



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 16th April 2024

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, we have a quorum to transact business. Clerk-at-the-Table.

(Hon. Junet Mohamed and several Members walked into the Chamber)

Hon. Junet and the Members at the Bar, please take the nearest seats. I have a few short communications to make.

COMMUNICATIONS FROM THE CHAIR

DELEGATION FROM THE COUNTY ASSEMBLY OF KISUMU

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation from the County Assembly of Kisumu seated in the Speaker's Gallery. The delegation comprises nine members of the County Assembly Business Committee led by the Speaker, the Hon. Elisha Jack Oraro. They are accompanied by eight members of staff led by the Clerk of the County Assembly, Mr. Owen Ojuok.

The delegation is in the National Assembly to engage and learn about, amongst other subjects, the management and oversight of legislative business in the Assembly.

On my behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagements.

(Applause)

I hope they stood up to be acknowledged. Thank you. You may take your seats.

(Hon. Opiyo Wandayi, Hon. Alice Ng'ang'a and several Members walked into the Chamber)

Members at the back, take the nearest seats. The Leader of the Minority Party does not know what 'the nearest' means. Hon. Alice Ng'ang'a, take the nearest seat.

(Laughter)

DELEGATION FROM THE NATIONAL ASSEMBLY OF SOUTHERN SUDAN

Hon. Members, I am pleased to introduce to you a delegation from the Transitional National Legislature of South Sudan seated in the Speaker's Row. The delegation comprises 10 Members of the Committee on Finance and Economic Planning. They are:

1. Hon. James Reat Gony - Leader of the Delegation;
2. Hon. Riaw Gatliar;
3. Hon. Goc Makuac Mayol;
4. Hon. Remijo Lasu Peter;
5. Hon. Tereza Nyadeng;
6. Hon. Jackline Nyibol;
7. Hon. Ding Lam Yual;
8. Hon. Sebbit Abbe;
9. Hon. Philip Palet; and,
10. Hon. Ajak Abraham.

The delegation is accompanied by one parliamentary officer and a representative from the United Nations Development Programme (UNDP).

The delegation is on a benchmarking tour of the country to learn best practices and share experiences with their counterparts in the National Assembly, namely; the Departmental Committees on Finance and National Planning, the Budget and Appropriations Committee, and the Public Debt and Privatisation Committee on amongst other subjects, the oversight functions of Committees, and Budget process and implementation.

On my behalf and that of the National Assembly, I extend a warm welcome to the delegation and wish them fruitful engagements in the House.

DELEGATION FROM THE NATIONAL ASSEMBLY OF ZAMBIA

Hon. Speaker: Hon. Members, I am pleased to introduce to you a delegation from the Parliament of Zambia seated in the Speaker's Row. The delegation comprises 10 Members of the Zambian Parliamentary Committee on Health, Community Development and Social Service. They are:

1. Hon. Dr. Christopher Kalila, (Delegation Leader);
2. Hon. Marjorie Nakaponda;
3. Hon. Masautso Tembo;
4. Hon. Monty Chinkuli;
5. Hon. Mr. Alex Katawe;
6. Hon. Leevan Chibombwe;
7. Hon. Paul Chala;
8. Hon. Joseph S. Munsanje;
9. Hon. Heartson Mabeta; and,
10. Hon. Miles Sampa.

The delegation is accompanied by two members of staff. It is on a benchmarking study tour under the theme Devolution of the Primary Health Care Services in Zambia with their counterparts from our Departmental Committee on Health.

On my behalf and that of the National Assembly, I extend a warm welcome to them at the National Assembly and wish them fruitful engagements during their time in our country.

(Several Members walked into the Chamber)

Members at the back, take the nearest seats. Thank you.

DELEGATION FROM THE CAUCUS ON ENVIRONMENT AND

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CLIMATE CHANGE OF THE NATIONAL ASSEMBLY OF ZAMBIA

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation from the National Assembly of Zambia seated in the Speaker's Row. The delegation comprises:

1. The Hon. Twaambo Mutinta - Co-Chairperson of the Zambian Parliamentary Caucus on Environment and Climate Change/Leader of Delegation;
2. The Hon. Kasauta Michelo - Chairperson of the Committee on Agriculture, Lands and Natural Resources;
3. The Hon. Maureen Mabonga - Vice-Chairperson of the Committee on Agriculture, Lands and Natural Resources;
4. The Hon. Golden Mwila - Member, Zambian Parliamentary Caucus on Environment and Climate Change; and,
5. The Hon. Sibongile Mwamba - Member, Zambian Parliamentary Caucus on Environment and Climate Change.

The delegation is accompanied by Mrs. Cecilia Sikatele-Mambwe, Deputy Clerk (Procedure), officers from the National Assembly of Zambia and the Ministry of Green Economy and Environment in the Republic of Zambia, as well as officials from the One Acre Fund organisation.

The delegation is in the country to learn from Kenya's experience on the implementation of the Climate Change Act of 2016. Notably, the National Assembly of Zambia is in the process of consideration of a climate change legislation.

On my behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay.

Thank you. Hon. Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker, for indulging me. The fact that Parliament has today hosted South Sudan and Zambia means that the country is making strides in terms of becoming a benchmarking destination for many African countries. It is good to note that the two visiting Parliaments are led by women Speakers; Hon. Nelly Mutti of Zambia and Hon. Jemma Nunu of South Sudan. Last year, I hosted a Zambian Delegation on your behalf which was quite involving. It was ably led by Hon. Nelly. We had Members from the ruling party, the opposition and even Independents.

As they learn about climate change and matters of finance, you must note that Kenya, in a milestone, hosted the Africa Climate Summit (ACS) last year. More importantly, during their visit, the Zambian delegation was interested in learning how we crafted the National Government Constituency Development Fund (NG-CDF) to ensure that we insulate societies from the playground of politics. I hope they will learn the role that this House plays on matters budget and legislation but, more importantly, matters of getting resources to the lowest levels. Zambia and South Sudan will get to know how the NG-CDF has transformed communities and the society.

I thank you, Hon. Speaker, as I join you in welcoming them to Parliament.

(Loud consultations)

Hon. Speaker: Thank you, Hon. Martha. Next Order.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you very much, Hon. Speaker. I take this opportunity to welcome my colleagues from the Departmental Committee on Health from Zambia, who are led by Hon. Christopher.

We had a very fruitful discussion in this Chamber in the morning about devolution and how they have devolved their health functions. We also discussed the Kenyan devolved system which started after the 2010 Constitution. We shared a lot of experiences hoping that they

would copy some ideas from us. As you read their names, you realise that Zambia has the name *Chinguli*, which has a close resemblance to *Sunkuli* here in Kenya. That can only mean that we are closely related as brothers. You heard of Pauline Mabonga. In Western Kenya, we have such a name. These are our brothers and sisters and, therefore, as we share our experiences, it will be good. The delegation will be visiting our national hospitals to see how health is devolved.

Thank you, Hon. Speaker, and I want to join you in welcoming them.

Hon. Esther Passaris (Nairobi City, ODM): Thank you, Hon. Speaker. I stand to welcome Hon. Miles Sampa, who is a Member of the Pan-African Parliament. He was one of the contenders, recently, for the seat of President of the Pan-African Parliament. As one of the Pan-African Parliament Members, we welcome him to Kenya.

Hon. Speaker: Yes, Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Speaker.

I also take this opportunity to welcome our colleagues from South Sudan who are here to interact with the Budget and Appropriations Committee, the Departmental Committee on Finance and National Planning, and the Private Debt and Privatisation Committee. I want to wish them well as we interact. They will be meeting three committees which play a very big role in this House. I, therefore, want to join you in telling them: “You are most welcome. *Karibu Kenya.*”

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, thank you very much for your indulgence.

On my own behalf and that of my colleagues, I wish to take this opportunity to welcome the members of the House Business Committee (HBC) of Kisumu County Assembly, who are seated in the Speaker’s Gallery of the National Assembly.

The delegation is ably led by the Speaker, Hon. Elisha Oraro. As I welcome this wonderful delegation to this House, I take this opportunity to also acknowledge that Kisumu County Assembly is one of those county assemblies that has remained extremely stable, and has conducted its oversight role on the county executive commendably. I wish to encourage them and welcome them to the House of Parliament.

Thank you very much.

Hon. Speaker: You ought to have also acknowledged that the Hon. Speaker allowed them to sit in the House Business Committee today, which House Business Committee you missed.

(Laughter)

(Hon. Opiyo Wandayi spoke off the record)

Next Order.

(Several Members walked into the Chamber)

Order, Hon. Members standing in the walkway. Please, take your seats.

(Hon. John Mbadi stood in the Gangways)

Hon. Mbadi, take your seat.

MESSAGES

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PASSAGE OF FIVE BILLS BY THE SENATE

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order 41(4) of the National Assembly Standing Orders, I wish to report to the House that I have received five Messages from the Senate regarding the passage of three Senate Bills and two National Assembly Bills.

The five Messages convey that on 21st March 2024, the Senate considered and passed, with amendments –

1. The Coffee Bill, (Senate Bill No. 10 of 2023);
2. The Prevention of Livestock and Produce Theft Bill, (Senate Bill No.12 of 2023);
3. The Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bill No.37 of 2023);
4. The Food and Feed Safety Control Co-ordination Bill, (National Assembly Bill No.21 of 2023); and,
5. The Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill No.46 of 2022).

Hon. Members, the Coffee Bill, (Senate Bill No. 10 of 2023), seeks to provide for the establishment of the Coffee Board of Kenya and the Coffee Research and Training Institute; provide for the roles of the national and the county governments; and the regulation, development, and promotion of the coffee industry in the country.

The Prevention of Livestock and Produce Theft Bill, (Senate Bill No.12 of 2023), seeks to provide a legal framework for the identification and movement of livestock; the prevention of livestock theft; the regulation of trade in livestock; and the return of illegally acquired livestock and firearms.

The Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bill No.37 of 2023), proposes to amend the Parliamentary Powers and Privileges Act to give effect to Article 125 of the Constitution by operationalising the powers of arrest by Parliament, and Article 50 of the Constitution on the right to a fair hearing.

Hon. Members, with respect to the two National Assembly Bills, the Food and Feed Safety Control Co-ordination Bill, 2023 and the Public Service (Values and Principles) (Amendment) Bill, 2022, you will recall that the National Assembly passed the two Bills on 23rd August 2023 and 26th October 2023 respectively and, thereafter, referred them to the Senate for consideration pursuant to the provisions of Article 110(4) of the Constitution.

Hon. Members, having passed the five Bills, the Senate now seeks the concurrence of the National Assembly on the Bills pursuant to the provisions of Article 110(4) of the Constitution and Standing Orders 46(1) and 161 of the Senate Standing Orders.

Hon. Members, the honourable Speaker of the Senate has also notified that pursuant to the provisions of Standing Order 162 of the Senate Standing Orders, the sponsors of the Senate Bills have designated co-sponsors of the Bills in the National Assembly as follows:

1. Sen. Samson Cherargei, MP, being the sponsor of the Prevention of Livestock and Produce Theft Bill, (Senate Bill No.12 of 2023), has nominated the Member for North Imenti, Hon. Abdul Rahim Dawood, MP as the co-sponsor of the Bill; and,
2. Sen. Godfrey Osotsi, MP, being the sponsor of the Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bill No.37 of 2023), has nominated the Member for Bumula, Hon. Jack Wamboka, MP, as the co-sponsor of the Bill.

Hon. Members, whereas the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, being the sponsor of the Coffee Bill, (Senate Bill No.10 of 2023), has nominated the Member for Kirinyaga County, Hon. Jane Njeri Maina, MP as the co-sponsor

of the Bill, I am aware of a prior arrangement and agreement between the National Assembly Leader of the Majority Party and the Senate Majority Leader on the marshalling for consideration of the said Bill. For the record, the two Leaders agreed that the Bill would be sponsored by the Majority Party once it gets to the National Assembly. This is to ensure that the Bill is prioritised and considered in an expedited manner since it emanated from the Executive.

The designation of co-sponsors of Senate Bills in this House corresponds with the provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders. In this regard, the designated Members of the National Assembly will assume the role of co-sponsor of the respective Bills, and shall be responsible for marshaling their consideration in the National Assembly.

Hon. Members, in order for the House to commence the consideration of the three Senate Bills, the Bills are scheduled in today's Order Paper for First Reading. Thereafter, the Bills stand committed to the following Committees:

1. The Coffee Bill, (Senate Bill No.10 of 2023), and the Prevention of Livestock and Produce Theft Bill, (Senate Bill No.12 of 2023), to the Departmental Committee on Agriculture and Livestock; and,
2. The Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bill No.37 of 2023), to the Committee of Powers and Privileges.

Hon. Members, with regard to the two National Assembly Bills, I direct the Clerk to circulate the Senate amendments to the two National Assembly Bills to all Members in accordance with the Standing Orders. Thereafter, the Messages and the Senate amendments to the two Bills are referred to respective Committees as follows:

1. The Food and Feed Safety Control Co-ordination Bill, (National Assembly Bill No.21 of 2023), to the Departmental Committee on Agriculture and Livestock; and,
2. The Public Service (Values and Principles) (Amendment) Bill, (National Assembly Bill No.46 of 2022), to the Departmental Committee on Labour.

I urge the Committees to prioritise the Bills in their agenda and report to the House as soon as practicable to enable the House to proceed with the next stages of the Bills.

The House is accordingly guided. I thank you.

Next Order.

PAPERS

Hon. Speaker: Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker. I beg to lay the following Paper on the Table:

Reports of the Auditor-General and Financial Statements for the Year ended 30th June 2023, in respect of:

1. Nyayo Tea Zones Development Corporation;
2. Kenya Dairy Board;
3. Non-Governmental Organisations Coordination Board;
4. Technical and Vocational Education and Training Authority;
5. National Council for Nomadic Education in Kenya;
6. Mama Ngina University College;
7. Kenya Deposit Insurance Corporation;
8. Nairobi Centre for International Arbitration;
9. Nursing Council of Kenya;
10. Kisii National Polytechnic;

11. Nyeri National Polytechnic;
12. Private Security Regulatory Authority;
13. National Authority for Campaign Against Alcohol and Drug Abuse (NACADA);
14. Council of Governors;
15. The Technical University of Kenya;
16. Kenya School of Law;
17. Meru University of Science and Technology;
18. Kenya National Highways Authority;
19. Nyandarua National Polytechnic;
20. Lake Basin Development Authority;
21. Kenya Medical Research Institute;
22. Kenya Coast National Polytechnic;
23. Southeastern Kenya University;
24. Bandari Maritime Academy;
25. Technical University of Mombasa; and,
26. Murang'a University of Technology.

