do not have experience of a number of years, they do not qualify to be granted those jobs. So, it is high time for those offices

to be looked into when they are doing the appointments. They ought to be checking on the credentials of those people who are seeking employment.

Secondly, there is a criterion that is used to appoint people whereby if you are not connected to an appointing authority, you cannot qualify to get that job. So, I am proposing that people who are working in the public service should comply with Chapter Six of the Constitution and be fair when officers are being recruited. That is because some of them are very biased when they are recruiting officers.

Hon. Temporary Deputy Speaker, as a House, we are supposed to support the amendment as proposed by Hon. Mwandia, so that we can create transparency in those offices for Kenyans to benefit from their taxes. There are many people who have educational qualifications and have working experience, but cannot find employment because of one reason or another. For example, they do not subscribe to a certain person. Also, employers tend to sideline people because of political ideologies. If you do not subscribe to a certain political party, you do not qualify to get a job. So, we ought to have transparency so that, if you differ with a certain political party - the ruling party or the opposition - you qualify to get a job opportunity when positions are advertised.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Baya Yaa, Member for Kilifi North.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill proposed by Hon. Andrew Mwandia and congratulate and thank him for bringing it to this House. It is important for us to get a report and statistics on how appointments are made. During the time when the President comes to this House or the governors go to the county assemblies to make their annual addresses, they should give statistics so that we can know if the county services and public service are balanced.

First, there are certain things that we must look at. The current Report on the Ethics and Diversity Audit of the Public Service has been done by the National Cohesion and Integration Commission (NCIC). It shows very clearly that the public service in this country is skewed towards only two communities. This is a fact in a Government Report. It is important for us to not only be told it is skewed, but we should know more. That is why Hon. Mwandia has proposed an amendment that we would like to see the details of the human resource establishment in that service.

We need to establish the people who run the public service in this country. It has been established in many reports that, in every three appointments that are made in this country, two of them are from one ethnic group compared to the over 46 tribes in this country. This means that if they were to make 100 appointments, then most likely two-thirds of the appointments made would belong to one ethnic community. That is not the Kenya that we want to build. Inclusivity is a constitutional requirement and is part of the principles and values of public service. Inclusivity at any one given time must be given priority when you are making those appointments.

Today, when you look at the Cabinet of this country, which is the highest level of decision-making, we know where it is skewed towards. There are more people from one ethnic group and region compared to other ethnic groups in the country. The Cabinet of this country is where the national cake is distributed. It is where everything else is put together and distributed. When we have half of the Cabinet belonging to one ethnic organisation, it means more resources

will be given to that region or ethnic organisation. Therefore, that is denying the rest of the country an opportunity to partake of the national cake.

As a House, we would like to scrutinise appointments because we are an oversight authority. One of the line-one documents when it comes to oversight is the Constitution. What framework does the Constitution provide in terms of public service appointment? It says there must be inclusivity and this is the first criteria. When that Report comes and includes all the things Hon. Mwadime is suggesting, then we will argue with facts and say the public service is run in a way that denies other communities an opportunity.

As we move forward with this Bill, I would like to suggest we make a further amendment and put sanctions for authorities or people in-charge who do not follow the constitutional principle of inclusivity. Today, in the parastatals, we have seen what has been happening when those appointments are being made. Just because the Chief Executive Officer is from a certain region, he appoints people from that region. Again, if you ask how many parastatal CEOs we have in this country and from which ethnic background they belong to, you will realise they come from a certain ethnic background. If each one of them appoints people from the same background, then this country will not move forward. We will continue to champion the things the founding fathers and fore-fathers of this country refused at Independence. There is need to have a cohesive Government but what we are seeing is different.

Another important issue that we see is that, every time there are appointments to boards of parastatals - and this is where the murky waters are - those jobs are given to people from one region. I also want to speak about universities, starting with my region. The Coast region has three public universities. Each public university has over nine appointments to council positions. As a region, we have provided over 30 positions, but they are filled by people from other ethnic backgrounds. Yet, there is no consequential appointment of the people from the Coast to other regions. So, at the Coast, we appoint people from other regions and we would want our people to be appointed in universities in other places. That is what equity is all about.

We have three vice-chancellors at the Coast and only one comes from the region. But you will not find any vice-chancellor from the Coast who is appointed in another region in this country. What I find interesting is that we have three universities and so, we have three positions of vice-chancellors. We have no problem with vice-chancellors from other regions coming to the Coast. But, again, they should appoint three people from the Coast and distribute them in other universities in this country.

(Hon. David ole Sankok consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Hon. 001, if you wish to speak, do the right thing. Do not be disorderly. Carry on, Hon. Baya.

Hon. Owen Baya (Kilifi North, ODM): So, we have three universities at the Coast and there are three vice-chancellor positions available. They should appoint three people from the Coast to other universities outside the region. That way, we can see equity and balance. If you look at deputy vice-chancellors in this country, you will not find a person from the Coast who is appointed in another region. Even the deputy vice-chancellors that we have at the Coast are also from other places. Where is equity?

Equity is about giving an opportunity to everybody to excel in the opportunities that are available in this country. So, when we bring these amendments, it gives us an opportunity to shame the people who are breaking the principles. I want to give an example of the Port of

Mombasa. It is one place where the people of the Coast do not feel as if it is in their region. Before, it was a beautiful place and the local people would pride themselves in getting appointed to work there. Right now, busloads of people are brought from other places to come and take even the lowest positions at the Port. Those jobs are being given to other people. Why? This is because the management of the Port is in the hands of people from outside the Coast. Therefore, they bring their own people. To bring transparency is to have this Bill passed in this Parliament. We will be in a position to know the people who take the greatest share. Sometimes, when I look at my community in this country, I say we do not belong anywhere anymore. We have been removed from every place.

The Mijikenda, which I proudly belong to, does not have a seat at Cabinet right now. But from 1963 up to 2013, there used to be a CS all the time from the Mijikenda Community because it is the 7th largest community in this country. Today, that 7th largest community in this country has been denied every opportunity available. Why? Probably because we are seen to be voting in a pattern that does not belong to the current Government. However, I say when a person becomes president, he becomes president of everybody in this country and every person and, therefore, the cake of appointment must be available to every person despite the voting patterns that have been cast in this country. For me, that is what inclusivity is all about and that is what it takes to be a statesman. That you will go beyond voting blocks and look at the country and share the cake with every Kenyan who is available.

I thank you, Hon. Temporary Deputy Speaker, and I support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the nominated Member, Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Hon. Temporary Deputy Speaker, thank you very much for giving me the opportunity to really support the Bill. It is an honour that we are talking about this issue of looking at and dissecting the public service in this country. I thank Hon. Mwadime because he has brought this amendment at a time when this country is actually discussing the BBI. We want the BBI to also bring to us a breakdown so that we can understand it. When we are talking about inclusivity in the BBI, it must address the marginalisation of communities in this country in terms of public service and everywhere else.

This is a great amendment. As I speak today, I think very passionately about the community that I come from. I come from the Kuria Community which is found in the Nyanza region. Kenyans must make an effort of knowing where each community comes from so that, even when appointments are being done in the public service, we do not, for example, talk about the Kuria Community and say Nyanza. In the 9th Parliament, Hon. Wilfred Machage was in this House. He was my MP. Hon. Machage, the MP for Kuria at that time, talked so passionately about the Kuria Community being marginalised in this country. We have a tendency of generalising communities in this country. Opportunities come and you say this opportunity goes to Nyanza without us dissecting and saying Nyanza as a region has the Luo, Kisii and Kuria communities. The Kuria Community tends to be lost inside there. The Public Service Commission has a responsibility to ensure equity even within our regions.

During this period of BBI, my community is crying. It has been everywhere talking about the issue of a county. How can BBI address and help my community get a county of its own so that it manages its affairs? Allow me to just mention this. I hope that the Haji Commission wherever it will be sitting as we prepare to appear before them, will be able to honour that request from the community that I come from; that is, the Kuria which is actually agitating and crying for a county to manage its affairs. The Public Service Commission has a responsibility. I

want to suggest this because every year the President of this country usually makes an annual state of the nation address in this House. I want to throw this to the President. When he is talking about equity in this country, he should actually also address the issue of employment of communities in this country. Where do the Tesos, Kurias and Njemps of this country fall when you are generalising communities in this country? The Public Service Commission has a responsibility. It should come to this House and explain to Members when we are talking about employability of communities in this country, where is equity? Employability must attach itself to the employability in terms of gender, communities and our diversity, including persons with disabilities.