Hon. Speaker: Chairperson, Departmental Committee on Transport and Infrastructure, Hon. GK.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Transport and Infrastructure on its attendance of the Annual Meeting of the African Network of Road Safety Legislators held in Kampala, Uganda from 2nd to 3rd May 2023.

Hon. Speaker: Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations.

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its vetting of nominees for appointment as High Commissioners, Ambassadors, Permanent Representatives and Consuls-General.

Hon. Speaker: Next Order.

NOTICE OF MOTION

CONSIDERATION OF NOMINEES FOR APPOINTMENT AS HIGH COMMISSIONERS, PERMANENT REPRESENTATIVES AND AMBASSADORS

Hon. Speaker: Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, give your notice of Motion.

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the Vetting of Nominees for Appointment as High Commissioners, Ambassadors, Permanent Representatives and Consuls-General, laid on the Table of the House on Tuesday, 16th April 2024, and pursuant to the provisions of Article 132(2)(e) of the Constitution, Section 20(2) of the Foreign Service Act, 2021, and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House—

- (i) approves the appointment of the following persons as High Commissioners, Permanent Representatives and Ambassadors—

CLUSTER	NAME	MISSION
High Commissioners	Ms. Catherine Kirumba Karemu	London, United Kingdom
	Hon. Joash Arthur Maangi	Kampala, Uganda
	Hon. Lilian Tomitom	Lusaka, Zambia
	Ms. Caroline Kamende Daudi	Ottawa, Canada
Ambassadors	Lt. Gen. Peter Mbogo Njiru	Islamabad, Pakistan
	Hon. Fredrick Otieno Outa	Cairo, Egypt
	Prof. Anne Kisaka Nangulu	Dakar, Senegal
	Mr. Timothy Kaluma Mcharo	Algiers, Algeria
	Hon. Christopher Andrew Lang'at	Abidjan, Côte d'Ivoire
	Ms. Jessica Muthoni Gakinya	Rabat, Morocco
	Hon. Halima Yussuf Mucheke	The Hague, Netherlands
	Mr. David Kiplagat Kerich	Washington DC, USA
	Ms. Everlyne Mwenda Karisa	Havana, Cuba
	Dr. Peter Mutuku Mathuki	Moscow, Russia
	Amb. Moi Lemoshira	Tokyo, Japan
	Mr. Kenneth Milimo Nganga	Abu Dhabi, UAE
Permanent Representatives	Lt. General Jonah Mwangi	Tehran, Iran
	Mr. Abdi Aden Korio	Muscat, Oman
	Ms. Getrude N. Angote	United Nations Environment Programme (UNEP)
	Ms. Grace Atieno Okara	United Nations HABITAT
Consuls-General	Dr. Fancy Too	Ambassador/Permanent Representative, Geneva
	Mr. Ekitela Erastus Lokaale	United Nations, New York
	Mr. Ezra Chiloba	Los Angeles, USA
	Mr. Aden Mohamud Mohamed	Jeddah, Saudi Arabia
	Mr. David Iboko Lokemer	Dubai, UAE

- (ii) rejects the appointment of Mr Charles Githinji Keiru as Consul-General – Goma, Democratic Republic of Congo; and,
- (iii) resolves that henceforth, Consuls-General should undergo vetting after their nomination by the appointing authority, and that the appointing authority recalls the serving Consuls-General not vetted for vetting and approval by the National Assembly.

Hon. Speaker: Member for Laikipia North, Hon. Sarah Korere.

NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

ESCALATING INSECURITY IN LAIKIPIA COUNTY

Hon. Sarah Korere (Laikipia North, JP): Hon. Speaker, pursuant to Standing Order 33(1), I seek leave for the adjournment of the House for purposes of discussing a definite matter of urgent national importance regarding the escalating state of insecurity in Laikipia County, specifically Laikipia North Constituency.

Over the past two months, Laikipia has been battling with rampant and widespread cases of insecurity. As a result, the community has been adversely affected by myriad cases of banditry leading to loss of lives, displacement of residents, and massive destruction of property. Despite the launch of security operations and a heavy police presence in the area, the situation remains dire.

Bandits are brazenly roaming and scouting villages, going as far as alerting residents of their intended targets despite the increased police presence in the area. Failure to decisively confront banditry emboldens the perpetrators. The insecurity has severely disrupted essential services such as education and healthcare, significantly impacting development in the region. Recent weeks have witnessed a concerning trend of daily attacks, highlighting the urgent need for decisive and long-lasting solutions, and proactive multi-agency interventions.

Hon. Speaker, it is against this background that I seek leave for adjournment of the House to discuss this matter of great national concern with a view to exploring possible and lasting solutions.

Thank you, Hon. Speaker.

Hon. Speaker: Do you have sufficient support?

(Several Hon. Members stood up in their places)

Hon. Members, take your seats. This Motion has generated interest from Hon. Sarah Korere and Hon. Kiunjuri of Laikipia East. For any Member of the Speaker's Panel who will be in the Chair, the first "bite" after Hon. Korere moves the Motion should go to Hon. Mwangi Kiunjuri. After that, we will open up the Floor to everybody else. Hon. Sarah Korere, you should be ready to move your Motion at 6.00 p.m. We will stop whatever business we will be considering at 6.00 p.m. to consider your Motion of Adjournment. Although the Motion highlights insecurity in Laikipia County, many other areas may be similarly affected.

Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, in line with the Adjournment Motion that has been moved by Hon. Sarah Korere, while you were away on other parliamentary business last week, Hon. (Dr) James Nyikal sought an adjournment motion. He stood under Standing Order 33(1) to move a motion on a matter of urgent national importance, as Hon. Korere has done. His Motion was in relation to the ongoing strike by doctors and other medical staff. It seems he was not granted an opportunity to discuss the matter despite having the requisite support in the House.

I seek your indulgence to clarify that very important matter of national importance. We could not conclusively agree on the way forward on that day. Therefore, we left it hanging knowing very well that the Speaker would be back on Tuesday, God-willing, and we would get better clarification than what we went home with on that day.

Hon. Speaker, as you know, matters of national importance are seasonal. A matter may be of national importance today, and it ends up becoming a matter of county importance

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overnight, or of no importance. As you are aware, the strike by doctors and medical personnel has been ongoing for the last one month without any solution. This House deals with matters of concern to the people because, if we do not discuss those kinds of issues on the Floor of the House...

Hon. Speaker: You are now debating instead of raising a point of order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, with those few remarks, I seek clarification on whether Hon. Nyikal's adjournment motion was procedurally done or not.

Hon. Speaker: Thank you, Chief Whip of the Minority Party. Hon. Members, Dr. Nyikal saw me this morning and wanted to raise a motion of adjournment on the doctors' strike. I later learned that there was a similar attempt last week to move a motion of adjournment, which had not been approved by the Office of the Speaker. Upon receiving Dr. Nyikal's Motion, and after consultation with the House Business Committee, we learned that the Cabinet Secretary for Health will be coming to Parliament tomorrow to answer Questions during Question Time.

Secondly, there is a wide-ranging Question that relates to the same subject that Dr. Nyikal wanted to move in the form of a motion of adjournment.

Thirdly, we had already approved the Motion of Adjournment by Hon. Korere and Hon. Kiunjuri for today. Instead of approving Hon. Nyikal's Motion that may come tomorrow or the day after, I will indulge the whole House tomorrow during Question Time for, at least, up to an hour, to interrogate the Cabinet Secretary on the same issue. You may achieve a lot more than what you would have achieved with a Motion of Adjournment. I believe that has been communicated to Dr. Nyikal. He will get the first "bite" of joyriders on the Question when it is asked tomorrow.

Next Order. Is it on the same issue? You effectively prosecuted this subject during the House Business Committee meeting today.

Hon. T.J. Kajwang' (Ruaraka, ODM): Yes, I was representing the Leader of the Minority Party today, who I believe is still the Leader of the Majority Party until the courts decide otherwise.

Thank you very much, Hon. Speaker, for capturing the spirit of the House. Away from the doctors' strike or any other issue that comes to the Floor, we are protecting our space as Members of this House. A motion of adjournment is very special to us because we get to exercise our mandate of representation in this House. Even though we are unable to resolve anything in this Motion, it gives us an opportunity to ventilate freely on issues. A Cabinet Secretary comes to the House because we oversee him or her. However, the special space of the Motion of Adjournment must never be clouded under issues of the day or politics.

Hon. Speaker, in your absence, the Hon. Temporary Speaker made a decision which you are now aware of. When proceedings are taking place either in committee or some other place in the precincts of Parliament, the plenary is unable to interrogate and discuss those issues. We want you to preserve the Standing Order and our space to ventilate openly, even if we do not resolve anything. This opportunity is sacred to us. This is the issue that we present to you on the sacredness of this Standing Order to a Member of Parliament, whether on this side or the other one, on any issue that we think should be addressed.

Thank you, Hon. Speaker.

Hon. Speaker: I hear you. Hon. Koech, I understand you did not give your notice of motion properly. Can you go ahead now?

NOTICE OF MOTION

CONSIDERATION OF NOMINEES FOR APPOINTMENT AS
HIGH COMMISSIONERS, PERMANENT REPRESENTATIVES

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AND AMBASSADORS

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I apologise. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the Vetting of Nominees for Appointment as High Commissioners, Ambassadors, Permanent Representatives and Consuls-General, laid on the Table of the House on Tuesday, 16th April 2024, and pursuant to the provisions of Article 132(2)(e) of the Constitution, Section 20(2) of the Foreign Service Act, 2021 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House –

- (i) approves the appointment of the following persons as High Commissioners, Permanent Representatives and Ambassadors:

CLUSTER	NAME	MISSION
High Commissioners	Ms Catherine Kirumba Karemu	London, United Kingdom
	Hon. Joash Arthur Maangi	Kampala, Uganda
	Hon. Lilian Tomitom	Lusaka, Zambia
	Ms. Caroline Kamende Daudi	Ottawa, Canada
Ambassadors	Lt. Gen. Peter Mbogo Njiru	Islamabad, Pakistan
	Hon. Fredrick Otieno Outa	Cairo, Egypt
	Prof. Anne Kisaka Nangulu	Dakar, Senegal
	Mr. Timothy Kaluma Mcharo	Algiers, Algeria
	Hon. Christopher Andrew Lang'at	Abidjan, Côte d'Ivoire
	Ms Jessica Muthoni Gakinya	Rabat, Morocco
	Hon. Halima Yussuf Mucheke	The Hague, Netherlands
	Mr. David Kiplagat Kerich	Washington DC, USA
	Ms. Everlyne Mwenda Karisa	Havana, Cuba
	Dr. Peter Mutuku Mathuki	Moscow, Russia
	Amb. Moi Lemoshira	Tokyo, Japan
Mr. Kenneth Milimo Nganga	Abu Dhabi, UAE	
Permanent Representatives	Lt. General Jonah Mwangi	Tehran, Iran
	Mr. Abdi Aden Korio	Muscat, Oman
	Ms. Getrude N. Angote	United Nations Environment Programme (UNEP)
	Ms. Grace Atieno Okara	United Nations HABITAT
Consuls-General	Dr. Fancy Too	Ambassador/Permanent Representative, Geneva
	Mr. Ekitela Erastus Lokaale	United Nations, New York
Consuls-General	Mr. Ezra Chiloba	Los Angeles, USA
	Mr. Aden Mohamud Mohamed	Jeddah, Saudi Arabia

Mr. David Iboko Lokemer

Dubai, UAE

- (ii) rejects the appointment of Mr Charles Githinji Keiru as Consul-General – Goma, Democratic Republic of Congo; and,
- (iii) resolves that, henceforth, Consuls-General should undergo vetting after their nomination by the appointing authority and that the appointing authority recalls the serving Consuls-General not vetted for vetting and approval by the National Assembly.

Thank you.

Hon. Speaker: Thank you, Hon. Koech. Hon. Members, as we go to Order No. 8, allow me to rearrange the business in the Order Paper a little. Let us consider Orders No. 9, 10 and 11 which are First Readings, and then we come back to Order No. 8 for the Mover to reply to the Motion on the Reports of the Auditor-General on the National Government Constituencies Development Fund for Five Constituencies in Vihiga County.

Clerk-at-the-Table, call out Order No. 7 first.

STATEMENT

DELAYED RELEASE OF AUTOPSY REPORT OF THE LATE INSPECTOR WALTER NYANKIEYA

Hon. Speaker: Chairperson, Departmental Committee on Administration and Internal Affairs, will respond to a statement requested by the Member for Kitutu Masaba. Hon. Rasso. Is the Member for Kitutu Masaba present?

Hon. Dido Raso (Saku, UDA): Thank you very much, Hon. Speaker. I wish to respond to a request for statement on the delayed release of the autopsy report of the late Inspector Walter Nyamato. The Member for Kitutu Masaba, Hon. Clive Gisairo, sought for a statement regarding the delayed release of the autopsy report of the late Inspector Walter Nyamato. The Member particularly sought to be informed:

1. Under what circumstances did National Police Service (NPS) dispatch officers from the Kenya Police Service, including the late Inspector Walter Nyamato, to the Republic of Haiti despite a High Court Order barring the Government from deploying Kenya Police Service officers to the said nation?
2. Why has it taken inordinately long for the autopsy report of the late Inspector of Police, Walter Nyamato, to be released to the family?
3. When should the family expect to receive the autopsy report and have the body of their loved one repatriated for decent send-off and in order to find a closure on the loss of their loved one?

Hon. Speaker, I wish to report as follows:

The late Chief Inspector of police, Walter Nyamato, Personal No. 2008070300, was employed on 4th April 2008 as an Administration Police Service officer. He has been in active service until his unfortunate demise.