I am an MP for people with disabilities. In this country, persons with disabilities are left behind the most when it comes to employment. I want to use this opportunity to ask the Public Service Commission to come to this House and explain where the persons with disabilities are placed in the ministries. If you go to the various ministries beginning with the Ministry of Labour, you will find a percentage of persons with disabilities who are employed in the ministry and the Government to be 0.00000 per cent. Currently, look at the composition of persons with disabilities and their employability in Government. Look at the CSs. The Cabinet currently has no person with disability as a CS. The Government only has a PS for Heritage and Sports who is a person with disability. You will realise there is no representation of persons with disabilities in the CAS position. It is wrong and shameful. It is not fair to persons with disabilities in this country who are 6.5 million.

The Census 2019 currently places persons with disabilities below one million. I use this opportunity to refute. As the MP for persons with disabilities in this country, I ask the ministry, Kenya National Bureau of Statistics and partners to redo the census of persons with disabilities. We cannot be less than one million people 10 years after we did a census in 2009 where persons with disabilities were placed over four million that time. What does that translate to? Ideally, that means when resources are being allocated to this country, persons with disabilities get zero. That is completely unacceptable. We want a county by county audit of the population that is persons with disabilities in this country to be able to benefit from the national resources that are actually given to people in this country. It is unfair and, as a Member of persons with disabilities, the census has to be repeated county by county to establish the truth. On behalf of persons with disabilities, we do not agree on the census. That means when it comes to employability, persons with disabilities do not get positions in this country. Counties are the worst employers of people with disabilities. Persons with disabilities belong to counties. They do not belong to Nairobi and yet our governors cannot comply with employability of merely 5 per cent of persons with disabilities in their offices.

When you come to our nominations, the Constitution of this country guarantees that every county assembly must have two representatives who are persons with disabilities. As we speak, it is so shameful to report that over 17 counties in Kenya, out of the 47, do not have Members of County Assembly who represent persons with disabilities. Hon. Members, if your county does not have a representation of persons with disabilities in the county assembly, shame on you and shame on your governors. We cannot allow that to happen. Persons with disabilities have families to feed and children to take to school. We cannot afford to continue marginalising persons with disabilities. I have been marginalised twice or thrice. I come from a community in this country that is extremely marginalised forever. The Kuria Community is a marginalised community and that is why we are agitating for a county so that we can continue to enjoy. I am also marginalised by virtue of my disability. Persons with disabilities in this country are highly

marginalised. We have to ensure that we create mechanisms to bring the people who are left behind to be the first ones. That is why the public service must give an audit with regard to numbers and percentages of persons with disabilities who are employed in the ministries.

Hon. Temporary Deputy Speaker, we cannot talk about telling donors and Non-Governmental Organisations (NGOs) to ensure employability of persons living with disabilities (PWDs), when our own Government does not employ, train and empower them to work in offices. We must make things easier for PWDs to live in this country. That is why I am very angry. We need to be very serious. We need to redo the Population and Housing Census of this country, in order to provide opportunities. Who employs PWDs in this country? I want to get an answer because if you go to every ministry when they are employing, they indicate that PWDs are encouraged to apply. When you are encouraged to apply and you apply, who employs you? If you go to those offices, you will not find PWDs and their infrastructure is wanting. The PWDs do not sit before a panel of interviewers to be interviewed. We have done poorly when it comes to PWDs. We cannot preach water and drink wine. The PWDs need employment in this country. They must be seen in every ministry before we tell Safaricom or Airtel to employ them. We have to be serious with them.

Hon. Temporary Deputy Speaker, I am twice marginalised; one by virtue of my community - the Kuria community - and two by virtue of my disability. So, I know what marginalisation is all about. We have to be serious if we want to put PWDs and minority communities where they want to belong, so that we can address the issue of equity fairly.

I beg to support

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. (Ms.) Dennitah Ghati, you beg to have an answer to your question, but the Speaker may not give you the answer. This House is a House of debate but pursuant to the provisions of Standing Order 42A (5), you are allowed - as a Member - to ask the Ordinary Questions to the Cabinet Secretaries and I am sure you will be able to get the answer. Thank you for your contribution. Let me have the Member for Mavoko Constituency, Hon. Patrick Makau.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Allow me to congratulate Hon. Andrew Mwadime for bringing this amendment. Before we tackle the amendment, we have a Constitution that is not adhered to. Chapter 4 of the Constitution on Bill of Rights allows every Kenyan to have a right to employment. If the Employment Act talks of equal opportunities, the reason we are not adhering to the Constitution and the laws that are in place, leaves a big question. Does corruption just mean stealing? Does corruption mean not doing the right things? The people in authority are not obeying the law.

Hon. Temporary Deputy Speaker, our Constitution is explicit on how many people from the same ethnic group should be in a certain office. But what are we seeing today? When you go to the big offices, people are comfortably speaking in their mother tongue. That, in itself, is unethical and as we keep practising those evil acts, we will bring all legislations and all kinds of amendments but, unless we change our culture - that persons in offices adhere to existing laws and the Constitution - we will not be doing anything. As many Members have alluded to, it is true that people have been discriminated...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Hon. Patrick Makau, the Member for Mavoko. We have an intervention by the Member for Suba North, Hon. Odhiambo-Mabona. What is your point of order Hon. Odhiambo-Mabona?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker. I was just seeking your guidance because we have been told that the Bills nowadays are in

electronic form. But I am looking for it in the system and I cannot find it anywhere. Could we be advised on where to get it in the system?

(Several Hon. Members consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members. Yes, this is a Parliament that has removed the...

(Hon. (Ms.) Asha Hussein spoke off record)

Order Hon. (Ms.) Asha Hussein! Hon. Odhiambo-Mabona is not analogue. Hon. Odhiambo-Mabona, I can hear from Members. Yes, it is true we usually have the Bills in your tablets and they can confirm that it is there. If you need assistance, I can call one Member to help you. Members have already confirmed that we have it on the tablets. Please, can a Member assist Hon. Odhiambo-Mabona to get the Bill? We are debating the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019) as moved by Hon. Andrew Mwadime. The Member for Mwea is ready to assist you. Member for Mwea, please, assist Hon. Odhiambo-Mabona and, in the event that it is not there, we will... Of course, it is confirmed that it is there. Hon. Member for Mwea, Hon. Odhiambo-Mabona is cautioning that as you assist her, keep in mind that she is your senior.

Thank you. Let us carry on, Member Mavoko.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. It is only Hon. Odhiambo-Mabona who can do such an intervention. I happen to have a hard copy in case she wants.

Hon. Temporary Deputy Speaker, as I was alluding to, unless we change the culture of tribalism, nepotism and regionalism, we will bring all kinds of legislations to this House and they will not help Kenyans. Chapter 6 of the Constitution, which touches on leadership and integrity, should deal with persons who have been given those offices to run and persons who are supposed to make sure balance and equation is adhered to. I hear how PWDs and some communities in this country have been marginalised. It is very painful! For example, a Government has...

(Hon. (Ms.) Odhiambo-Mabona and Hon. Josphat Kabinga consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Hon. Odhiambo-Mabona and Hon. Josphat Kabinga, Member for Mwea. Hon. Odhiambo-Mabona you are out of order and you are interrupting the contribution by the Member for Mavoko. Thank you, Hon. Odhiambo-Mabona for doing the right thing.

Hon. Patrick Makau (Mavoko, WDM-K): I do not know whether it is by design or default that these Members are making a lot of noise as I contribute. They should know that I am an elected Member of Parliament by the people of Mavoko and they are watching and listening to me. So, when they see a Member... Anyway, let me continue.

I share the feelings of those Members who feel that their communities have been marginalised, segregated or looked down upon. It has been a culture in this country that when one person takes the presidency, it is a practice that it is our time to occupy every other office or, rather, what we say in Kiswahili: “*Ni wakati wetu wa kula.*” We should change that culture. This country is supposed to be in a position that anybody can be a president and every Kenyan should

feel that there is a president who does not care where they come from by virtue of region, tribe, religion or anything else. The day Kenya realises that is the time we will enjoy the fruits of democracy and the rights that we have been fighting for. Otherwise, we will keep on fighting. The presidential fights that happen are not because someone wants to lead. It is because they want to occupy those offices so that they can reward or benefit their communities. That culture must come to an end. As Kenyans, we should realise and practise a culture of knowing the right person to lead this country who cannot discriminate anybody so that this country jumps to the levels of tiger economies. We are told that in 1967 to 1969, we were at the same level with Singapore and Malaysia. But because of leadership, those countries have emerged as economic powerhouses. Sometime back, I was watching a clip from Dubai. They were comparing themselves with a country like Nigeria which has oil and arable land. They were saying that the reason why Dubai is ahead is because of leadership. Unless we address the issue of leadership, everything else will be elusive in this country and African countries in particular. Even in this Bill that Mwadime has thought it wise to bring, there must be level address of everybody, including PWDs, marginalised communities, women and youth.

It is a big shame when we see all the appointments. We come here to approve people who are over 60 years old and yet, 73 per cent of the population in this country is made up of the youth. What happened? What went wrong? We need to correct that and get it right.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well said. Let us have Hon. ole Sankok David, Member 001. You have the Floor.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to support the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No.17 of 2019), that has been brought by Hon. Andrew Mwadime. We appreciate Hon. Andrew Mwadime for bringing to light this issue of national importance.

Public Service is not a private institution. It is an opportunity to serve the public. When you talk about the public, we are talking about all regions of this country, ethnic balancing and bringing on board affirmative action groups so that all of them can feel that they are part of the country. Representation of affirmative action groups is fundamental to the development of any nation. A nation is not measured by its ability to hold the hands of the stronger members of the society, but by its ability to hold the hands of the weaker members of the society. The weaker members of our society are the affirmative action groups or the special interest groups (SIGs) together with the marginalised communities.

As much as we want to paint the Government black, let us give it its due. The Jubilee Administration under the leadership of Uhuru Muigai Kenyatta has tried as much as possible to bring regional and ethnic balancing to the Government. Let the truth be told. If I can just go to the representation of PWDs, for instance, the President has not only appointed persons with disabilities in parastatals and Government, but has gone deeper to know the categories of PWDs so that each category is represented.

I will speak about my Jubilee Party. In the Senate, we have representation of PWDs in the person of Hon. Mwaura who has albinism. I am here representing PWDs on behalf of the Jubilee Party and I am physically disabled. There is Dr. Chomba who represents us in the National Gender and Equality Commission and is visually impaired. He is blind. There is Washington Opiyo who represents us in the Commission on Administrative Justice as a commissioner and he is deaf. He has a hearing impairment. There is a Principal Secretary, Hon.

Josephtha Mukobe, who also represents us at that level of Government management. We are not yet there. We need more. We need representation in Cabinet Secretary and Chief Administrative Secretary positions. We also need full implementation of the Persons with Disabilities Act of 2003 and Sessional Paper No.14 which, Hon. Nyikal, when he was the PS in charge of special programmes or labour, tried as much as possible to implement. Many of our achievements as PWDs were courtesy of Hon. Nyikal while he was a PS in the relevant ministry. Let us give credit where it is due.

Kenya ratified the United Nations Convention on the Rights of Persons with Disabilities in 2008. It is now for us to take this opportunity of the Building Bridges Initiative to converse and make sure that there is inclusion of PWDs. That is why, on behalf of the 6.5 million Kenyans with disabilities, I support the BBI process 100 per cent so that we can bring about inclusivity. We also support the expansion of the Executive so that we can bring in inclusivity.

There can be nothing about us without us. If we are at the table, we can easily influence policies that will assist the employment of our fellow PWDs. That is why we support the expansion of the Executive by creating the position of a prime minister and two deputies. Inclusivity does not mean tribal inclusivity of bringing different tribes to fill the five positions. We have 44 tribes in this country. If we have to bring in five tribes, you will be excluding 39 tribes. That is not inclusivity. Inclusivity means that we bring in the SIGs and affirmative action groups so that if the president is a man, the deputy president must be a woman and the prime minister position reserved for a PWD. One position of the deputy prime minister should be reserved for a youth and the other for somebody from the marginalised communities. As Members celebrate, they are now aware of who qualifies to be a prime minister and who does not. From all indications, you should start getting used to your future prime minister.

For the sake of bringing on board the youth, we should also have conversation about the retirement age of civil servants being tied to the age limit of any politician. We cannot say civil servants should retire at the age of 65 because they are past intellectual menopause and are tired and yet, when it comes to politicians, we keep on recycling octogenarians in our political fields. There are also State officers. If you are a governor, you are also a CEO. A CEO of a State corporation has been told to retire and forced to go home because of attaining the age of 65 and yet a governor, at the age of 80, is still productive. I do not know if we recycle teenagers or something of the sort. For the sake of the youth to get employment in our country, let us tie the retirement age of civil servants to the age limit of every politician. *Sisi sote tufunge virago twende nyumbani.*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order. Hon. 001, we have visitors who have come to view and follow the proceedings of the House. You should note that you do not use a language different from the one you started debating in. You just mixed English and Kiswahili. You are out of order. It is not part of the procedures of the House.

Hon. David ole Sankok (Nominated, JP): Much obliged, Hon. Temporary Deputy Speaker. I am out of order because I was carried away. With the Motion attached to employment of PWDs and the prospect of having qualified to be the future prime minister, I can get carried away by emotions.

I support this Bill 100 per cent. Thank you very much for giving me this opportunity. Hon. Gladwell said that I had commended you positively. It is the truth. I only stated facts. If somebody is beautiful, she is and we appreciate it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well! I wish not to comment on that, but allow me to say thank you.

Proceed Member for Mathare, Hon. Anthony Oluoch.

(Loud consultations)

Order, Members! Please, let us consult in low tones. Yes Hon. Anthony Oluoch. You can use the Dispatch Box. Your microphone is on.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Deputy Speaker. Allow me to join those who have thanked the Member who has brought this Bill. This is a very timely Bill. Also, allow me to say that this Bill should be looked at in the context of the broad length and width of the Constitution itself.

This Bill expresses itself to be a requirement for organs of Government, which include county governments, State corporations, parastatals, constitutional commissions and others, to be able to report, in terms of the number of persons who are deployed in the public service, their gender, county and residence of birth. The first point I wish to make is that, there is a requirement that we should go beyond creating an Amendment Bill whose purpose would be to create aspirational values without obligations and punitive measures for breach.

Secondly, the public service, probably, constitutes not more than 30 per cent of the workforce in this country. As we look at the obligations that are being placed to entrench the values and principles under the Constitution itself, we should also be spending time to consider what happens to the other 70 per cent who are in the private sector and companies, either foreign or otherwise, who do business with the Government. There should be a requirement that those companies or private sector entities are also bound by the values and principles in the public service.

Alternatively, there is need for us to consider coming up with a Public Service (Values and Principles) Bill as well as a separate Bill to deal with values and principles of the private sector, so that the obligations that are placed under Article 10 of the Constitution are not only in respect of the 30 per cent of the public service, while 70 per cent are outside those obligations. Having said that, even with the most beautiful of aspirations and values placed under this Bill, if we do not come up with a culture of constitutionalism, we will not achieve much.

I am trying to place a distinction between the words that we place in our statutes and the Constitution, and the culture of constitutionalism, what is called *utanzania* in Tanzania. The BBI attempts to bring in this question of ethos or the lack of it in our country. If we do not put emphasis on the ethos, which is an attitude problem with ourselves, then even with this beautiful Bill, we will not be able to achieve much. These values and principles, which constitute the ethos, are outlined in a number of Articles in the Constitution. I underscore this because it is not the lack of legislation or constitutional provisions, it is an attitude problem.

Article 2 of the Constitution is clear on the issues of sharing, the question of equity, inclusivity, equality, non-discrimination and protection of the marginalised people. This Article clearly outlines what I refer to as the “foundational principles” under our Constitution. I want to agree with our colleagues who have spoken very eloquently on the problem of the marginalised people and people living with disabilities. Articles 54 and 55 are very clear about how we should deal with the issue of PWDs. Article 54 (2) is particularly very prescriptive. It says that the State shall ensure the progressive implementation of the principle that, at least, five per cent of members of the public in elective and appointive bodies are persons with disabilities. This is something that is very instructive that we must not only live with, but also ensure that it is implemented.

In respect of the youth, Article 55 of the Constitution speaks about the same thing. Article 55(c) provides that the State shall take measures, including affirmative action programmes, to ensure that the youth access employment. Article 56 also speaks to the same thing, providing that the State shall put in place affirmative action programmes designed to ensure that the minorities and marginalised groups are provided special opportunities for access to employment. I also refer to Article 100, which is in relation to the Bill on representation of the persons outlined there, who include women, PWDs, youth, ethnic minorities and the marginalised communities.

I believe that this Bill is at the third stage and it speaks to the very same questions of the foundational principles. I want to end this by allowing us to review what we have put in our Constitution in Article 232 (1) and, in particular, paragraphs (g) and (i), which talk about fair competition and merit. There are notorious organs, institutions and organisations in this country where unless you belong to a particular tribe, you will never make it. In fact, there is a joke that has been going on in the social media that, in order to make it to the Kenya Revenue Authority (KRA), the qualification is your DNA. Article 232 (g) talks about fair competition and merit. We have 43 tribes and 47 million Kenyans. In terms of merit, we must ensure that this is not only in the Constitution, but it is implemented.