The High Court ruling dated 26th January 2024, laid out the procedure that the Government of Kenya should engage regarding any interest of deploying NPS personnel in any foreign country. Pursuant to the court ruling, the late officer was among the team of Kenyan officers who travelled to Washington, District of Columbia (DC), United States of America (USA), for a consultative meeting on the process to be undertaken in ensuring strict conformity with the legal requirement prior to such deployment. Therefore, the late officer was neither

travelling to Haiti as alleged nor did the NPS deploy any advance team to Haiti as purported. I wish to table copies of airplane tickets.

(Hon. Dido Rasso laid the documents on the Table)

Hon. Speaker: Thank you, Hon. Raso. Are you done?

Hon. Ali Raso (Saku, UDA): I am continuing, Hon. Speaker. The autopsy report has taken inordinately long time because the late officer died in a foreign country, the United States of America. This prompted the need to establish the cause of his unfortunate death before the body could be flown back to Kenya. The report shall be given to the family upon completion of the autopsy, in conformity with the Kenyan laws and the right to privacy. The family of the late shall be given the medical report, without arbitrarily being deprived of the same, as guaranteed by Article 31 of the Constitution. This shall be done in a manner ensuring that the authority releasing such information does not contravene the family's fundamental rights under the Constitution, which guarantees their inherent dignity.

Finally, the Hon. Member asked when the family should expect the autopsy report and have the body of their loved one. The body of the late officer arrived in the country on 7th March 2024 and was received by the family in the company of senior officers of the National Police Service. He was laid to rest on the 15th March 2024 at his home in Nyamira County. The autopsy report shall be made available to the family once received from the United States of America.

Thank you.

Hon. Speaker: Thank you, Hon. Rasso. Next is Hon. Clive. Do you have any issue with the Statement you requested?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Speaker. However much I may not be very much satisfied with some of the responses given, I have something to say. On the first item, they have tried to answer the question of the mission in which officer Nyamato was involved. Yes, he was not destined for Haiti. However, the discussion and the agenda of his trip had to do with sending of our police officers to Haiti. I believe that is open for wider discussion.

Regarding the second and third items, Nyamato passed on sometimes towards the middle February. His body was received in Kenya and buried in the middle of March, a month later. I attended the burial. It was right in my village. As we speak today, a month after the burial, the family is yet to receive the autopsy report. I did not seek a statement on who did what. My request for statement was on what caused the death of Inspector Nyamato. It is not right if we are saying the Government does not know what killed its officer, two months later. Whether it was a heart attack or stroke or poisoning, all we want to know is what led to the death of Inspector Nyamato. Two months down the road, the Government is waiting for a response from the United States of America. This leaves more questions than the answers given.

Thank you.

Hon. Speaker: Hon. Rasso, do you have the autopsy report?

Hon. Dido Rasso (Saku, UDA): I understand the concerns of the Hon. Member. However, the issue that we both must understand is that the officer died in a foreign country. Information on the autopsy report may not necessarily be released to the Government. Even if that is done, the family will receive that information first. The response by the Cabinet Secretary is very clear; that we must respect the fact that the family must be given this information in confidence. As it were, we even spoke to the Cabinet Secretary who is in contact with the Kenyan Embassy in Washington DC so that they can get the autopsy report.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): The saga surrounding the death of Inspector Nyamato raises more fundamental issues. It is not just about him but any other Kenyan officer who might find himself in a similar situation in future. Through the Chair, the relevant persons should take this matter a little bit more seriously. It is thoroughly agonising for a family to lose a loved one and, almost three months later, nobody is telling them what caused his death. Hon. Gisairo is asking for that simple thing.

The question of what took Inspector Nyamato to Washington DC is not yet addressed. Inspector Nyamato was fairly a junior officer by all standards. The country and his family deserve full disclosure even if we are talking about national security. We deserve full disclosure. What role was Inspector Nyamato, a fairly junior officer, going to play in Washington DC if not Haiti? These questions have to be answered now or later.

Thank you.

Hon. Speaker: Yes, Dido.

Hon. Dido Rasso (Saku, UDA): Thank you very much, Hon. Speaker. We will, as a Committee, take it upon ourselves to get the autopsy report as soon as possible. Thank you.

Hon. Speaker: Dr. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. It is a very important issue when a family loses a member. I would really like you to listen to a more basic issue. The process of seeking statements from chairs of committees that we have created is giving ourselves a raw deal because we read written statements. As Members of Parliament and Chairpersons of Committees, we do not have information. If we are not careful, Cabinet Secretaries will use us to delay issues. We should rethink this whole area. Many times, I have seen chairpersons protecting what cabinet secretaries have given them and yet, that is not our role. That is natural. As agreed, what will be done will be done. Let us review this process.

Hon. Speaker: Hon. (Dr) Nyikal, it is up to what a Hon. Member elects. I gave Members an option when I communicated to this House that Cabinet Secretaries would be coming here to answer Questions. If you wish to seek a statement through a committee chair, which information may be inadequate or not have sufficient material to answer supplementary questions, you get what you ask for because Cabinet Secretaries come here routinely. In fact, as indicated to me by the Leader of the Majority Party, the Cabinet Secretary for Interior and National Administration is on the list of those to come here in the next two or three weeks.

What you are complaining about would not be there if Hon. Clive had elected to fire the Question to the Cabinet Secretary. He chose to file a Question to the Committee that has brought what the Ministry has given them. Therefore, it is a matter of choice. You will get a good answer if you choose well. If you choose badly, you may get an inadequate answer.

(Hon. Kamket spoke off the record)

Hon. Kamket, we are coming to your request for statement. The next statement is in response to your request. So, there is nothing out of order this time.

The Chairperson of the Departmental Committee on Tourism and Wildlife. Who is the Chair?

Hon. Kareke Mbiuki, is that in response to a Question by the Member for Tiaty?

Hon. Kareke Mbiuki (Maara, UDA): Yes, Hon. Speaker.

Hon. Speaker: Go ahead.

RECRUITMENT OF KWS WARDERS AND ASSISTANT WARDERS

Hon. Kareke Mbiuki (Maara, UDA): Thank you, Hon. Speaker. I beg to respond to a request for statement by Hon. William Kamket, the Member of Parliament for Tiati Constituency, regarding the recruitment of rangers by the Kenya Wildlife Service (KWS). Pursuant to the provisions of Standing Order 44(2)(c), the above-named Hon. Member requested for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the above subject matter on 11th April, 2024. The Committee resorted to write a letter to the Cabinet Secretary for Tourism and Wildlife that was dated 12th April, inviting him to appear before the Committee on 16th April, 2024. to respond to specific matters that were listed in the statement request.

The Ministry of Tourism and Wildlife commenced recruitment of rangers yesterday, 15th April, 2024, following a nationwide advertisement placed on the dailies on 19th March 2024. In the Committee meeting that was held today – and Hon. William Kamket was invited and he was present – the Cabinet Secretary reported to the Committee that extensive efforts had been undertaken in order to mobilise resources for the ongoing recruitment. He noted that the Service did not receive any budgetary support from the Exchequer due to the ongoing national fiscal consolidation measures. However, he noted that the last recruitment by KWS was conducted in 2015, and the Service sought alternative funding to support the recruitment which was aimed at mitigating the ever-increasing human-wildlife conflict.

The Ministry utilised the Wildlife Endowment Fund that is within the KWS to recruit 1,000 rangers. Whereas the Committee appreciates the measures taken by the Ministry to facilitate the recruitment, the Committee observed that using counties as the basis for designing the recruitment schedule would disadvantage the members of the public who are living in far flung sub- counties. Article 21(3) of the Constitution provides that all State organs and public officers have a duty to address the needs of the vulnerable groups within the society, including the youth and members of the minority and the marginalised communities. Further, Article 56 of the Constitution mandates the State to put in place an affirmative action programs to ensure that the minority and the marginalised groups are provided with special opportunities to access employment.

The Cabinet Secretary indicated that KWS resolved to conduct the recruitment at the county level due to the prevailing budgetary constraints. He submitted that the Ministry implemented a centralised recruitment process that is designed to allocate slots per consistency in order to guarantee fair and adequate distribution of successful recruits. The implication of that is that, it is only the recruitment that will be centralised at the counties' headquarters level. However, each constituency will have its own fair share. They will have separate recruitment, but in a centralised location.

The Members of the Committee raised additional concerns relating to the recruitment; including lack of equal opportunities for the youth at the constituency level, particularly the outlying sub-counties that have limited opportunities. The Cabinet Secretary indicated that the Ministry has implemented a mechanism that will ensure that appropriate corrective measures will be taken when disparities are identified, including adjusting the numbers of recruitment to address the gaps. He submitted that the measures designed to address any possible shortcomings will ensure fair representation of the minority and the marginalised communities considering the population density of each sub-county. The same will also be used to ease logistics and challenges likely to be encountered by the members of the public.

As a Committee, we found out that issues of security, like what is happening in Baringo County, can disadvantage the members of the public from Tiati. Nevertheless, since the exercise has already taken off, we agreed with the Cabinet Secretary that further affirmative action should be taken in case there will be any disparity.

The Cabinet Secretary also submitted that the Ministry has established an affirmative action for counties that border national parks and are mostly affected by the human-wildlife

conflict. The counties that will get extra numbers by virtue of bordering counties are: Nairobi, Nakuru, Kajiado, Meru, Bungoma, Garissa, Taita Taveta, Narok, Makueni, Homa Bay, Turkana, Trans Nzoia, Machakos and Siaya counties.

The Committee will ensure that a report detailing the number of recruits, their names, county, sub-county and their constituency will be presented to this House once the recruitment exercise is over.

I thank you.

Hon. Speaker: Hon. Kamket, are you satisfied with the response? Give Kamket the microphone.

Hon. Kassait Kamket (Tiaty KANU): Thank you, Hon. Speaker. Indeed, Hon. Speaker, I appeared before the Committee in the morning as a friend of the Committee and the response by the Chair captures what the Cabinet Secretary said, except that there are no guarantees. What is happening, from the explanation of the Cabinet Secretary, is that the Ministry has decided to transfer the burden of costs from the Ministry to the hustlers themselves. Instead of the Ministry going down to the sub-counties, it has gone to the counties in order to save costs. Therefore, the young men and women who would be looking to be recruited will have to travel hundreds of kilometres in their thousands and spend the night at the county headquarters. So, the cost will go to those who are seeking to be employed, instead of the Ministry bearing that cost of employment.

We have serious security challenges in Baringo County at the moment. As I speak in this House, there is no public transportation from any corner of Tiaty towards Kabarnet. That is a problem to the people I represent. It is guaranteed that they will not be employed or recruited at Kabarnet during this recruitment exercise. However, as you mentioned earlier when Hon. TJ raised a concern on the matter of Statements and Questions... The problem we have is that the only avenue I had that is quickly available to raise this matter was to seek a statement. If I was to ask a question...

Hon. Speaker: Order, Hon. Kamket! You are now attempting to justify why you requested for a statement. It is not an issue. If you are seeking a clarification from the Chair of the Committee, go ahead and do so. If you are satisfied with the explanation he has given, take your seat and we move to something else. You cannot elect to ask for a statement and then try to justify why you did so.

Hon. Kassait Kamket (Tiaty KANU): You know, Hon. Speaker, I only asked you to indulge me...

Hon. Speaker: Do not bring in any extraneous matter, particularly what was asked by Dr. Nyikal.

Hon. Kassait Kamket (Tiaty KANU): Hon. Speaker, kindly indulge me.

Hon. Speaker: Okay.

Hon. Kassait Kamket (Tiaty KANU): Thank you, Hon. Speaker. You know, when there are urgent issues and the Cabinet Secretary is not scheduled to appear for Question Time, what other avenue do we have other than trying this lame one of seeking a statement? I was only lucky that...

Hon. Speaker: Your request for a statement is legitimate. It does not contradict any Standing Order. You are perfectly right in asking for your statement. The Statement has been made but the opportunity you have now is to seek any clarification arising out of it.

Hon. Kassait Kamket (Tiaty, KANU): Thank you. At least, you have understood me.

Hon. Speaker: If you are satisfied, you should say so and thank him.

Hon. Kassait Kamket (Tiaty, KANU): I am not satisfied, Hon. Speaker. Can I ask the Hon. Chairman, what guarantees he can give that the people of Tiaty shall be recruited at the county headquarters, given the problem of insecurity that we have in the county at the moment?

Thank you, Hon. Speaker.

Hon. Speaker: That is good. Yes, Hon. Milemba. Hon. Kareke Mbiuki, take note of the additional question.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. Though the Hon. Member for Tiaty looks at this as a weak link, I want to ride on his asking for this Statement because it gives me a great platform.

We have the same challenge in our constituencies in Vihiga County, specifically in Emuhaya Constituency, which I represent. In the current state of the nation, getting employment is very difficult for citizens and the young people. Everyone is very keen on any opportunity that arises for employment. Members of my constituency were told to walk all the way to Kidundu, which is very far. That actually limits the number of young people who go to seek for that employment, jobs and opportunities that are provided by the Kenya Wildlife Service (KWS).

Yes, we have got the Statement and I thank the Hon. Member for Tiaty for having sought for it. I also ask the Chairman that which guarantee is there moving forward into the future or even now that the recruitment by the KWS will be done at the constituency level. The constituency is the baseline where everybody can access recruitment opportunities because we want to give equal opportunities to all Kenyans.

I also wish to ask that now that it was done at the county level for the reason that they are saving on the costs, what guarantee can the Chairman give us and Kenyans outside there, that we shall have a list printed out to show how distribution was per constituency, because that is where we wanted it to be done.

Hon. Speaker, those are the two issues I wanted to raise. Thank you.

Hon. Speaker: Thank you. Hon. Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. I wish to acknowledge that there are security challenges in Baringo. I also agree with the Chairman of the Departmental Committee on Tourism and Wildlife that one thing that is required is a publication of the number of recruits KWS took per constituency in Kenya. Even if there are few positions, let the number of recruits for Baringo North, Tiaty, Kitui Rural and Emuhaya be gazetted. That will ensure equity and fairness throughout the Republic of Kenya and avoid incidences of litigation.

Hon. Speaker, you have seen that even the recruitment in Kenya Revenue Authority (KRA) has gone through litigation. When one corner of the Republic or one constituency takes everything, there is a lot of litigation and things do not move forward in the country.

The Chairman can liaise with the Director-General of KWS and the Cabinet Secretary responsible to announce to the recruits the number of slots in their county headquarters. From there, it can be sorted out at the constituency level so that we are truly represented in Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Pareiyo.

Hon. Agnes Montaine (Narok North, JP): Thank you Hon. Speaker for giving me this opportunity.

I want to add my voice to what Hon. Members have said. When an opportunity like this one comes by, we want all Kenyans to enjoy it. However, it is done in a way that we do not even understand who is being hired, and it does not reach the people who need to be employed. I am a Member of Parliament for two sub-counties, Narok North and Narok Central. Narok North is a hardship area and, therefore, the youths cannot come to a central division. I just want the vacancies to be shared equally so that as we move from here, we will know the number that each constituency has. It is better than lack of information. After the interview which involves our youths running for the whole day and sometimes two days, none of them gets an opportunity to be employed.

I also support that there is need for the chances to be shared equally.

Thank you.

Hon. Speaker: Hon. Kangogo.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker. The exercise by KWS has already started in many parts of the country and, therefore, it might be difficult to reverse it. Hon. Speaker, as a House, we want to say that such positions should be shared amongst the constituencies in future.

In Marakwet East, for instance, in Iten, the headquarters of Elgeyo Marakwet County, hundreds of youths started travelling yesterday. From the border of West Pokot to Iten is almost 200 kilometres. So, they had to leave yesterday and sleep in Iten so that they can participate in the exercise tomorrow. You find Elgeyo Marakwet County having 10 slots when you have almost 400 youths who have travelled hundreds of kilometres.

Hon. Speaker, we ask the Ministry, through the Hon. Chairman, my good friend, to make sure that future recruitment exercises should be done near the people. They should also share the slots among the constituencies.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Sunkuli. Hon. Kareke, I hope you are recording all the interventions.

Hon. Julius Sunkuli (Kilgoris, KANU): Thank you, Hon. Speaker. I want to thank the Chairman of the Departmental Committee on Wildlife and Tourism for the very eloquent Statement on KWS recruitment. Hon. Speaker, I heard him say....

(Hon. Kareke Mbiuki and Hon. Owen Baya consulted loudly)

They are engaging the Hon. Chairman too much. I heard him say that certain counties which border national parks and game reserves will get affirmative action, which is a very good thing. I just want to urge the Hon. Chairman that I hope that is not lip service to those particular counties. The people of Narok County have looked after wildlife so much and they treasure that particular responsibility of being employed by KWS. We, therefore, hope that that statement will be adhered to.

Of course, it is a pity that people from Kilgoris will be asked to go to Ole Ntimama Stadium, which is very far away. They have to come through Kisii and Bomet in order to get back to their Narok Headquarters. It would have been much easier for KWS to wait for funds to recruit people on site. That being the case, we hope that this will be a transparent exercise and we can get to know the report of how affirmative action was conducted.

Hon. Speaker: Hon. Baya, you are the last person to contribute on this. Hon. David Kangogo has asked about Marakwet and I hope it covers you.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, thank you very much for giving me this opportunity. What we need to do, especially in the recruitment of people to the armed forces, is to create greater accountability such that every Kenyan has an equal opportunity to be recruited into the forces.

Hon. Speaker, what happens is that the recruitment officers will come to Kilifi and leave at the end of the day. We will not know who has qualified and who has not. At the end of the day when they do the report, there is nobody from Kilifi.

Hon. Speaker, what we need at the end of the recruitment exercise, just like we do in elections, is the list of those that have been selected to be pasted on the wall of an office. This is for everybody to know that in this village or sub-county, so and so were taken from that rigorous competition. Just imagine those people come, run and do all those kinds of things. At the end of the day, you know that you have qualified. But you are taken to a chamber and you are told you cannot not be taken because you failed a urine test. Yet you did a urine test the previous day which showed that you are clean. Then on that particular day you are told that if

you run for a long time, your urine changes colour. On that aspect, a person from Kilifi is left out. They probably had a list already somewhere else.

We, as Members of Parliament, must demand greater accountability in the recruitment of armed forces. We want to know how many slots have been allocated for Kilifi and how many Kilifians have been recruited. We will then rest easy knowing that no corruption or malpractices have been involved. The Committee please, as Kenya Wildlife Service (KWS) goes on with this, we want greater accountability on the numbers of the people recruited. We want to know how many will be recruited beforehand and we want to know how many have been recruited. That is the best way to bring accountability.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kareke Mbiuki. I think most of the concerns are the same.

Hon. Kareke Mbiuki (Maara, UDA): Thank you so much, Hon. Speaker. I would like to appreciate all the sentiments that have been raised by the Members. Indeed, they are extremely valid.

Hon. Speaker, it is good to note that during the morning session, we were with the Member of Parliament for Tiaty, the Hon. William Kamket. We had a very good conversation with the State Department for Wildlife that is headed by the Cabinet Secretary. I want us, as Members, to appreciate the initiative that has been taken by the Ministry of Tourism, Wildlife and Heritage towards the recruitment of rangers. The last time KWS recruited was in 2015. To date, there is dire need for more rangers and other personnel for KWS.

As I had indicated earlier, KWS is faced with serious financial constraints. Due to the budgetary constraints, they could not afford to go to the sub-county level. We need to appreciate the number of recruits that are being recruited. We are talking of 1,000 recruits, as compared to Kenya Defence Forces (KDF) or Kenya Police Service who normally recruit more than 10,000. On average, we expect each constituency to recruit three rangers. You can imagine the kind of logistics of doing this recruitment at the sub-county level. It is because of the same that the Ministry decided they will do recruitment at the county level. Even at the county level, like if at all they have gone to Nyayo Stadium, each and every constituency will do their own independent recruitment, but at the centralised level.

I want to give a commitment that immediately after the recruitment is over, I am going to table in this House the list of all the recruits who have been recruited across the entire country, in all the 290 constituencies. Equally, I want to give a commitment that each and every constituency will get its own fair share of recruits.

Basically, Members were so much concerned on what will go to each and every sub-county or each and every constituency. This is a learning lesson. I am aware that Kenya Prisons Service, Kenya Police Service and KDF will be recruiting in the near future. Let them first and foremost table the distribution per each and every sub-county before the time of recruitment. We have also learnt that the Ministry has written to the National Treasury because those 1,000 rangers is a stop-gap measure. Once we get further funding through the Supplementary Budget II, then the demand for the rangers' establishment requirement - that is almost 7,000 - will be easy. I want to give an undertaking during the next recruitment, which is scheduled for either this financial year or the next financial year, that the recruitment will be done at the sub-county levels.

With those many remarks, Hon. Speaker, I beg to submit. I thank you.

Hon. Speaker: Next Order. You can now proceed in the manner I directed.

BILLS

First Readings

THE COFFEE BILL
(Senate Bill No.10 of 2023)

THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL
(Senate Bill No.12 of 2023)

THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL
(Senate Bill No.37 of 2023)

*(The Bills were read a First Time and
referred to the relevant Committees)*

Hon. Speaker: You can now go back to Order No. 8.

MOTION

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR THE NG-CDF
FOR CONSTITUENCIES IN VIHIGA COUNTY

THAT, this House adopts the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for five Constituencies in Vihiga County for Financial Years 2013/2014, 2014/2015 and 2015/2016.

(Moved by Hon. Gideon Mulyungi on 9.4.2024)

(Debate concluded on 11.4.2024)

Hon. Speaker: Hon. Mulyungi! Is that you?

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes Hon. Speaker.

Hon. Speaker: You may reply.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I wish to thank Members who contributed to the debate on Decentralized Funds Accounts Committee Report on audited accounts for five constituencies in Vihiga County for three financial years: 2013/2014 to 2015/2016. The constituencies examined included Vihiga, Sabatia, Hamisi, Emuhaya and Luanda.

Hon. Speaker, I wish to take this opportunity to thank the constituency committees, the fund account managers and the project management committees for utilising the money given to them well on behalf of the people of the five constituencies. I also wish to thank the Hon. Members for those constituencies for patronising the funds well. It has come out clearly from the debate that the National Government Constituencies Development Fund (NG-CDF) is the only development fund that is visible in all the remote villages in Kenya. It benefits the most vulnerable school-going children in the villages. It is indeed an economic stimulus fund that benefits and debunks the common *mwananchi* in the remotest corners of the villages in Kenya.

It has come out clearly from the debate that, unlike the notion with those naysayers against NG-CDF, that Members of Parliament have no role in the monies and accountability. Projects are identified by the communities, processed by the constituency committees and the fund account managers and then implemented by the project management committees.

Members are only involved with oversight like they do with all the other national Government projects by the ministries and State agencies.

In the context of this Report that has been processed by my Committee, I wish to congratulate the people of Vihiga, Hamisi, Emuhaya, Sabatia and Luanda for the good projects that they have implemented. Live examples of the projects, which are testimonies of the good work include, Saint Ursula Chamakanga Girls High School in Sabatia, Cheptulu Police Post in Hamisi, Kilingilingi Secondary School in Emuhaya, Kwanda Secondary School in Luanda, among many other projects. I support the sentiments that have been made during the debate; that our county governments should do benchmarking like what Kisumu has done today and emulate NG-CDF policies in the implementation of their programmes.

The NG-CDF projects are the only ones that are fairly and equitably distributed across the country. They were implemented on time, benefited the poor and the vulnerable, and reached the most remote villages in Kenya. I propose that the NG-CDF should be expanded to include other development programmes like electricity, agriculture, water and roads, among others, to benefit all communities in Kenya.

Finally, I thank Members for their contributions and support. I also thank you, Hon. Speaker, for scheduling this business and facilitating debate.

With those remarks, I beg to reply.

(Several Members stood in the gangways)

Hon. Speaker: Thank you, Hon. Mulyungi. Order! Members on your feet, take your seats. Thank you. I will now put the Question at Order 8.

(Question put and agreed to)

Next Order. Order, Hon. Members. Will you be upstanding?

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]

THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL
(National Assembly Bill No.73 of 2023)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, we are in the Committee of the whole House to consider the National Government Administration Laws (Amendment) Bill, (National Assembly Bill No.73 of 2023).

Provisions relating to the Assumption of Office of the President Act, 2012

Schedule

Section 5(2) (ca)

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The Temporary Chairlady (Hon. Martha Wangari): The Mover is the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Chairlady. I beg to move:

THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Assumption of the Office of the President Act (No.21 of 2012) by—

(i) deleting the proposed new paragraph (ca) appearing in the proposed amendment to section 5(2).

The justification is that the Office of the National Security Advisor is not a statutory office. Therefore, we have had to exclude that person from sitting as a member of the Assumption of the Office of the President Committee.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. If there is anyone interested in this debate, kindly, press the intervention button. If there is none, I will put the Question.

Hon. Members: Put the Question!

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): There was another proposed amendment by the Chair, Administration and Internal Security, Hon. Tongoyo. The import of the passing of Hon. Murugara's amendment is that, that falls automatically.

(The proposed amendment by Hon. Tongoyo to Section 5(2)(ca) was dropped)

(Section 5(2)(cb)and (r)

The Temporary Chairlady (Martha Wangari): This one has no amendment. I will therefore propose the Question.

(Section 5(2)(cb)and (r) agreed to)

New Sections 5(2) 5(3) and 5(4)

The Temporary Chairlady (Hon. Martha Wangari): Mover, kindly move the Second Reading of the new sections.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Assumption of the Office of the President Act (No.21 of 2012) by—

(ii) by inserting the following new amendments immediately after the proposed amendments to section 5(2)—

s. 5(2) Delete the words “Cabinet Secretary” appearing in paragraph (c) and substitute therefor the words “Principal Secretary”;

- Delete paragraph (h));
 Delete paragraph (j);
 Delete paragraph (t)
- s. 5(3) Delete
 s. 5(4) Delete the words “the commencement of this Act”
 and substitute therefor the words “declaration of a
 President-elect”.

(The new Sections were read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Mover, kindly move the Second Reading of the new section.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that the proposed new sections be read a Second Time.

The justification is that we have to regularise the membership of the Assumption of the Office of the President Committee in line with the current provisions of law and allow broader representation of the President-elect in the membership of the Committee.

(Question, that the new sections be read a Second Time, proposed)

The Temporary Chairlady (Hon. Martha Wangari): There being no interest, I will put the Question.

(Question, that the new sections be read a Second Time, put and agreed to)

(Question, that the new section be added to the Bill, put and agreed to)

Again, as earlier, the proposal by Hon. Tongoyo is similar to Hon. Murugara’s. Therefore, it falls automatically.

(Proposed amendments by Hon. Gabriel Tongoyo to New Sections 5(2) 5(3) and 5(4) was dropped)

New Section 8 (2)

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended—

(a) in the proposed amendments to the Assumption of the Office of the President Act (No. 21 of 2012) by—

(ii) inserting the following new amendment immediately after the proposed amendments to section 5(2)—

- s. 8(2) Delete the word “three” and substitute therefore the word “six”.

(The new section was read a First Time)

The Temporary Chairlady (Martha Wangari): Hon. Murugara, move for Second Reading.

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Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that Section 8 (2) be read a Second Time.

What we are doing here is purely deleting the word ‘three’ and substituting thereof the word ‘six’. The justification is what I have given – so that the President-elect may have a better say in the Committee on Assumption of Office of the President.

The Temporary Chairlady (Martha Wangari): Thank you.

(Question, that the new section be read a Second Time, proposed)

(Question, that the new section be read a Second Time, put and agreed to)

(The new section was read a Second Time)

(Question, that the new section be added to the Bill, put and agreed to)

(Provisions relating to the Assumption of the Office of the President Act, 2012 (No.21 of 2012), as amended, agreed to)

Provisions relating to the National Security Council Act, 2012 (No.23 of 2012)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Murugara, move part (b) of the amendment to the Schedule.

Section 2

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended by—

(b) deleting the proposed amendments to the National Security Council Act, 2012 (No.23 of 2012) in Section 2.

Hon. Temporary Deputy Chairlady, I beg to move that the proposed amendments to Section 2 be now read a second time. The justification is that we have to ensure that there is conformity of the proposals in the Bill with Article 240 of the Constitution, which establishes the National Security Council.

The Temporary Chairlady (Hon. Martha Wangari): Wait, Hon. Murugara. What did you move?

Hon. George Murugara (Tharaka, UDA): Section 2.

The Temporary Chairlady (Hon. Martha Wangari): Is it the National Security Council Act, 2012, Section 2?