Article 232 (i) is more instructive. It says that the values and principles of public service include affording adequate and equal opportunities for appointment and advancement, at all levels of the public service, of men and women, members of all ethnic groups and persons with disabilities.

I pause there for me to underline and underscore this point. At the moment, under Article 95, the budget-making process is one of the key responsibilities of the National Assembly. We should require that the Budget Policy Statement (BPS), when the Cabinet Secretary appears before us, should outline what each Ministry is doing to afford opportunities for training and advancement for the young people of this country. This is so that every line Ministry shows what kind of internship opportunities are there in-line with their budgets. How will my people in Mathare Constituency access training?

When you tell young people that they are required to have qualifications and experience and we do not put in place mechanisms and systems to ensure that they have those opportunities, what happens? In this year, as they bring the BPS, we must require that the Cabinet Secretary shows us what measures each Ministry is putting in place to ensure that we have opportunities for training and advancement of the youth of this country.

On the question of advancement, it is possible to say that we will have equal opportunities for people to be employed, but how do you get people to be advanced? This is something that needs to be looked into. What are the parameters used? You will find that only a certain tribe or two will advance in terms of advancement in the public service.

Hon. Temporary Deputy Speaker, I want to end by saying that under Article 5 of the Constitution, the Attorney-General is required to advise the President. We must require that the Attorney-General and the National Cohesion and Integration Commission also report to Parliament on how they advise the President on the principles and values in respect of appointments in the public service and all the other cadres in the Government Civil Service.

Thank you and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I wish to interrupt the debate and recognise visitors from Najile Boys High School, Kajiado West

Constituency, Kajiado County, who are seated in the Public Gallery. Please join me in welcoming them.

(Applause)

We also have visitors from Ndabibi Primary School, Naivasha Constituency, Nakuru County. They are welcome to observe and follow the proceedings of the House.

Let me have the Member for Voi Constituency, Hon. Mlolwa Mwangogo.

Hon. Jones Mlolwa (Voi, ODM): Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to support this Amendment Bill by Hon. Mwadime.

First and foremost, the public service is supposed to afford equal opportunities to all Kenyans of all tribes or communities in this country. But what we see today is a few communities benefiting at the expense of others. Some of us from marginalised communities like Taita Taveta do not see our people being appointed to any positions in the country. We do not see our people appointed to Cabinet Secretary positions in the country despite the fact that, since Independence, Taita Taveta people have always had a Minister in the Government. But the Jubilee Government has not appointed our people even to parastatals. The skewed employment means that our people are not employed also because all parastatal bosses, whenever they get an opportunity, employ their people. So, we demand that the Public Service Commission gives details yearly on employment per sub-tribe in the country, so that there is equal opportunity to every community and sub-tribe in the country.

We want to see a situation like what happens in the armed forces where they advertise yearly and go to the ground to employ, at least, from every constituency. If this happens, we will see all communities represented in the Public Service Commission as it is supposed to be. Today, even the fight for the presidency is as a result of the people who want to benefit as a tribe and not as a country and thus, the country does not win as one. Personally, if everything is done well, employment is done across the board and the economy recovers, I would not care who the President of this country is.

So, I hope the BBI is going to address this issue so that all of us can become part and parcel of this country and not a few. With that, we will heal this country completely.

Hon. Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Gilgil, Hon. Wanjira Wangari, you have the Floor.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Bill by Hon. Andrew Mwadime. Despite being in recovery from an accident, he has done very well to bring the Bill at the right time. We wish him quick recovery.

From the start, if what we have in our Constitution is implemented to the letter, I am one person who believes that we will not need the BBI. If Articles 10 and 27 of the Constitution are implemented, we would not have issues of inclusivity being talked about out there in the rallies or elsewhere. Why? Article 10 of the Constitution talks about patriotism, sharing, devolution of power, non-discrimination, protection of the marginalised, good governance, integrity, transparency and accountability. Article 27 of the Constitution talks about equal opportunities. Our Constitution has looked at inclusivity in such a wide manner that if we implemented it, we would not need to talk about any inclusivity outside there.

As we speak, this is the time we usually have a conference by the Commission for the Status of Women by the UN, in New York. The gender gap is still there. This Bill should debunk

some myths. I heard the Secunder of the Bill say that in the Government, only two communities are benefiting. I was shocked because I do not think that inclusivity means dragging into the mud a whole region or a whole community. We need to debunk those myths.

I had to go through the list of the Cabinet today to see which two communities are more represented and dominating. It is not true that two communities dominate the Cabinet. A lie can be repeated many times until people start doubting the truth and start believing the lie. Fred Matiang'i is from Kisii, John Munyes is from Turkana, Keriako Tobiko is from the Maa, Eugene Wamalwa is from Western, Chelugui is from the Kalenjii, Ukur Yatani is from North Eastern, George Magoha is from Nyanza, James Macharia is from Central, Peter Munya is from Meru, Rachelle Omamo is from Nyanza, Margaret Kobia is from Meru, Najib Balala is from Coast, Charles Keter is from the Rift Valley, Sicily Kariuki is from Mount Kenya, Farida Karoney is from Rift Valley, Joe Mucheru is from Mount Kenya, Adan Mohamed is from North Eastern, Amina Mohamed is from Western and Raphael Tuju, a CS without portfolio, is from Nyanza. We may repeat a lie many times that we make two communities, as the Secunder of the Bill has said, carry the burden of being discriminated in their own country. I have looked at the list again and I do not think it is true. We must be very honest as we have this discussion. The idea ...

Hon. Anthony Oluoch (Mathare, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Gilgil, we have an intervention by the Member for Mathare. Yes, the Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Deputy Speaker, is the Member in order to mislead the House? I know we are in the BBI context but this is an elephant we must confront. If we do not confront it, we will never get past it. Is the Member in order to mislead the House by attempting to skirt and go around the statistics and representation? The fact of the matter is that if we take the collectivity of the number of Cabinet Secretaries from Mt. Kenya and the former Central Province, they are disproportional. Is the Member in order to mislead this House? If we want to confront tribalism, we need to be truthful in this House. Is she in order?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order. Member for Mathare! The Member for Gilgil is debating. This is a House of debate. You had your time. I am sure you will still have time to talk of the same. This is a House of debate and she may not even have listed every other name. But, please, let us allow debate.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. When the Secunder of this Bill alluded to that issue, I was tempted to rise on a point of order and ask why he was misleading the House that two communities dominate and have taken up the public service. But I held my horses because I knew I would get my time and put my points across.

We have to look at it holistically. Having data will help us address the gender gap and discrepancy in communities and regions. Let us bring forth the statistics so that we are able to debunk the myths and set the record straight. The issue raised by Hon. Andrew is very critical. Maybe he is raising it because he feels that his people have been discriminated against but there is also the tendency I am alluding to, of saying that some two communities are dominating. You heard the former Speaker saying that there is a joke on social media that for you to be employed in Kenya Revenue Authority (KRA), you must produce your DNA. We are poisoning this society. We are poisoning the citizenry by peddling things that are not verified. Maybe when facts are tabled here, it will set this record straight. We will know who is telling the truth and

who is not. I still hold the opinion that if we have the total implementation of Articles 10, 27 and 100 of the Constitution, we will not be talking about BBI out there. We have a modern Constitution that many people look up to.

The people who are supporting issues of their communities oppose the two-thirds gender rule yet it is in the Constitution. If we could stay true to what we believe and support it whenever we are called upon to support it, maybe we would have implemented the two-thirds gender rule and we would not be talking about BBI because it is a matter of implementation. The problem is not the law in this country, we have the law. We have actually put it in the supreme law of the land but who implements it? It is important that the public institutions from parastatals, Ministries and county governments... I like the way Hon. Andrew has linked this to be a Bill that affects counties. The problem is not just at the national level. Everyone who is given an institution to lead, be it a university, hospital or nurse school, should preach inclusivity and implement what is in the Constitution.

We also must run away from balkanising this nation. If we have two universities in Nakuru and I say all of them must be led by a person from Nakuru, does it mean this person cannot be appointed at the Coast, North Eastern and Nyanza regions? We still have one unitary State and we must be very careful even as we deal with issues that we want to localise. We should ensure that we do not lose the nationality and the patriotism that is alluded to in Article 10 and lose a nation and a State by going to our cocoons.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the Member for Seme, Hon. Nyikal Wambura.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. The purpose of the Bill is to amend the Act to provide for an annual audit of human resource composition of all the service commissions in terms of gender, age, ethnicity, county of origin and county of residence in order to ensure equity. That is something nobody can argue against.