Hon. George Murugara (Tharaka, UDA): Yes, it is Section 2, which is to define the words ‘Committee’ and ‘National Security Advisor’.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Murugara, please, confirm because section 2 is a deletion and not moving for a second reading. The Order Paper shows that it is a deletion.

Hon. George Murugara (Tharaka, UDA): Yes, we are deleting Section 2 of the proposed amendment so that it conforms with the provisions of Article 240 of the Constitution. We are removing the new provisions to provide for the Committee and National Security Advisor in the sections that will follow.

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The Temporary Chairlady (Hon. Martha Wangari): Well noted.

(Question of the amendment proposed)

Member for Saku, do you want to contribute on the amendment?

Hon. Dido Rasso (Saku, UDA): Thank you, Hon. Temporary Chairlady. I stand to support the amendment. The Principal Bill wants to define the words “Committee” and “National Security Advisor”. In that context, this was a violation of Article 240 of our Constitution. For that reason, if it is declined by the Committee of the whole House, it will fall substantively.

The Temporary Chairlady (Hon. Martha Wangari): Thank you Hon. Rasso. Leader of the Majority Party.

Hon Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairlady, I also rise to support the amendment. As I do so, I seek clarity on whether Section 5 is affected by the deletion of Section 2 or it will remain as it is in the principal Act?

The Temporary Chairlady (Hon. Martha Wangari): Leader of the Majority Party, we have a proposed deletion for Section 5. Hold on. It is next.

Hon Kimani Ichung’wah (Kikuyu, UDA): Thank you Hon. Temporary Chairlady. I have not heard a mention of Sections 5 and 7. I thought they should be deleted together.

The Temporary Chairlady (Hon. Martha Wangari): We are prosecuting the amendments one by one. We are on Section 2. We are not doing them together because it is a decision of the House. They can decide to keep one section. Hon. Members, I said you should use your cards.

Hon. T.J. Kajwang’ (Ruaraka, ODM): On a point of order, Hon. Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): What is it, Hon. Kajwang’?

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairlady, I do not remember in which house I took my rest last night and so, I am trying to find out where I left my card.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Kajwang’, always keep it in the Mikai’s house.

(Laughter)

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Chairlady, I will find out where I left my card. We request your guidance so that we can understand. Section 2 of the Principal Act has many other things which are proposed in the Bill. Maybe, the Chairperson of the Justice and Legal Affairs Committee (JLAC) should clarify.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Kajwang’ we are deleting what is in the Bill not the parent Act.

Hon. T.J. Kajwang’ (Ruaraka, ODM): The Bill is proposing several definitions which will affect the parent Act. For example, there is the word “Committee” meaning something in Sections 5 and 7. We need to know if that deletion is limited to only the definition of Committee or the National Security Advisor. We want to understand where he is so we can have informed debates on every single point that he is raising. If he is talking about everything or specific definitions, let us know because we are entitled to discuss each of these definitions as they arise.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Murugara, I hope you are listening so that you can respond. I want to guide the House that the proposed amendments or deletions have been separated per sections. You will move a deletion of Section 2, Section 5 and Section 7. We will deal with them one by one. We are now prosecuting the deletion of Section 2. Can you respond to the concerns raised by the Member for Ruaraka?

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Chairlady. If Hon. T.J. had checked, there are only two proposed amendments on Section 2, which are two definitions of the words “Committee” and “National Security Advisor”. The proposal is that we delete the whole of that because wherever they appear below, we are also deleting those sections so that they do not apply in any law that we pass.

The Temporary Chairlady (Hon. Martha Wangari): Alright, Hon. Members.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 2 deleted)

The import of the approval of this amendment is that Hon. Tongoyo’s amendment, again, falls.

(Proposed amendments by Hon. Gabriel Tongoyo to Section 2 dropped)

Section 5

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 by deleting the proposed amendments to Section 5.

This is a proposal that we delete the entire Section 5 with its sub-sections. This is to align the proposed Bill with Article 240 of the Constitution. It was the feeling of the Committee that some of the members being introduced here cannot sit in the National Security Committee or the National Security Council because Article 240 is clear on the composition of the National Security Council.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 5 deleted)

Section 7

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended in the proposed amendments to the National Security Council Act, 2012 by deleting the proposed amendments to Section 7.

The reason is that the National Security Advisor is not a statutory office. It is not recognised in law. Therefore, that person cannot sit in the National Security Council under Article 240 of the Constitution. We do not wish to do anything that is unconstitutional.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 7 deleted)

(Provisions relating to the National Security Council Act, 2012 (No. 23 of 2012), as amended, agreed to)

Provisions relating to the Office of the Attorney-General Act, 2012 (No.49 of 2012)

Section 28

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended—
(c) by deleting the proposed amendment to the Office of the Attorney General Act, 2012 (No. 49 of 2012) in Section 28.

It is a proposal to delete the proposed amendment so that it remains as it is. The justification is that the Committee was not provided with satisfactory justification for transferring the Public Seal from the custody of the Attorney-General to the Head of Public Service. That is why we are proposing the deletion of the proposed amendment.

The Temporary Chairlady (Hon. Martha Wangari): Thank you.

(Question of the amendment proposed)

Member for Seme.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, I rise to support this deletion. This is a major part of our law and as the Committee says, they were not provided with adequate explanation. I think they have done the right thing. Let us delete it.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairlady, I also rise to support and thank the Committee for that deletion. You notice that the public seals in all the Commonwealth countries are vested in the Office of the Attorney General. This is largely because this office is seen as an apolitical office. Even in times of transition, there are no issues as to who holds the public seal. I, therefore, thank the Committee.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Saku.

Hon. Dido Rasso (Saku, UDA): Thank you, Hon. Temporary Chairlady. I beg to support this amendment. The Attorney-General is the State legal officer. When anyone sues the Government, they sue the Attorney-General. For that reason, the idea of transferring the Public Seal was misplaced. I thank the Committee for rejecting the proposal.

Thank you.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Kajwang'

Hon. T.J. Kajwang' (Ruaraka, UDA): Hon. Temporary Chairlady, our Constitution states that for anything done by the Executive to be legal and constitutional, it has to be written. The President can make anything legal by way of writing. If you place the seal in the same hand of the presidency, it will mean that the President can decide something and put it in writing. Because he has the public seal, it becomes law as per the Constitution. The Constitution has separated these risks deliberately. That is why for one to legalize written information from the Executive, one has to run to the Office of the Attorney-General.

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Concentrating that power in one hand would be a very big risk. Even in banks, there are, at least, three people – perhaps a sweeper and a bank manager – who are needed to open a safe. The Public Seal should remain at the Office of the Attorney-General. One has to go to Harambee House and get the actor from the Office of the Attorney General to get the Public Seal to legalise any written information.

I support.

The Temporary Chairlady (Hon. Martha Wangari): Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, UDA): Hon. Temporary Chairlady, I take the cue from my colleagues to support this progressive amendment. The Attorney-General is the Chief Legal Advisor to the Government and, therefore, the custodian of all legal instruments. I support the amendment to the effect that it be deleted and that the Public Seal remains with the Office of the Attorney-General.

The Temporary Chairlady (Hon. Martha Wangari): Finally, let us have the Member for Kirinyaga.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Chairlady. Governments exist in perpetuity. It is, therefore, in order to have the Public Seal in the custody of the Attorney General. Having it in the Office of the President would create a clear conflict of interest.

I support.

(Question, that the words to be left out be left out, put and agreed to)

(Section 28 deleted)

The Temporary Chairlady (Hon. Martha Wangari): The proposed amendment by Hon. Tongoyo falls because it is similar to Hon. Murugara’s amendment.

(The proposed amendments by Hon. Gabriel Tongoyo to Section 28 dropped)

(Provisions relating to the Office of the Attorney General Act, 2012 (No. 49 of 2012), as amended, agreed to)

Provisions relating to the National Government Co-ordination Act, 2013 (No. 1 of 2013)

Sections 2, 7, 8 and New Section 12A

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended—

(d) by deleting the proposed amendments to the National Government Coordination Act, 2013 (No. 1 of 2013) and substituting therefor the following amendments—

<i>Written law</i>	<i>Provision</i>	<i>Amendment</i>
National Government Coordination Act, 2013 (No. 1 of 2013)	s. 2	Insert the following new definition in proper alphabetical sequence— “Chief Administrative Secretary” means a Chief Administrative Secretary appointed under section 12A.
	s. 7(2)	Insert the following new paragraph immediately after paragraph (b):

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“(ba) Head of Public Service;”

Insert the following new paragraph immediately after paragraph (c):

“(ca) Chief Administrative Secretary;”

s. 8

Delete the marginal note and substitute therefor the following new marginal note:

“The Executive Office of the President.”

Insert the following new subsections immediately after subsection (2)

(3) There is established the office of the Head of Public Service in the Executive Office of the President which shall be an office in the public service.

(4) The President shall, on the recommendation of the Public Service Commission, appoint the Head of the Public Service.

(5) The Head of the Public Service shall serve at the pleasure of the President.

(6) The Head of the Public Service shall—

(a) support the President in facilitating the organization and execution of Government business;

(b) be the Chief of Staff to the President and the administrative head of the Executive Office of the President;

(c) perform such other functions as may be assigned by the President.

(7) A person shall be qualified for appointment as the Head of the Public Service if he or she:

(a) holds a degree from a university recognized in Kenya;

(b) has at least ten years’ proven experience in public administration, leadership or public affairs; and

(c) meets requirements under Chapter Six of the Constitution.

(8) A person who, immediately before the commencement of this Section, was appointed and held office as the Head of the Public Service shall continue to hold that office as if appointed under this Section

New

Insert the following new section immediately after Section 12

Chief Administrative Secretaries

12A. (1) There is established the Office of the Chief Administrative Secretary which shall be an office in the public service.

(2) The complement of Chief Administrative secretaries shall be as determined by the Public Service Commission.

(3) The President shall on the recommendation of the Public Service Commission appoint

Chief Administrative Secretaries, observing regional and gender balance.

(4) A person shall be eligible to be appointed as a Chief Administrative Secretary if that person—

(a) holds a degree from a university recognized in Kenya;

(b) has knowledge of and experience in the public service; and

(c) satisfies the requirements of Chapter Six of the Constitution.

(5) A person is not qualified to be appointed as a Chief Administrative Secretary if the person—

(a) has been convicted of an offence carrying a penalty of imprisonment for a term of at least six months without the option of a fine;

(b) has been adjudged bankrupt by a court of competent jurisdiction;

(c) holds any office in a political party;

(d) is a public officer; or

(e) has been removed from any public office by impeachment or conviction by a court of competent jurisdiction.

(6) A Chief Administrative Secretary shall be responsible for—

(a) responding to issues relating to the portfolio assigned to the office;

(b) representing the Cabinet Secretary at any meeting as directed by the Cabinet Secretary; and

(c) performing any other duties assigned by the relevant Cabinet Secretary.

(7) Functions assigned to a Chief Administrative Secretary shall not include matters relating to parliamentary affairs.

(8) Remuneration of the Chief Administrative Secretaries shall be determined by the Public Service Commission on the recommendation of the Salaries and Remuneration Commission.

Hon. Temporary Chairlady, this proposal seeks to amend the provisions governing the nature, functions and qualifications applicable to the post of the Head of Public Service. Under these amendments, the Head of the Public Service is established in the Executive Office of the President. The holder of the office is to be recommended by the Public Service Commission for appointment by the President. It also seeks to assign the Head of Public Service the role of the Chief of Staff to the Executive Office of the President. The amendment further saves and transmits the rights and legitimate expectations of the person who was appointed as the Head of Public Service by the President before the passage of provisions proposed in the Bill. That is the reason as to why we have the last section preserving that office and transiting it.

I beg to move.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Member for Kibwezi West.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you. I support the amendments that have been proposed by the Justice and Legal Affairs Committee and the justification thereof. I think it is important that, as Hon. Members contribute to this, they look at the principal National Government Co-ordination Act. If you look at the objective Clause, Section 3 of the National Government Co-ordination Act, you will see that the Bill seeks to facilitate the exercise of the powers of the President that are provided for under Articles 130 and 131 of the Constitution. That is so that those functions can be properly coordinated. These amendments are required for the Executive Office of the President to be given an administrative head – the Head of Public Service and Chief of Staff – to assist the President in executing his functions and authority as stipulated in the Constitution. I think that is important. In fact, as we also ventilate about it, historically, after the 2010 Constitution, no Government has ever had this office. The office has existed at the whim of the President. I find it very progressive that Parliament is making it statutory. It will no longer exist at the whims of the President, but under a law, where there is a procedure for appointment and qualifications. The extent to which the office interacts with other offices is defined in law. A person should not be given an office and become a law unto themselves, just because of the proximity to the Head of State.

I beg to support.

The Temporary Chairlady (Hon. Martha Wangari): The import of that amendment is that...

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Chairlady, we must move section by section. We have different views on these amendments.

The Temporary Chairlady (Hon. Martha Wangari): Before I give the import, Hon. Kajwang', take your seat. You are now becoming disorderly. I have indulged you and yet, you do not even have your card. Kindly take your seat. I have already put the Question. I will now put the global Question.

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

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

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The import of that amendment is that the proposed amendment by Hon. Tongoyo falls because it was similar to Hon. Murugara's.

(The proposed amendment by Hon. Gabriel Tongoyo to Sections 2, 7, 8 and New Section 12A dropped)

New Section 7(2)

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Chairlady. The Temporary Chairlady (Hon. Martha Wangari): Mover! Please move the amendment to new Section 7(2).

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Chairlady. The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman, please, move the amendment to the New Section 7(2).

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Chairlady.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Schedule to the Bill be amended —

(d) by deleting the proposed amendments to the National Government Coordination Act, 2013 (No.1 of 2013) and substituting therefor the following amendments—

Insert the following new paragraph immediately after paragraph (b)—
“(ba) Head of Public Service;”

Insert the following new paragraph immediately after paragraph (c)—

“(ca) Chief Administrative Secretary;”

Hon. Temporary Chairlady, we have given the justification.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Temporary Chairlady.

(The new section was read a First Time)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson, you are supposed to move the Second Reading because it is a new... Yes. You are supposed to move Second Reading. Hon. Kajwang', there is nothing possibly out of order when the Mover is moving. Hon. Kajwang', you are being disorderly.