It is only that it only takes, as a Member said, about 30 per cent of employment in the country. What we should now be striving for is how to extend this to the private sector so that all Kenyans feel they have an opportunity. Equity is a major component of the values and the principles of our public service as enshrined in the Constitution. Therefore, for the Member to bring it so that it is audited annually, is important. What gets measured, gets done. You can put things in the Constitution but if nobody asks from time to time whether it is being done, it will not happen. Therefore, for him to say that this human resource audit should be part of the annual audit just as we audit finances in the context of equity that we require for this country, is important.

More important, when we audit and we find discrepancies that some organisations are not doing what they should do in accordance with the Constitution and now this Act, what do we do? These facts must be acted upon because if they are not acted upon and no sanctions are prescribed, it will just go on. That is why we are saying that we have two issues in the Constitution that if they were implemented, we would not be talking about other things politically. It is basically because they are not implemented. They are in the paper but they are not being acted upon. Equity is the real instrument of harmony where people live in a country and believe they belong to that country and have the rights as everybody else, particularly in terms of livelihood. Equity must be maintained in terms of the Constitution. It is definitely an important prerequisite for nationhood. If you do not believe that you are part of this nation, that

you are entitled to what this nation produces in terms of inclusivity, you cannot have a nation. You will have a State defined by boundaries, Constitution, acts of law, departments of Government but you will not have a nation which people believe in for which they can find.

In this country, if you stood in the street and said, “These Luos are very stupid people”, you will be attacked immediately but if you stood in the street and said these Kenyans are this and that, people will say you are a mad person because deep inside us, emotionally, we do not belong to that entity called Kenya. We belong to the entities of the smaller groups. It is only issues like equity that can bring that into our minds so that when Kenya is attacked, either through corruption or even militarily, we feel we are attacked. When people steal large amounts of money from a country and it is questioned, they are told, “Does that money belong to the person who is complaining?”. We do not have a sense of belonging to the country. That is extremely important. Moreover, equality will also ensure competitiveness and if there is competitiveness, then there is efficiency so that the best people all over are picked to do the jobs we require. At the moment, and Members have talked about it, we do not have that equity in employment whichever way you look at it, maybe not in the Cabinet but in parastatals and even the private sector. The private sector may be worse because people have no obligation to employ anybody but perhaps just their next of kin. Maybe the forces of production can force them to get people who are well qualified.

The issue of unemployment amongst the youth is the greatest threat we have but because of lack of equity in terms of employment, the youth are despondent. They do not feel that if jobs are advertised and they apply and there is nobody as they say to hold their hands, they will get that job. I have had experience where a youth tells you, “*Mheshimiwa*, I am not applying because even if I apply, I will not get it unless you help me”. When we reach that point where people do not even try, the country is dead. When we pass this Bill and we have those annual audits and we act on the audits, it will go a long way in helping the situation.

Again, it is this inequity which is a major factor in our divisive politics. People fight at the end of elections because they have lost. It is because they know if you are not there and your people are not there, you do not have a stake and you will not have anything. But if you have a situation where people know that it does not matter who is the head, they will still get what belongs to them, people will not even fight. Does it really matter to you who the president is if your children can go to school without worry, get healthcare and employment opportunities in the most equitable manner? It does not matter but, the way we fight indicates that we accept the status quo of inequity. That is really the problem. This is the issue of the BBI.

If the BBI document could have dropped from heaven written by somebody somewhere outlining problems we have in Kenya and giving the proposals for their solutions, after reading it, I am sure all of us will agree that it is a good document that can help us. But why do we have a difference? We have a difference because we have gone beyond it to our usual cocoon of saying but who will implement it? So, we are fighting about who will implement the BBI document even before we look at the document and accept it. We are killing a good thing because we are asking who it will be given to. We do not even have trust that whoever it is given will implement it as it is. That is what we should fight for.

I wish we separate the BBI argument from the 2022 succession issues so that we can regard it as a good document. After that we can say, okay, who is going to implement this document for us. When you want to create many positions, obviously everybody wants to sit at the table and so, you have to put many chairs for the many people who want to sit at the table.

But even if you have those chairs, the issue of equity must come in terms of the people who are to sit on those chairs.

Madam Temporary Deputy Speaker, this is a small component of the bigger debate we have in this country that we must address. With that, I support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me have the Member for Isiolo County, Hon. (Ms.) Rehema Jaldesa.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to also add my voice. On the outset, let me also join my colleagues in appreciating Hon. Andrew Mwadime for bringing this very important Bill to this House.

I want to start by thanking the public service and the public servants of this country especially the teachers, police, chiefs, *et cetera*, who are really dedicated to the service of this country under very difficult conditions. The issue about Public Service (Values and Principles) Act entails high standards of professionalism and ethical values. Indeed, if all these values, as it is enshrined in the Constitution, are upheld, we will not have the need to talk about amending this Bill.

I am saying this because in the Constitution we are told that public servants must uphold high standards of professionalism yet when you go into these offices, you will find public servants conversing in their mother tongues. That is worrying. You will find public servants engaging in illegal activities as have been in the headlines, day in day out. You will find a public servant competing for a political position when they are supposed to serve. So, as a politician when you go to these offices to try to get services for your people, you are put in a waiting room for three to four hours. These are the issues we must address.

We are talking about prudent utilisation of resources. It is given in the Constitution, but day in day out, we are talking about corruption. We have Ethics and Anti-Corruption Commission (EACC) which is supposed to address matters of corruption, but sadly the same people who are supposed to ensure that corruption is addressed are the same people who are engaged in corruption. These are cases which are documented and we have evidence.

I do not know why we even waste a lot of resources and time discussing policies and laws yet they are never followed. When we complain about a corrupt officer, instead of this officer being disciplined, he is transferred to another place. This is something I have personally experienced in my county of Isiolo.

The Public Service (Values and Principles) Act also talks about inclusivity. It is an issue that has raised many emotions in this House. Truth be told, all Members who have contributed about lack of inclusivity have clearly addressed the issues as they are. I come from Isiolo County. It is a county where, in all the over 300 parastatals in this country, we do not have a single Chief Executive Officer (CEO) or a Managing Director (MD). We do not have a single director in any of those parastatals. It is not that we are not learned; we are the most learned community from the northern part of the country.

You have heard a Member list the Cabinet Secretaries and she said from northern region there is so-and-so. She is forgetting that the northern region has 42 tribes of this country. Some of our communities have never had even a single director in a parastatal. This is the kind of inclusivity we are talking about.

The Constitution under Article 204 gave us something called Equalisation Fund. From the time that fund was established to date, we have not benefitted from a single cent in the county of Isiolo. If that is not marginalisation, then I do not know what marginalisation is.

We are talking about inclusivity and some people here talk about one kilometre one vote. We are supporting the BBI process because it is giving us a voice. Even if it will not go anywhere, at least it will give us an opportunity to speak. That is why some of us are saying, “one man, one vote, one shilling” because the issue of allocation of resources is not only about population. We have the land mass to talk about. We have issues of historical marginalisation. We cannot run away from that.

There is the Sessional Paper No. 10 of 1965 where resources then were given to areas known as high potential and some of us were left in the wilderness. When I interact with my colleagues, their argument is, “Oh, you have to go like 20 to 50 kilometres to find people in Isiolo County.” How can you find people in Isiolo County when we only have one tarmac road that connects Nairobi and Moyale? The rest of the county does not have any tarmac road. How do you expect people from Central to come there?

Hon. Temporary Deputy Speaker, that is the kind of marginalisation we are talking about. Devolution was meant to address the issue we are talking about today, which is equity and equality in public service. The governors who were elected, instead of ensuring that there is equity, they are now marginalising people further. Inequality is being devolved to the 47 counties. That is very sad. Why am I saying this? Employment in our counties is given to their political cronies and their clan members. When you see an advert in the newspapers for a position, you already know that so-and-so will get it regardless of their educational qualifications and experience. That is why some people in the BBI process have said we are better off doing away with devolution. Therefore, I support the Bill. We must see the face of everybody in Government at both the national and county levels.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Kitui Rural, Hon. Mboni Mwalika. Is he in the House?

Hon. David Mboni (Kitui Rural, CCU): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to add my views and support the Public Service (Values and Principles) (Amendment) Bill by Hon. Andrew Mwadime.

We need to understand that in the public service, recruitment is done through various institutions. Among them is the Public Service Commission, whose membership is appointed by higher authorities. Principal Secretaries and Cabinet Secretaries are appointed by higher authorities. Parastatals recruit their staff members through their human resource departments, while the county governments recruit using their respective public service boards.

We have to understand that all these appointing authorities have failed this country. They have not complied with the Constitution. The Constitution is clear on the issue of gender balance. Thirty per cent of the people being recruited should be of the opposite gender. There are issues of persons with disabilities. This has been ignored. People from disadvantaged groups and disadvantaged areas have also been ignored. A lot of youths have not been spared because of corruption and tribalism in recruitment. These are the issues we need to agree on.

County governments are supposed to recruit 30 per cent of its workforce from outside their counties. What is happening in the counties? All employees of county governments are from the same county and same tribe, speaking the same language. At times I wonder what kind of language they use when they have meetings.

Having worked in the public service, I remember a Ministry where all the senior people – the Principal Secretary, the Cabinet Secretary and the directors – were from the same tribe. When you went to their meetings and you were from another tribe, you would not know what to say because all communication would be done in mother tongue. What needs to be done is for

the public service to use the population data – this data will give people by tribe and region, the number of the disabled people, and people from disadvantaged areas – to effect promotion of public servants. Everybody will feel represented. The face of Kenya will be seen. I come from one of the biggest tribes in Kenya, the Kamba tribe, but we do not have a Cabinet Secretary in the Cabinet. We are wondering whether we are not Kenyans. These are the issues. That is why the BBI is very important. It is going to address some of these issues. We have to also know that the law is there but we are not following it. So, I am wondering whether we will implement the issues that will be agreed through the BBI. If that happens, then we will have another BBI. That is the direction we are likely to go. As Parliament, we need to look for ways of making sure whatever we enact is implemented so that issues of equity can be addressed.

With those few remarks, I support. Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member representing the people of Mwea Constituency, Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to also contribute to this particular Bill. I stand to support the Bill but with some amendments, as I will state herein.

This particular Bill can be considered as an implementation of the various parts of our Constitution that talk about values and equal sharing of resources of this country. This Bill introduces a requirement that every department should make a return on their employees: gender, age, country of birth, country of residence. But the drafter of this Bill forgot one important item that should also be included in the list: the percentage of each of the various categories that are to be reported. It is important that even as we talk about employment in this country, this is one area that has been misused by politicians to create conflicts among various communities in our country. We need to debate this issue very soberly. We talk about people being deployed, but we never look at the percentage of those people in the targeted areas. We look at the number of people deployed but we do not look at the overall number of those people in the country.

Census results are now out. We know the proportion of our populations in this country by communities. When a community is populous, that number is to be reflected everywhere, including in the mortuary. If a community is populous, it will be populous even in the mortuary. For that reason, for people to debate the number of people of a community in a given department without considering the number of the community overall, in a county or in the country, then we miss the point. This is why I am saying we must debate this issue with sober minds and ensure that we do not buy into the politics of hatred, politics that has been used in the past to prove and show that some communities have been marginalised by way of disproportionate sharing of resources. Employment is one of the public resources subject to the various constitutional requires, including Article 10 on national values and Articles 202 and 203 on sharing of resources; the whole Chapter 12 is to be considered when it comes to deployment of employees.

I have heard people say that in the past our community was considered for appointment to the Cabinet and now we are not, hence blaming the current Government. It is important for all of us to understand that we are dealing with 47 counties and more than 42 tribes. At no one time shall we have people from all these communities appointed as Cabinet Secretaries and chairmen of constitutional commissions. And for that reason, when you complain that your community is not represented in the Cabinet, go ahead and check whether your community is represented in the other various commissions. Check whether your community is represented at the level of Principal Secretaries or directors. That is when we shall make this a mature debate and not just picking an item.

I have seen it when we are coming to approve nominees for the various commissions. I have heard people complain that their communities are not included in that particular commission. We have many commissions in this country. Have you checked to see whether your community is represented in a different commission? When we talk about equality it is important to understand that it must be discussed in total and not just one item that you bring in as a particular interest. When we talk about equity, we talk about it in employment and deployment of resources that we have. We know that among the areas we are floating this particular constitutional requirement is on NG_CDF itself where we have some constituencies which are represented or have less than 50,000 people being given the same amount of money with constituencies that have over 200,000 people.

So, for this debate to be complete we must look at it in total and this is where we now invite serious debate even through the BBI. I feel like we are now discussing the real BBI in this particular House today. This area needs to be looked at and not in a way likely to address marginalisation in some areas and marginalise others in terms of population. This is where you would want to punish certain communities by not letting them get employment opportunities and neither should they be given an equal share of the resource simply because they are not populous.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member for Mwea, Hon. Wachira Kabinga, we have an intervention from Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Hon. Temporary Deputy Speaker, I wish to hear the Member talk more. He is talking about Members complaining of marginalisation of their communities. There is nowhere written that one community in this country should get positions of Cabinet Secretaries throughout and which ones are earmarked for commissions? What we are trying to cure are those historical injustices.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Dennitah Ghati, what is your point of order?

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): I wish to correct the Member because he says we are complaining because our communities are not being included in Government appointments to the Cabinet. I am just reminding him that we are trying to cure historical injustices.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Your point of order is misleading since you are arguing.

(Loud consultations)

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker for that protection. I hope I would be added a minute. I would advise Hon. Dennitah Ghati to listen to my speech in total and not just the last sentence or one sentence.

I talked about some of the people jumping into lists that are brought to the House without considering that there are many lists that have been brought in this House in the past. That is exactly what I said. I also said that we must know that wherever a certain community is more populated, chances and probabilities are very high that if you throw a stone...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Mwea, we have an intervention by the member for Lamu. And Members, please, as you stand on a point of order, I will be ordering that you point out the specific Standing Order so that we can at least be relevant and can be within our...

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Temporary Deputy Speaker, I am on a point of information.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are on a point of information. Hon. Member for Mwea, do you want to be informed by the Member for Lamu County?

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Speaker, I do not know what kind of information the...

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Then give me time I tell you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do you want to be informed?

Hon. Josphat Kabinga (Mwea, JP): I do not want to be informed at this time. I want to complete my...

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member for Lamu County, the Member for Mwea does not want to be informed by you.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Speaker, I am being interrupted and this is likely to have an effect on my contribution. We are contributing to a very important debate.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Because of the interruption I may wish to add you two more minutes, Hon. Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I have said that this debate is so important, so much so that if you throw a stone to a population the probability— those that have done statistics— of that stone hitting a member of the populous population among the community is very high. I have also stated that population is reflected even in the mortuary. Population must also be reflected in various departments, if you want to be serious with this debate.

I also want to say that we have a 30 per cent rule in the counties. Seventy per cent is supposed to come from the county itself. So, the issue of some populations being overemployed in the county should not arise if the Constitution is well adhered to. So, I also want to say that if we want to have a closed country where people do not work across the counties then we are going to develop a very dangerous country.

We need people to move around, be deployed in Mombasa, Lamu, Nyeri, and Kirinyaga. We need to cross-breed skills and promote movement in the country, settlement in the country and even marriage within the country so that we can have a healthier and much more informed country that we desire to have.

With those few remarks, I once again want to support this Bill with the amendment that whenever we report, we must also include the percentage of population in those reports so that people can make a fair judgment as to whether people have been marginalised or not.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the nominated Member, Hon. Oduol Adhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this very important amendment Bill. At the outset, I would like to congratulate and thank Hon. Mwadime. When we look at this particular amendment Bill— as has been observed by a number of speakers before— it really speaks to the

core of what is ailing our country today. It really brings to bear our role which is not only dealing with legislation, but also calls upon us to look at the population. We need to look at the people in the constituencies and counties we represent and ensure that we are not only speaking on their behalf but also seeking to exercise oversight on what is going on and how that is affecting the country.

Looking at the amendment that we would want annual reports on details of human resource in constitutional commissions, independent offices and county public service boards as well as the county assemblies service boards, I would like to draw our attention to the practice in our country at the moment. We might not be thinking of the public service as the core, foundation or the heart that would keep our country going.

Hon. Temporary Deputy Speaker, when we think of countries such as Singapore and Malaysia, on a number of occasions we have sought to look at the way Kenya at some point in the past seems to have been on the same level with them and we discovered they have now made a lot of progress. I submit that one of the key issues is because in those countries the public service is very critical because it becomes the fundamental cornerstone upon which we could look at the key values. One, transparency in what it is that we seek to do as we serve the community, the country and the interest of the different stakeholders in our country.

Secondly, to ensure that there is a sense of accountability and that we do not have a situation where we are always pointing fingers and seeking to find who to blame, be it on region, religion, age, gender or any other dimension.

Third, when we look at ethics to see that we do not always have to have a law or somebody looking over our shoulder but that those who are in the public service, those who seek to work to serve the community, are adhering to ethics and leadership which is a cornerstone.