Hon. T.J. Kajwang' (Ruaraka, ODM): Chair, you will decide that when I say what I think is out of order.

The Temporary Chairlady (Hon. Martha Wangari): Continue, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairlady, I beg to move that the New Section 7(2) be proposed to be read a Second Time.

The justification is what we have given as regards those offices.

(Question, that the new section be read a Second Time, proposed)

The Temporary Chairlady (Hon. Martha Wangari): I will hear the Member for Kibwezi West.

Hon. T.J. Kajwang' (Ruaraka, ODM): May I be heard, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): I am looking at my board. Hon. Dido Rasso.

(Hon. Rasso spoke off the record)

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Hon. Temporary Chairlady, this is a sister clause to the one we had ventilated on before. My contribution to the same is similar to what I said before. It is just defining what the Head of Public Service would mean in law.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order!

(Question, that the new section be read a Second Time, put and agreed to)

(Question, that the new section be added to the Bill, put and agreed to)

Hon. T.J. Kajwang' (Ruaraka, ODM): Madam Chair, can I be heard?

The Temporary Chairlady (Hon. Martha Wangari): You are being disorderly, Hon. Kajwang'. I said you should take your seat, but you have stood all that time. I will tell you again. Take your seat, Hon. Kajwang'!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): Allow me to propose again.

(Question, that the new section be added to the Bill, put and agreed to)

(Loud consultations)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order!

The Temporary Chairlady (Hon. Martha Wangari): I will, first of all, put the global Question.

(Provisions relating to the National Government Co-ordination Act, 2013 (No. 1 of 2013) as amended agreed to)

Hon. T.J. Kajwang' (Ruaraka, ODM): Madam Chair, on a point of order!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

Hon. T.J. Kajwang' (Ruaraka, ODM): Madam Chair, can I be heard?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

Hon. T.J. Kajwang' (Ruaraka, ODM): You are just making this thing ugly for no reason.

Clause 2

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): Allow me to propose the Question.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Madam Chair, can we please know whether we are not supposed to contribute! I am here as a representative of the people of Suba North.

The Temporary Chairlady (Hon. Martha Wangari): Be in your place, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): No, I will not until you tell me whether I have a right to speak in this House! That is because I have put a request and I have not been given a chance to speak. If we are not allowed to speak, you better tell us so that we can leave.

The Temporary Chairlady (Hon. Martha Wangari): You are actually becoming disorderly, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): You are also disorderly, Madam Chair.

The Temporary Chairlady (Hon. Martha Wangari): You are becoming disorderly.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): You are also disorderly. You cannot refuse us to debate in the House! We are supposed to offer representation, legislation and oversight! We are not Members of Parliament to come to the House to watch you officiating the House. You are being very unfair! What you are doing is absolutely wrong. What you are doing is not right! We are here to contribute. We were here very early to debate. Madam Chair, you...

Hon. T.J. Kajwang' (Ruaraka, ODM): We will participate...

The Temporary Chairlady (Hon. Martha Wangari): Hon. Millie, I had not even got to you, and you have become disorderly. You are shouting at the Chair, which is disorderly.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): You are quite unfair. Respect us and we will also respect you. You respect me and I respect you.

Hon. T.J. Kajwang' (Ruaraka, ODM): Madam Chair, on a point of order!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Chair, I am a senior Member, even more senior than you! Give me respect and I will respect you back. But you cannot say that we are going to sit in this Chamber without contributing. We are not children. We even respect children in this House. I want to contribute and you are refusing me from contributing. I want to make a point of order and you are not allowing me!

(Hon. Millie Odhiambo-Mabona spoke off the record)

(Hon. Kajwang' spoke off the record)

(Loud consultations)

(Hon. Millie Odhiambo-Mabona consulted loudly)

The Temporary Chairlady (Hon. Martha Wangari): Order, Members.

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

(Loud consultations)

We are done with the Committee of the whole House. Mover, please, move reporting.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the National Government Administration Laws (Amendment) Bill, (National Assembly Bill No.73 of 2023), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. Peter Kaluma) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE NATIONAL GOVERNMENT
ADMINISTRATION LAWS (AMENDMENT) BILL
(National Assembly Bill No.73 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Chairperson to move reporting.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the National Government Administration Laws (Amendment) Bill, (National Assembly Bill No.73 of 2023), and approved the same with amendments.

The Temporary Speaker (Hon. Peter Kaluma): Mover to move agreement with the report.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request the very calm Hon. Njeri Maina to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Njeri Maina.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. Hon. Millie Odhiambo is a very good senior lawyer and I wonder what is happening on the Floor of Parliament. We are here to learn as young Members.

Hon. Temporary Speaker, I hereby second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Njeri Maina, you have the microphone for a specific purpose. Could you prosecute it?

Hon. Njeri Maina (Kirinyaga County, UDA): That is what I was doing.

The Temporary Speaker (Hon. Peter Kaluma): Please, go ahead.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Temporary Speaker, I hereby second.

(Question proposed)

(Hon. T.J. Kajwang' and Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Did I hear Hon. T.J. Kajwang’?

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Speaker, I plead that the Motion be amended to include the words “subject to recommittal of amendments to Sections 2, 7 and 8 of the National Government Co-ordination Act, 2013 (No.1 of 2013)”.

We came here to debate. We are national leaders who are representatives of the National Assembly. We came here with open minds to share our views, whether they are of the majority or the minority. Of course, the majority will take the day, but the minority will have their say. The amendments were moved together as a “suit” such that the Mover was allowed to simultaneously move amendments to Sections 2, 7 and 8. While some of us do not have adverse views about Section 2, others could have opinions on Sections 7 or 8. All we ask is that the amendments be debated separately so that Section 2, which concerns the Chief Administrative Secretaries (CAS), is considered on its own. I also want to be a CAS one day. However, I have a problem with Sections 7 and 8, which propose concentrating powers in the Office of the Head of the Public Service, who would at the same time be the Chief of Staff of the President.

Those are different rubrics and they are unconstitutional. We may approve those amendments today, but they will come back to haunt us. One person goes through the rigours of the Office of the Head of the Public Service, while another is a *mtu wa mkono* for the President. The President appoints his chief of staff. How will we oversee that office as a House? How will we oversee a chief of staff who has been appointed by the President?

That is the point I am making. Could we recommit that Section to the Committee so that we can debate it, whether we are in the minority or the majority? Let the majority have their way, but let the minority be heard.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang’, I will give other Members an opportunity to speak to the matter you are raising, since I have proposed the Question. You are an old Member of the House. I request you to approach the Clerks-at-the-Table so that if you intend to recommit that section, you are fully compliant with the provisions of the Standing Orders on recommittal. I do not think that should be a problem. Ultimately, the House makes decisions by voting. Does it not?

Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I can see Hon. Ichung’wah trying to intimidate me, but I cannot be intimidated.

Thank you, Hon. Temporary Speaker, for giving me this opportunity, and for following House procedures. I also thank the Whip of the Majority Party for doing a good job of whipping Members to come in, so that they can do what is expected on the Floor of the House, which is defeating us with numbers. However, that can never take away my right of representation. What happened earlier on is shameful in a democratic country. You cannot deny Members a chance to speak to a Bill. The Leader of the Majority Party is lucky because I am not passionate about this Bill. If somebody goes to court on this Bill, it should go on record that we were denied a chance to speak to it, but not vote.

Hon. Kimani Ichung’wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, I am on a point of order.

We were denied a chance to speak, even after we had followed the procedure. I had inserted my card, but was denied a chance. Hon. T.J. was denied a chance to speak because he did not have a card. I have it and I had logged in for intervention and a chance to speak.

However, the Hon. Temporary Chairlady refused to give me a chance. As much as she is my friend, she has embarrassed me today. There is so far the majority party can go. Even when you have the numbers, use it by following what is provided constitutionally. You cannot deny me a chance to speak.

I told Hon. Ichung'wah what some of the Members from his side are saying quietly. He is very dictatorial and denies Members a chance to speak. Let Members in this House be. There are very intelligent Members who have degrees, but you make them look like vegetables. They cannot contribute in this House. What are we turning the National Assembly to? It is becoming a joke. That is why some of us are hardly here. Let this House be one of debate, representation and oversight. Members cannot come here and then you make them look like flower girls. We refuse to be flower girls and to be intimidated. I come here to contribute. Let me do so, at the time I press my button. This is a joke. Do not make this House a joke.

(Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, your time has lapsed. Leader of the Majority Party, I did not give you an opportunity because Hon. Millie Odhiambo was on a point of order. By way of leadership, we can address those other few things that you wanted to address on the point of order under our Standing Orders.

We need to make progress.

(Loud consultations)

Order, Hon. Members. We want to make progress. The way to do that is to allow Hon. Kajwang' move the re-committal under the Standing Orders. We will then take a decision on it and proceed. Hon. T.J. Kajwang'.

In the meantime, Leader of the Majority Party, approach the Chair.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I beg to move:

THAT, the Motion for agreement with the report of the Committee of the whole House be amended by inserting the words, 'subject to recommittal of the provisions relating to the National Government Co-ordination Act, 2013.'

I request Hon. Nyikal to second.

The Temporary Speaker (Hon. Peter Kaluma): Give Hon. Nyikal the microphone.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, I second.

(Question of the amendment proposed)

The Temporary Speaker (Hon. Peter Kaluma): I will allow some contributions.

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

Hon. T.J. Kajwang', did you seek recommittal of the whole Act or particular sections?

(Hon. Owen Baya spoke off the record)

He is not debating. As you can see, I am being assisted by the Clerk-at-the-Table. Hon. Kajwang', I want to be sure on what we are subjecting the House to for consideration. That is why I am asking whether it is a re-committal of the whole Act or specific sections. Can you give us that clarification?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I want to be fair to the House, Leader of the Majority Party, who is the owner of the Bill, and the Office of Hon. Speaker. I am requesting recommittal only to provisions that relate to Sections 2, 7(2) and 8. That is very clear.

Hon. Baya, we have been in this House for a very long time. We are old Members.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang', you said that you want to recommit Section 2 and which other one?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I said Sections 2, 7 (2) and 8.

The Temporary Speaker (Hon. Peter Kaluma): For clean records, will you move the recommittal again which is specific to those sections?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I beg to move:

THAT, the Motion for agreement with the report of the Committee of the whole House be amended by inserting the words, 'subject to recommittal of the provisions relating to the National Government Co-ordination Act, 2013 (No.1 of 2013), specifically Sections 2, 7 (2) and 8.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Who is seconding?

Hon. T.J. Kajwang' (Ruaraka, ODM): I ask Hon. Nyikal to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nyikal, you can now second.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, I second the amendment. We must understand what we have come for. Such important issues should be debated. It is unfair to use the House to block them. What has happened now is important.

(Hon. Kimani Ichung'wah spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): He is seconding.

Hon. (Dr) James Nyikal (Seme, ODM): I am seconding and giving reasons why I am doing so.

It is important that we discuss issues in this House. What has happened now is what is important. Members who have been whipped to come in have a chance now to understand and contribute. It does not matter which way they will vote. When Bills are passed here, it is important for Members to be present. This will ensure that even when we are questioned by the members of the public, we know what to say. People ask us whether we were in the House when the Bill was passed. They also ask whether we followed the proceedings. Some of the Members have even said that they did not read the Bill. That is why I second the recommittal, so that we have a chance to debate it.

Hon. Temporary Speaker, I second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, now that we are proceeding with clarity, allow me to propose the Question afresh.

(Question of the amendment proposed)

The Temporary Speaker (Hon. Peter Kaluma): Do we have interest in this amendment? Hon. Owen Baya, do you want to say something?

(Hon. Owen Baya spoke off the record)

Is it the Leader of the Majority Party who is using your microphone?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, you may proceed. You do not need to use Hon. Owen Baya's card to speak.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I dropped my card as I was rushing back after mobilising Members to come back. Thank you for your indulgence.

I object this re-committal. Therefore, I beg that you put the Question. There is absolutely no reason to recommit these sections. I know the issues Hon. T.J. consulted me over. We discussed that certain issues can be addressed later. The segregation he desired can be addressed later since he is a Member of the Departmental Committee on Justice and Legal Affairs (JLAC) that considered this Bill. The segregation is among the issues that should also have been considered by the Committee at the Committee stage. In addition, it is not true that Members have not had an opportunity to debate this Bill. We are not in Second Reading. We are in the Third Reading of this Bill - the Committee of the whole House. Members, including my good friend, Hon. Millie, had the opportunity to debate all the clauses and provisions of this Bill.

As elected Members of Parliament, we should not sit here to listen to people telling us that they will go to court. Courts are open every day for people to go to them and do whatever they want. When you are elected as a legislator, you come to the House at the right and appointed time; at 2.30 p.m., like Hon. Nyikal and Hon. Kajwang' do every day. They are always here at 2.30 p.m. I was with Hon. Kajwang' for the House Business Committee at noon. A Member cannot walk into the Chamber at 5.00 p.m. and demand to speak, goes on a tantrum by throwing epithets, and even going against our Standing Order 87 to attempt to discuss the person of the Speaker or someone chairing the Committee of the whole House as a Speaker or Chairperson of a Committee.

I know Hon. Millie Odhiambo may not want to hear this. However, young Members like Hon. Njeri Maina from Kirinyaga are calm and willing to learn from older Members. They ought to see more and better maturity from older Members. Hon. Millie, I beg you, next time, exhibit the kind of maturity that is expected of you. You are the grandmother of the House.

I oppose this re-committal and urge the entire House to oppose it.

The Temporary Speaker (Hon. Peter Kalama): Hon. T.J. Kajwang', having moved the re-committal, I doubt you contribute. Did I hear Hon. Mishi Mboko saying that she wants to say something on this? Hon. Naomi Waqo or Hon. Fatuma.

Hon. Fatuma Mohammed (Migori County, Independent): You forgot my second name. I am Fatuma 'Full Network', the Member of Parliament of Migori County. Am I the one to whom you are referring to?

The Temporary Speaker (Hon. Peter Kalama): No. Would you state your correct names?

Hon. Fatuma Mohammed (Migori County, Independent): My name is Fatuma Zainab Mohammed, alias 'Full Network'. Do you have a problem with the name?

(Laughter)

The Temporary Speaker (Hon. Peter Kalama): Is 'Full Network' your name that is known by the House?

Hon. Fatuma Mohammed (Migori County, Independent): Yes, it is my name.

The Temporary Speaker (Hon. Peter Kalama): It will be confirmed. You can proceed.

Hon. Fatuma Mohammed (Migori County, Independent): It is my name. Thank you.

I have only one concern. I have been sitting in this House all through as we went into the Committee of the whole House and I want to be very honest with you. There is no single Bill I heard, even what was read, because it was in a rush. Some Members were shouting when the amendments were being passed. I am wondering what I will say if I meet this Bill as a Member of Migori County. I am speaking out of honesty. I can swear *wallaahi billahi*. I did

not hear anything. I am not the only one who did not hear. I did not even want to contribute. I wanted to hear what was being read.

(Hon. Kimani Ichung'wah consulted loudly)

Mr. Ichung'wah, just be a man. Men do not shout back at women.

The Temporary Speaker (Hon. Peter Kalama): Hon. Fatuma, always address the Speaker and keep the Standing Orders on relevance. You are addressing a re-committal proposed by Hon. Kajwang'. You are not addressing the Leader of the Majority Party. For decorum in the House, Hon. Ichung'wah is the Leader of the Majority Party. Not Mr. Ichung'wah.

(Laughter)

Hon. Fatuma Mohammed (Migori County, Independent): I am sorry about that, Hon. Ichung'wah. Through the Speaker, please, accept my apologies. You are still a Mr. because you are a decent man, anyway.

My point is that I am a first timer. I sit in this House to learn. If I were to walk outside and tell my people in Migori County about the Bill that we are passing in the House, I would say that I have learned that Bills are read and the majority say "yes". I do not know what was read. I am not the only one who does not know. May we behave in a manner that the *wananchi* expect of us? We are attacked outside there. Today I was attacked on national television. We are told that we do not speak in Parliament.

The Temporary Speaker (Hon. Peter Kalama): What is out of order, Leader of the Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Again, it regards Standing Order 87.

The Member for Migori County is right to say that she is a new Member and she ought to learn. That is why most of us like myself, Hon. Millie and Hon. Kajwang', who have been here long enough, have a duty to guide the new Members. The Member for Migori was to speak on the re-committal by Hon. T.J. Kajwang'. Now she is saying that she is not speaking on the re-committal. She is telling the people of Migori County that she does not know what is happening in the House.

You cannot stand in the House and announce to the people who voted for you that you do not know what is going on. They voted for you because they believed you are the best of the best in Migori. Therefore, I guide you. Please, do not tell the people of Migori that a Bill you do not know was read. They expect you to read, understand, contribute and propose amendments. You have not done that.

I beg the Member for Migori to commit to the re-committal by Hon. T.J. Kajwang' and not exhibit what she is exhibiting.

The Temporary Speaker (Hon. Peter Kalama): Hon. Fatuma Mohammed, you have one minute to conclude.

Hon. Fatuma Mohammed (Migori, Independent): I stood on a point of order. I did not even put my card. Mr Ichung'wah, I went to school. For your information, I even went to a school in Italy. You studied locally. I did not say that I do not know what is happening. Hon. Ichung'wah is part of the problem. He was shouting when the Bill was being read. I could not hear what was being said. Do not come here to intimidate me. You represent one constituency. I represent eight constituencies. You are a minor to me.

The Temporary Speaker (Hon. Peter Kalama): Hon. Fatuma Mohammed, your time is up.

(Loud consultations)

Hon. Millie has been here with the Leader of the Majority Party long enough. That is why she has invented a mode of contribution in the House. The Standing Orders do not know it. I saw her dance at the Leader of the Majority Party. Only the two of you know that mode of debate. It can only be outside the House. Do not do it here again.

(Question proposed)

(Question put and negated)

Order, Members. Let us revert to reporting.

(Question proposed)

(Question put, and agreed to)

Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the National...

The Temporary Speaker (Hon. Peter Kaluma): The Mover to move Third Reading.

An Hon. Member: Division.

BILL

Third Reading

THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.73 OF 2023)

Hon. Kimani Ichung'wah (Kikuyu, ODM): Hon. Temporary Speaker, I beg to move that the National Government Administration Laws (Amendment) Bill, National Assembly Bill No.73...

*(Hon. Millie Odhiambo-Mabona and
Hon. T.J. Kajwang' consulted loudly)*

The Temporary Speaker (Hon. Peter Kaluma): Order, Leader of the Majority Party. Hon. T.J. Kajwang' and Hon. Millie Odhiambo, you cannot call for division when only two of you are standing.

(Loud consultations and laughter)

Notably, even including the Leader of the Majority Party, you do not meet the number required by the Standing Orders to force division. Let the Mover move the Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, ODM): Thank you, Hon. Temporary Speaker. I am never confused. So, I can never have been standing for division, but I stood to move the Third Reading, which I now do.

I beg to move that the National Government Administration Laws (Amendment) Bill, (National Assembly Bill No.73 of 2023), be now read a Third Time.

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I request Hon. Pauline Lenguris, the Member for Samburu, to second.

The Temporary Speaker (Hon. Peter Kaluma): Give her the microphone.

Hon. Pauline Lenguris (Samburu County, UDA): Hon. Temporary Speaker, I beg to second.

The Temporary Speaker (Hon. Peter Kaluma): Did I hear Hon. Millie say that you are the Leader of the Majority Party?

(Hon. Millie Odhiambo-Mabona spoke off record)

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members.

(Question proposed)

Hon. Tom Joseph Francis Kajwang', on this one, you can be heard.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, sometimes being in this House for a period of time arms people with experience. You see, in a very short while, you have brought laughter into this House, and the temperatures have cooled. But just before you came in, we had Members who I think should be here for a third time so that when they become chairpersons of committees, they know exactly how to handle committees.

The Temporary Speaker (Hon. Peter Kaluma): Hon. T.J. Kajwang', you cannot discuss the chairperson or the presiding officer before a Speaker without a substantive Motion. You put the Speaker in a very awkward position. You understand. Could you deal with the debate without that?

Hon. T.J. Kajwang' (Ruaraka, ODM): I withdraw those statements.

But this will haunt us. It will come back to us someday. I am not going to go to court. I am no longer a lawyer, but a legislator. This is my place to say things and things must be done here. I must not threaten anybody about the court of law. Those courts of law will take their chance, but this is still going to another House. The point we are making is a very simple one. To join the head of public service at the same time to be the chief of staff are two different nomenclatures. One is a public officer that we oversee because he is the head of public service, but the other is an appointee of the President, who at best is a cabinet secretary. If you go to the Commonwealth, a chief of staff is almost a minister. A president decides who becomes a chief of staff. In fact, this is a person who actually can go to the kitchen of the president. A president is allowed worldwide to take his most loyal person to be the chief of staff. But the head of civil service is another matter. He needs not be the person who is most loyal to the president. He needs to be a person who is loyal to the country so that we can oversee him. These are big issues which will still come back. Other people will interpret it. Maybe the courts of law, I do not know. Maybe the Omtatahs will take these things to the court of law, I do not know. But I can tell you that this is unconstitutional to the extent that it is mixing the head of the public service and the chief of staff. It is very unconstitutional. But because the majority have said so, so be it. The record will show that on this day, Hon. T.J. Kajwang' stood in his place and said that this is unconstitutional. I am sure the person who is the head of civil service, who is also the chief of staff, is watching this. He may push it for all I care, but it is still unconstitutional.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Grace Akoth Odhiambo Mabona, the Member for Suba North.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me this chance. I just want to thank Hon. Kajwang' for what he has indicated. Our concern is that when you are a Member of Parliament, you must be heard because that is our representation role. One of the things that I wanted to say earlier in regards to the Bill is the issue of unconstitutionality of some of the issues that are being raised. I know we do not have the numbers and so, Hon. Ichung'wah could have easily raised his Members to defeat. We have had a chance for us to speak. I am hoping the majority side can take cognisance of the things we are saying for purposes of human rights and good governance.

I just want to say that, I am proudly serving as a third-term elected Member. If you add as a nominated Member, I am serving my fourth term. I am very familiar with the real business of the House, especially because of the jokes we have been having here. I do not come for any other business. I come to the House when we deal with real issues, legislation that affects lives. That is why I was here in time to deal with this issue. I just want to encourage my loving sister, Hon. Njeri, to please, learn from me. I am serving my third term. I am the senior-most woman Member of Parliament. Hon. Ichung'wah, please, underline that. As my sister is learning from me, she will come back three or four times and even become governor because she is learning at my feet. But if you follow somebody like Ichung'wah who I am told has not gone to Italy to study, you will fail miserably. Please, follow Hon. Millie Odhiambo of this House who can do excellent work. I just want to tell Hon. Ichung'wah that I actually won even after having called the former president names. They still recognise my sterling work in this House for the work that I have done, the work I continue to do and the work I will continue to do. This you cannot take away from me. I am sharp to the core.

Thank you. I do not support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, the only thing you forgot today was to remind Hon. Ichung'wah that you were with the President in school at the same time.

(Hon. Millie Odhiambo spoke off the record)

(Laughter)

Hon. Members, allow me now to put the Question. I have confirmed we have the necessary quorum to dispose of this.

(Question put and agreed to)

(The Bill was accordingly read a Third time and passed)

Next Order.

Second Reading

THE NATIONAL LAND COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.43 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Yes, Hon. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 87. As was being canvassed by Hon. Millie, those of us who have been here long enough have a duty of care to those who are new. It is not fair...

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(Loud consultations)

Hon. Temporary Speaker, protect me from that noise.

The Temporary Speaker (Hon. Peter Kaluma): Order! Those Members who are engaging in other national duties outside the House can leave quietly.

Hon. Kimani Ichung'wah (Kikuyu, UDA): It is the Member for Soy.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ng'elechei, I know you are busy with some other parliamentary duties outside of the Plenary. You may leave quietly so that the Hon. Leader for the Majority Party can be heard in silence.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I was saying, as you rightly put it, that the Hon. T.J. attempted to take that route of discussing the conduct of a Chair of the Committee of the Whole House, who was sitting in on behalf of the Hon. Speaker. In the Committee of the Whole House, Hon. Millie Odhiambo attempted to not only discuss the conduct, but also throw epithets at the person who was chairing the Committee of the Whole. I want to agree with Hon. Millie that the likes of Hon. Njeri have a lot to learn from those of us who are older here and, therefore, we must not leave it to pass. We must...

(Hon. Millie Odhiambo-Mabona spoke off record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, allow the Hon. Temporary Speaker to listen to the Hon. Leader of the Majority Party. Well, if you have something to say, you will surely have your chance to do so. Let us debate and listen.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I was saying so because the Chairperson of the Committee at the time tried to...

(Hon. Millie Odhiambo-Mabona spoke off record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, the Hon. Leader of the Majority Party is on a point of order. I can assure you, you risk being declared disorderly.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, you will indulge Hon. Millie for obvious reasons. You heard her call the only Pauline Lenguris the Hon. Leader of the Majority Party and said, you will notice as she walks out that she is the Hon. Leader of the Majority Party. Millie also danced on the Floor of the House. However, we never liked her dance as there was nothing majority but a minority in her dance.

On a more serious issue of discussing the person of the Chairperson, you cannot do that without bringing a substantive Motion to the Floor of the House. Therefore, I beg you that you do find Hon. Millie Odhiambo to have been completely out of order so that those of us who are new in this House do not take it for granted that one can rise in their place, shout and throw epithets at the Speaker or the chairperson of a committee. Even when a fellow Member is chairing departmental and select committees on behalf of the Hon. Speaker, we need to carry ourselves with the dignity and respect that we demand to be given to us as Hon. Members of Parliament. If you want to be respected as a Member, you must also respect the person chairing the House, either as the Chairperson of the Committee of the whole House or a Speaker. That is why many of us refrain from saying things that we would otherwise want to say to fellow Members, including Millie Odhiambo, who is my very good friend. There are certain things I would have said about her, but I can never say them on record because I respect her as an Hon. Member. However, I expect her to equally respect whoever chairs the Committee of the whole House or the House as a Temporary Speaker. Therefore, I want you to find that she was grossly out of order.

May I also plead with her through you to be a good example to fellow Members, especially the new ones, so that we can all learn to dignify this House? We cannot dignify the House by shouting, being disorderly and defying what the Speaker is saying. We dignify the House by being Hon. Members. I want to beg that moving forward, Hon. Millie Odhiambo will allow the 20 years of experience that she has gained in this House to be a Member in good standing with fellow Members so that the Members for Migori, Busia and Kirinyaga can learn from her. Today, Millie is the grandmother of the House and the oldest female member. Hon. Keynan is the grandfather of the House today, but he carries himself with a dignity befitting a grandfather of the House. I want to beg Hon. Millie - and I know there are moments of humour in the House - that, that should come with some dignity to the House and herself as the grandmother of the House, or what is popularly called '*shosh*' in the parlance out there. I beg her also to dignify her position as a ranking Member and the grandmother of the House. Thank you, Hon. Temporary Speaker.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, you certainly do not need to rise on a point of order.

(Hon. Millie Odhiambo-Mabona spoke off record)

You can be sure you have a right to respond but not as a matter of a point of order. I was coming to you. Give Hon. Millie the microphone.

Would you be limited to confirming what the Hon. Leader of the Majority Party has said? This is because if it goes beyond that, then it would require much more than I would be permitted to do.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. It becomes very difficult to confirm what the Hon. Leader of the Majority Party was saying because he said so many things. He talked about another Member being the Hon. Leader of the Majority Party and said that you will see it when she walks out. From where I sit, she is the Hon. Leader of the Majority Party. You can see it when she is walking out. So, I can confirm that. Secondly, he mentioned that I am the '*shosh*' of the House. No, I am not. I am proudly the *Dani* of the House. He also mentioned...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, what is '*shosh*' and *dani*? Make the Speaker understand your contribution. I know as a lawyer, you sometimes speak in Latin, but I have not met those words in Latin.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes. My understanding is that '*shosh*' is a grandmother in Kikuyu. I am just clarifying that I am *Dani*, which is grandmother in Luo. So, I am not '*shosh*'. *Dani* is also a very fond word because I look like my grandmother, Aringo Major *nyar* Obiero, *nyamin* captain. So, I am okay. Can I also confirm the other issue that he raised?

The Temporary Speaker (Hon. Peter Kaluma): Please, Hon. Millie...