As I support this amendment Bill, I would like to draw the attention of the House that I belong to the Departmental Committee on National Cohesion and Equal Opportunity. It has carried audits because one of its mandates would be in working with the National Cohesion and Integration Commission to ensure that we do not have a situation where diversity or differences that exist in our country become a bone of contention specifically as is reflected by this amendment Bill. In our Committee, when we looked at public institutions in our latest audits, we divided public institutions into parastatals, commissions and universities that we would then want to determine among other things like the human resource, we would like to see the spread.

Hon. Temporary Deputy Speaker, I would like to share with the House that it would be useful to look at that Report and the statistics. I have seen that there are times when as we make statements as has been observed, we either generalise and begin to look like we are taking sides or we make statements that we cannot verify. I submit that in terms of how we would begin to bring temperatures down; how we would also hold each other accountable; and how we would ensure that the public service which is what we will not be changing every five years when we go for elections, becomes fundamental core that would help to serve the needs of the people. We should acknowledge that we have found, as Members of this Committee when we undertake audits, that indeed as a country we currently stand at a point where there are ways in which some communities tend to be left out and there are communities that tend to be appearing to have more of their share especially when we look at the public service and public positions.

I know Members are aware that these reports are available, we might want to look at that report. I want to share that Hon. Mwandime by enabling us to debate this in a very open way here has also helped us begin to look within ourselves. Even in our Committee as we debated and looked at different public participations and sort of took into account the reports that were

brought based on the research that was done particularly by the National Cohesion and Integration Commission, we found that we sometimes bring our DNA. Unfortunately, currently in Kenya we need to acknowledge that we have lost the national ethos. There is a sense that because of the manner in which public resources are distributed or are perceived to be distributed, we tend, as Hon. (Dr.) Nyikal had said earlier, to see ourselves more from the dimension of our communities instead of seeing ourselves from the perspective of Kenya. This is a matter of concern at times when we debate in Committees. For example, if you come with statistics ranking who we have in what positions in public universities, parastatals and commissions, you will find Members and general stakeholders questioning the researcher and saying, if this is the result can they know how the research was done and why.

I am emphasising this because I would like to remind this House that we are privileged to be here as legislators, representatives of the people and those who exercise oversight. We have made reference to the BBI. I would want to encourage all of us because we are in a point in history that we will be judged very harshly if we get overwhelmed by the energy we see when we are out on campaigns, but in this space where we can take time, we do not raise fundamental issues.

I would like to encourage all of us to remember that when we talk about BBI it is in the backdrop of what we saw as the handshake which by itself pointed nine issues, one of which is directly affected here. There was the issue of inclusivity, unemployment when looking at the youth and the way we lack national ethos, corruption and tribalism. Looking at the country there is a sense of the need to move forward. This Bill speaks to the core because it enables us to ensure we put annexes between inclusivity and good governance. If we have representation of the different age, gender and ethnic groups it will help us.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Oduol Adhiambo we continue praying for you to get strength following the loss of the angel. The Member for Bumula, Hon. Mabongah Mwambu, you have the Floor.

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I want to support the Public Service (Values and Principles) (Amendment) Bill. We need to admit as Members of this House and country that there is a problem. The moment we do so, we will be able to cure the problem eating this country.

We live in a society that is sort of ill-mannered. Before we talk of the principles and values which are well captured in our Constitution, We labour every day to bring Motions, Bills and amendments and ensure they are implemented, but at the end of the day, they are kept somewhere and nothing is done.

Before we look at the public service principles, something which can cure it and the entire nation by extension is personal or individual values. Your values as a person will definitely direct you or determine the kind of choices you will make. We need to look at how the process of employment is done in this country. We need to look at the values of the people who are selected to sit in our public offices. At times it bothers me much whenever I walk into some departments and find completely rotten officers. You even do not need psychological assessment to know a rotten officer sitting in a public office. When you raise a complaint, you find that the same officer is transferred to another department or moved to another station. What are we encouraging? Article 232 (1) of our Constitution is very clear that the public service is a profession that needs to at least uphold the highest level of professionalism. It comes out very

clearly about accountability, responsibility and transparency. It is very clear in the Constitution but, again, when you go back to the same offices and look at what they are doing, you wonder where we are going.

I have heard one Member trying to defend the position of public service. He said that as it stands now, the public service is well balanced. We are cheating ourselves. We are fighting an animal called “tribalism” in this country. We are talking of corruption every day but I want to believe that our personal values can assist us to cure this problem. If, as a House that is privileged to serve this country, we are not able to destroy these animals called “tribalism” and “nepotism”, let us try as much as we can to blind it so that the next generation can destroy them. We must accept that there are regions that are completely forgotten in this country. We must accept that there are regions which do not even have the share of this Government even as much as we have devolved units. You go to the devolved units, where I happen to have worked, and you will be surprised with what is happening.

I would even suggest that the amendment that has been brought by this Hon. Member is not an annual submission. We should have quarterly submission from every department and even the counties to see what they are doing. They can submit their reports to the county assemblies and the Senate so that we know what is happening in the public service. This amendment needs to capture even the kind of sanctions that such people should be given. This is because at times when you point out issues, somebody sitting there must take responsibility. If there are no clear sanctions against these kinds of people, we will be talking about these things everyday but at the end of the day we will not be helping the next generation. The issue of tribalism and corruption in this country is a collective responsibility. As Maxwell says, everything rises and falls on leadership. We must all, as Kenyans, stand wherever we are to take the challenge of leadership and point out these things so that we slay this animal.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the Member representing the people of Suba North, Hon. Millie Odhiambo Mabona.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support the Bill.

In supporting the Bill, I want to say that recently, my attention was drawn to some statement that was made by a gospel singer. What he was saying was that we have forgotten our values and principles and what we need to go back to are our values and principles. The singer is called Kagame. I agree with him to that extent. The only part I did not agree with him on is, of course, where he says we do not need the BBI to do so. Curiously, him and a number of religious leaders who are leaning to the evangelicals always have a given political leaning. So, to that extent, I do not agree with him. However, I agree with him that we need to go back to our values and principles.

Sometimes we might even be accused of over-legislating. We over-legislate sometimes because we do not follow the law. This Bill is almost very similar, in content, with the National Cohesion and Integration Act because the Act seeks to have the issue of inclusivity, especially in employment.

The Act looks at those issues based on gender, persons living with disabilities and ethnicity among other factors. I encourage the Hon. Member who has moved this Bill, Hon. Andrew Mwadime, to be as brave as the Constitution has been and as the National Cohesion and Integration Act was. I agree with Hon. Anthony Oluoch that unless we slay ethnicity in this country, we are not dealing with the issue of inclusivity. Why do I say that? I listened to Hon.

(Ms.) Martha Wangari, and I did not want to interrupt her, when she was saying that her community has been demonised for long because of false information about them being favoured. Of course, it is a fact that her community gets a lot of appointments, perhaps because they are the majority in the country. So, it goes without saying that they will get most of the jobs. But even so, that is why the National Cohesion and Integration Act acknowledges that we will have majority tribes in terms of population, but we must be inclusive. Otherwise, which countries will other communities go to? When we were agitating for change in this country, we actually called for secession at one point. The reason for calling for it was because we were not feeling included in this country. I call upon us, as politicians, to deal with the issue of inclusivity. I do not care what form it takes, whether it requires us bringing a Prime Minister in this House or taking a hard stand. If we do not deal with the issue of inclusivity, we will go the way of several other countries.

Hon. Temporary Deputy Speaker, the Lord has been gracious to us as a country, that whenever we have reached almost the brim, we have been saved. In 2007, when we lost 1200 people, the country still got back together. Recently when we were divided, we still had the handshake that has now brought us the famous BBI and through it, we are working to ensure that there is inclusivity in this country. I encourage those who love this country, including religious leaders, to stop fearmongering and demonising individuals but find ways of bringing the country together. If there is one person that has been over demonised in this country by religious leaders, it is one Hon. Raila Amollo Odinga. You would almost think that he is the devil. That is why our country is going on the wrong path. Instead of looking at the devil and dealing with him, they are equating Hon. Raila Odinga to the devil. Let them focus on looking for the lost sheep, bring them to the church and impart values in them. If they focus less on demonising Hon. Raila Odinga, this country will be better. Now, we have young girls going off the path because our religious leaders are off the path.

Hon. Deputy Speaker, every sermon you see in churches today is about BBI and Hon. Raila Odinga. Some are even prophesying. These are the ones that the Bible told us that in the last days, you will see false prophets. They know that many of us fear talking to the church because we see religious leaders as close to God. May I tell you, Hon. Temporary Deputy Speaker, I am also close to God because the Bible says that in the latter days, each of us will deal with God directly. I do not need to go through anybody. Therefore, I challenge our religious leaders to unite the country; do not be the divisive voices. If you look at most of our religious leaders, so long as they have been given money through *Harambees*, they will prophesy anything that they want in this country and after that, they will come here and complain about politicians dividing the country. It is not politicians who divide the country. By the very nature of our profession, we always talk a lot and because we are always competing, the nature of our work will almost be divisive. So, there must be other people who should be uniting us but they are failing.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Odhiambo-Mabona. We have an intervention by the Member for Runyenjes. What is your intervention, Hon. Eric Njiru?

Hon. Eric Njiru (Runyenjes, MP): Thank you, Hon. Temporary Deputy Speaker. I want to ask whether the honourable Member for Suba North is talking of religious leaders in general or some of the religious leaders.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Do you want information from her? What is out of order? What is your point of order?

Hon. Eric Njiru (Runyenjes, MP): I am uncomfortable that she is talking about religious leaders in general. She is not saying whether she is talking of some religious leaders or all of them.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): So, what is out of order? Do you want her to clarify?

Hon. Eric Njiru (Runyenjes, MP): I would like her to clarify.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, even though I am not out of order, I will still clarify. I can see that from what he has on his head, he must be a religious leader. Because of that, I will say that it is not all religious leaders. In fact, the Bible says that many are called but few are chosen. I hope you are one of the few that have been chosen. Many people are called. Those called are not those on the outside. There are people who are called who go to church, including religious leaders, but not all are chosen. Many are called but not all are chosen. Therefore, many of us fear tackling religious leaders who are the most divisive forces in this country. When you bring something good to take the country forward, we spiritualise our political leanings. We spiritualise our ethnic and gender hatred. I want to tell the religious community to read their Bibles. God is a God of equality and equity. Stop being divisive.

With those few remarks, I support the Bill. I urge some of our religious leaders to stop dividing this country.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Millie Odhiambo. Hon. Members, I need to remind you that as a matter of the procedures of the House, revisit your National Assembly Standing Orders so that we know how to put across points of order, argument and information. We are all guided by our Standing Orders.

Let us have the Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM-K): Asante, Naibu Spika wa Muda kwa kunipa nafasi nzuri ya kuchangia mjadala huu ambao umeletwa na mwenzangu wa Mwatate. Ningependa kumpongeza Mheshimiwa Mwadime kwa kutuletea Mswada mzuri kuhusu huduma za umma au *public service* kwa Kimombo. Itaangalia wananchi wote katika maeneo yote ya nchi na kuhakikisha kwamba kila mmoja anajihisi kuwa ana nafasi sawa ya uajiri katika nchi yetu.

Katika Kenya hii Mungu alitubariki na makabila 43. Imekuwa jambo la kustaajibisha kuwa uajiri katika nchi yetu haujatilia maanani kila mmoja apate nafasi ya sawa. Naunga mkono Mswada huu.

Kamati ya Uwiano na Utangamano huchapisha kila mwaka ripoti kuhusu jinsi idara za Serikali zimeajiri watu na kabila gani imeajiriwa zaidi kushinda nyingine. Ripoti ile huwa haitiliwi maanani na yeyote. Lakini leo, Mheshimiwa Mwadime ametupa nafasi nzuri kama Bunge kujadili maswala haya na kufanyia marekebisho sheria ili tuweke iwe lazima katika sheria kwamba ripoti hiyo itengenezwe na kila idara ya Serikali, kaunti na mashirika ambayo yanafadhiliwa na Serikali. Jambo hilo litatusaidia kujua ni watu gani wanaajiriwa zaidi na wagani hawaajiriwi. Itatusaidia kutoa ile kasumba ama ule uwoga kwamba kuna makabila ama sehemu fulani za nchi ambazo haziajiriwi. Wengi wanajihisi kwamba hatuna nafasi sawa. Kwa mfano, zamani kabla ya ugatuzi, kabla ya uchaguzi wa mwaka wa 2013, kuna maeneo ya nchi hii ambayo kila mara wangepata Waziri. Kila mara tungekuwa na wakurugenzi pamoja na makatibu kutoka sehemu zote za nchi. Lakini, leo hii, uajiri katika ngazi za juu umelenga maeneo fulani. Pia, unakuta kuwa kiongozi fulani anapewa nafasi ya uongozi kama mkurugenzi ama kama msimamizi wa rasilimali watu yaani *human resource*, ama katika ngazi za chini, utapata kuwa uajiri unalenga mahali anakotoka. Huwa kuna upendeleo na ukabila.

Nilikuwa ninazungumza na Mhe. Mwadime nikiuweleza kuwa nitaleta mapendekezo ya marekebisho. Hoja hii haijataja vitengo vya usalama. Kwa kweli, jeshi na polisi huajiri vijana kutoka kila eneo bunge. Lakini, baada ya vijana hawa kuchukuliwa, wawe wawili ama watatu kutoka kwenye kata, bado huwa kuna watu ambao hujiunga na kikosi cha polisi ama jeshi kupitia milango ambayo imefunguliwa na wale wanaoshikilia nyadhifa za juu. Nitaleta mapendekezo ili jeshi na vitengo vinginevyo vya usalama navyo vituletee ripoti hizi.

Mhe. Naibu Spika wa Muda nitokako, najua Wabunge wengi wanakumbana na shida hii, vijana wanakosa tamaa. Wao huenda kwa wingi, mamia na maelfu, kupambana ili kujaribu kujiunga na vikosi vya jeshi ama polisi. Ni aibu kwa kuwa ni wawili ama watatu tu wanaochukuliwa kati ya vijana elfu mbili wanaojitokeza. Vijana hao huja kwetu sisi Wabunge kuomba wafanyiwe mipango. Zamani, Wabunge walikuwa wanapewa nafasi mbili au tatu kuwaingiza watu katika vitengo vya usalama—leo hii tunajua hali si hiyo. Maanake Wabunge tuko wengi, hatuwezi pewa nafasi hata moja kwa kuwa tutachukua watu bila hata kuenda kwa wananchi.

Kwa hivyo, jeshi na vitengo vingine vya usalama lazima viwe hapa. Wakati wanapoajiri watu, wacha tujue ni watu wangapi wamechukuliwa katika kila kata. Hivyo tutaweza kutoa ripoti kwa wananchi waliotuchagua. Tutawaambia waliochukuliwa.

Mwisho, kwa sababu ya muda, inasitikisha sana maana idara kama Kenya Ports Authority (KPA) zamani, kazi zilikuwa zinagawanywa kulingana na usawa wa Kenya. Lakini leo wanaongoza kule juu... Ningependekeza kwamba Bunge hili lingeamuru tufanyiwe *audit for the last five years* ya watu ambao wameajiriwa katika bandari ya Mombasa. Mhe. Naibu Spika wa Muda, utashangaa kuwa kwa wale walioajiriwa, asilimia 90... Niko na *statistics*. Hata kazi za kufagia, kazi ambazo ni za chini kabisa, watu wanatolewa bara kuja kukomboa nyumba Mombasa ili waweze kupata ajira bandarini.

Katika kitengo cha Inland Container Depot hapo Mombasa vilevile, utakuta mambo yale yale. Kenya yetu, nashukuru kwa ajili ya *handshake*, BBI itaweza kutusaidia. Nikisikia mtu akisema hatuhitaji BBI, nashangaa maanake, suala hili tunazungumzia leo ni baadhi ya maswala ambayo yameangaziwa sana katika BBI. Kuna maswala ya kujihisi kuwa Wakenya; kupambana na ukabila; ukosefu wa kazi na *shared prosperity*. Wacha Mtaita wa Wundanyi aliyehitimu na shahada awe na nafasi sawa na yule Mkenya anayetoka Kisumu, Nyeri, Nakuru au Giriama ili Kenya iwe bora. Mtu anapoenda *interview*, wacha bidii yake na uzoefu wake wa kujieleza uwe ndio nguzo yake ya kumpatia kazi. Lakini isiwe kuwa, kwa sababu wengine hawana mkurugenzi wa kutoka sehemu yao, basi hawawezi kupata kazi. Nchi yetu inalia sana kwa sababu ya ukosefu wa kazi...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Member for Wundanyi. Pursuant to our Standing Orders, I will interrupt your debate on this and you will have a balance of two minutes when the Public Service (Values and Principles) (Amendment) Bill resumes for debate. Members, maybe, for your preparation, we have a balance of 53 minutes on the same Bill when the Order resumes.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m. I thank you all.

The House rose at 1.00 p.m.