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes?

The Temporary Speaker (Hon. Peter Kaluma): Remember, I stood you up and limited your response to either confirming what the Hon. Leader of the Majority Party raised or denying. So, did I hear you deny it?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have talked about some of the issues. I am getting to another one.

The Temporary Speaker (Hon. Peter Kaluma): If you deny, there will be a particular way the Speaker will want to direct that we proceed. If you confirm, there is also a particular way the Standing Orders mandate the Speaker to proceed. So, can you take a side?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, that is what I am in the process of doing. You are a lawyer and even when in a court of law, you are hardly told to say yes or no because you have to explain yourself. I want to thank the Hon. Leader of the Majority Party for bringing the debate this way. The reason he has done that is that it is anchoring his discussions on democracy and governance principles, meaning we must be heard. When you are not heard, you will use any other means to be heard. Nonetheless, I want to challenge him to bring the *Hansard* and tell me what I said on record because I was never given a chance.

The Temporary Speaker (Hon. Peter Kaluma): Order! So, you deny what the Hon. Leader of the Majority Party has said. This is the direction... I understand you.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): He is delusional.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, I have understood you. You need to withdraw that so that the Speaker can give appropriate directions on the matter raised by the Leader of the Majority Party. You may not have been on record, but you were audible enough.

Hon. Millie-Odhiambo Mabona (Suba North, ODM): Hon. Temporary Speaker, can I also withdraw it...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, would you withdraw the word "delusional" used in reference to a Member?

Hon. Millie-Odhiambo Mabona (Suba North, ODM): Hon. Temporary Speaker, as a lawyer, you must be fair. If I said something on record, I should withdraw it on record. If I said it off-record, I should withdraw it off-record.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, it is on record that you said that a Member within the House is delusional. That word is unparliamentarily. Make it easy for the Speaker to preside over the House.

Hon. Millie-Odhiambo Mabona (Suba North, ODM): Okay then. I replace it with the words "he is not entirely truthful".

The Temporary Speaker (Hon. Peter Kaluma): Do not replace it. Just withdraw it. It cannot be used in reference to any Member.

Hon. Millie-Odhiambo Mabona (Suba North, ODM): No. I have just said that he is not entirely truthful. That is very close.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, I direct that the word "delusional" as applied in reference to a Member of the House be withdrawn. Just withdraw it; it does not hurt.

Hon. Millie-Odhiambo Mabona (Suba North, ODM): Hon. Temporary Speaker, it hurts, but I withdraw. It hurts so much because I believe he is. I withdraw.

The Temporary Speaker (Hon. Peter Kaluma): Thank you for withdrawing.

Hon. Members, allow me to give directions on the issue raised by Hon. Kimani Ichung'wah. The matter raised concerns about decorum within the House and how we should conduct ourselves while in the House during debate, whether in the Plenary or Committee of the whole House. The Speaker finds himself in a difficult position because he was not in the House when this issue was raised. Therefore, the presiding Speaker has not been fully informed. This matter was also not part of the report from the Committee of the whole House. Members will agree that the report was restricted to the consideration of the Bill on the Floor.

Regrettably, I cannot make a firm decision regarding the Member accused of having conducted themselves in the said manner. I cannot demand that they withdraw or apologise for their actions. I want to leave it at that. Also, I confirm that everything that happens in the House is recorded. If the said incident was not captured in the *Hansard*, other processes can be used to inquire and establish the truth. If there were any instances of misconduct or unparliamentary behaviour in the Committee of the whole House, as indicated by the Leader of the Majority Party, then those approaches can be taken. These include our proceedings under Standing

Orders to name with evidence or under the governing Act governing the immunities, privileges, and the code of conduct to which Members are bound.

I direct that the matter rests because it is impossible for the Speaker to conclusively determine what happened. However, I leave it open to the Leader of the Majority Party or any other concerned Member with how we should conduct ourselves during debate, to pursue it through the other prescribed avenues under the Standing Orders.

The next Order had been read. Who is moving it? Proceed Deputy Leader of the Majority Party.

BILL

(Second Reading)

THE NATIONAL LAND COMMISSION (AMENDMENT) BILL (National Assembly Bill No. 43 of 2023)

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I beg to move that the National Land Commission (Amendment) Bill, (National Assembly Bill No. 43 of 2023), be now read a Second Time.

This Bill seeks to amend the National Land Commission Act No. 5 of 2012 to confer back to the NLC the power to continue reviewing all grants or dispositions of public land to establish their propriety or legality since Section 14 of the Act has lapsed. The Bill further seeks to allow the NLC to continue admitting and processing historical land injustice claims since the Act provides that a historical land claim may only be admitted, registered, and processed by the NCL, if it is brought within five years from the date of the commencement of the Act.

In 2010, when we were establishing the new Constitution, many people voted because many historical land injustices were going to be tackled by this law. Before the 2010 Constitution, many commissions, such as the Ndung'u Commission and many others, investigated the issues bedeviling land in this country. It was established that there were many historical land injustices in the Coast Region, in the Rift Valley, in Central Kenya, and across the country. The conclusion was that we needed an institution that would handle those historical land injustices in the country. Therefore, the NLC was born and mandated under Article 67 to interrogate, establish, and tackle land issues. This would give people a reprieve.

However, the National Lands Commission Act came in and limited the constitutional operations by putting a time limit and yet, the Constitution did not put a time limit. A statute of this House, under the National Lands Commission Bill, was prepared, and a time limit was placed on the handling of historical land injustices and the review of grants. A court in this country ruled that this Section was unconstitutional. Today, we have an opportunity to right that wrong.

[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

Section 14 (1) of the National Land Commission Act says:

- (1) Subject to Article 68 (c)(v) of the Constitution, the Commission shall, within five years of the commencement of this Act, on its own motion or upon a complaint by the national or a county government, a community or

an individual, review all grants or dispositions of public land to establish their propriety or legality.

The amendment seeks to delete the words “within five years”. This time restriction has killed the NLC, as it is not constitutionally required. Many people residing at the Coast have lost hope because of this limitation. My amendment proposes a deletion of the time limit so that the NLC can receive, handle and determine as many cases as possible.

Hon. Temporary Speaker, the Bill further proposes to amend Section 14 (9) of the NLC Act by deleting which provides that the Commission may, where it considers it necessary, petition Parliament to extend the period for undertaking the review specified in sub-section (1). When the law lapsed, no institution came to this House to request for an extension. By deleting the words “within five years” subsequently, we must also delete Section 14 (9) of that law.

Currently, the Commission receives a budget from this National Assembly. It has offices, but its work is impeded from addressing any complaints dealing with public land and providing redress even when there are evident and apparent cases of illegality in the disposition of public land because of time limitations. As we speak, NLC is a lame duck. It is a dog that cannot bite. It is an institution that does not help. There are so many cases that we have received, especially from the Coast, of public land that was stolen. The reason why there are so many squatters for whom this Government allocates a lot of money to buy land that should not have been bought is because we have killed the NLC. There is an array of hope for the many squatters that have been waiting for justice for many years. I invite Members of this House to seize this opportunity and liberate land at the Coast and allow all the squatters to find solace in this Parliament so that, for once, they will own land, develop, and have an opportunity to be like other Kenyans.

Section 15(3A)(e) of the principal Act provides that a historical land claim may only be admitted, registered and processed by the Commission, if it is brought within five years of the commencement of this Act. This provision is hereby deleted by this Bill. I invite Members to join me in deleting this very oppressive part of the law so that we can give Kenyans an opportunity. Many people will say I am moving this Bill because of the people at the Coast. There are people in the Rift Valley, especially in Kericho, who are suffering because of this part. They want to petition NLC to get help, but they cannot because of this unconstitutional provision.

This Bill further proposes to amend Section 15 of the NLC Act by deleting sub-section 11, which provides that the provisions of the section shall stand repealed within 10 years. This amendment will allow the Commission to continuously admit, register and process historical injustice claims, and handle disputes that have not been brought up within the limitation period uninterruptedly. I must say this in the House: There are many people out there who are afraid and peddling lies that my amendments will make NLC investigate private land. I want to put it on record in this House that: All that is private land was once public land. How it transitioned from public to private is what we want to know. Just that. Why are people so afraid? Why would you be afraid of this amendment? Historical land injustice hearings have been there, but they have not done any harm to anyone.

The NLC has been hearing such cases, and no one has been targeted. Today, we bring this amendment, and people say we are targeting them. We are not targeting anyone. We want squatters in this country to have an opportunity to own land. People with historical claims, such as those who went to the Njonjo Commission or the Ndung'u Commission or other commissions, will have a reprieve and take their claims to NLC. They will be heard and a determination made. If you did not steal any public land, you will have your land. But if you stole public land and it had people on it, please give it up because it belongs to those people. Amendments to Section 15...

(Technical hitch)

The Temporary Speaker (Hon. Martha Wangari): Hold on. We have a problem with technology.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, sorry. You know Hon. Kamket is my friend and so, I can say a few things to him.

All the amendments that we want to make will bring significant changes as they will transform the review of the Commission from a bound, time-limited endeavour into an open-minded, ongoing activity. There are many cases that are relating to grants. The judicial system in this country is very expensive for peasants in the Coast and in many other places. They cannot afford to hire a lawyer to defend a case in court. They do not have that luxury. The NLC was actually formed as a *quasi-judicial* commission to give poor people an opportunity to be heard. If people claim that a poor person's land at the Coast or any other region is theirs, the poor person cannot get justice at the courts. The NLC gives people, both the rich and the poor, an opportunity to be heard. For us to kill NLC using a statute of the House and yet the Constitution gave people an opportunity to be heard is to be unjust to this country and to the *hoi polloi* of this nation.

I urge Members that this is the opportunity we must stand up to defend the poor people who cannot afford to go to court to claim their land. This is the opportunity for those who have long been oppressed to get a solution to their problem. This is the opportunity for us, as Members of Parliament, to stand with the spirit of the Constitution and be counted as people who stood up when everyone else did not want poor people to be represented. I beg Members who sit in this Chamber to consider those people who have suffered historically, those who have never seen a title deed from 1963, those whose title deeds have been quashed by other bodies, and those whose lands have been grabbed by people who only know how to grab land. Even the *Mau* fought for freedom, but when they came back, the land that they owned had been taken away by those people who sided with the British. This is the moment. This is the opportunity. I urge this House to stand with the poor of this country and give them an opportunity to be heard using NLC. It is the only last frontier for the poor people of this country.

I request the Chairman of the Departmental Committee on Lands to second this Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Joash Nyamoko.

Hon. Joash Nyamoko (North Mugirango, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to second this Bill. Let me thank the Member for Kilifi North for the passionate way he has moved this Bill. I can confirm that we had an opportunity to sit with the Member. We had discussions and robust engagements. We realised that these amendments will go a long way in ensuring that we resuscitate the activities of NLC.

The objective of this Bill is to amend Section 14 of the NLC Act to restore the power of the Commission to review the status of public land for propriety and legality. In addition, the Bill seeks to amend Section 15 of the Act to enable the Commission to continue admitting and processing historical land injustice claims, which lapsed on 21st September 2021. The power of the Commission to review grants and process historical land injustices expired, leading to a gap in its mandate. As a result, many historical land injustices and claims remain unsolved due to time limits necessitating the restoration of the Commission's authority in this regard. At the moment, the National Land Commission is unable to process some of the cases that have been reported to it simply because of time limits. What is being proposed here is a continuation and sustainability of those very emotive aspects of injustices. The Bill underwent its First Reading on Wednesday, 27th September 2023, and it was subjected to public participation in accordance with the constitutional requirements and our Standing Orders.

The Departmental Committee on Lands engaged the sponsor of the Bill as highlighted and solicited comments from various stakeholders through an advertisement, which was done on 2nd October 2023. We received a number of memoranda from various stakeholders, including the National Land Commission, the Institution of Surveyors of Kenya, the Kenya Land Alliance, and the State Department of Lands and Physical Planning.

I want to thank the Members of the Committee for their dedication and diligence in examining the Bill. I also thank the Office of the Speaker and the clerks who have served the Committee for their leadership and guidance throughout the legislative process. I also thank all those who were involved in the processing this Bill. I end by saying that these are very crucial exercises – the two amendments that are going to be done. They will give life to the National Land Commission. We have many cases that have been reported to the National Assembly. Some go to the Public Petitions Committee, and others to the National Land Commission. By effecting these amendments, I am very sure this will be a reprieve for the citizens of this country.

Thank you, Hon. Temporary Speaker. With that, I second.

The Temporary Speaker (Hon. Martha Wangari): Thank you.

(Question proposed)

I will give this chance to Hon. Mishi. If not in the House, Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa wakati huu nitoe mchango wangu kuhusu *National Land Commission* (NLC). Nampongeza ndugu yangu, Mhe. Owen Baya, kwa kuangalia historia hasa katika Ukanda wa Pwani. Hii Tume ya kuangalia mambo ya mashamba imekuwa ikisaidia sana kwa kutoa uwazi wa mambo yalivyo kule chini.

Watu wetu wanateseka sana. Kwa mfano, baada ya Tume hii kuangazia dhuluma za kihistoria za mashamba, kuna watu mpaka sasa wanahangaishwa. Ni dhahiri shahiri kuwa Tume hii ilichaguliwa na kutengwa ili isaidie historia ya dhulma za mashamba na mambo kama hayo ili mnyonge aweze kupata haki yake.

Sasa hivi tunavyozungumza, hata sisi pia tumeleta malalamishi ambayo yametoka katika kaunti zetu. Ukanda wa Pwani umekuwa ndio chanzo kikubwa cha kupata dhuluma za kihistoria za mashamba. Watu wetu wamekaa kama maskwota, na ukiangalia katika mashamba yale, kuna watu wamekaa zaidi ya miaka 200. Lakini, ile dhuluma wanafanyiwa, hasa ukiangalia wakazi wa pale Majengo, Mwembe Kuku, Bondeni na Kisiwani, bado wanalalamika na mpaka sasa hawajapata haki yao.

Hii Tume ikiwekewa muda rasmi, itakuwa haina mwanya wa kujieleza zaidi. Hawa watu wamekaa zaidi ya miaka 200 kwenye shamba. Ukiangalia mpaka sasa, wanaambiwa watafurushwa kwenye mashamba yao. Mtu anajitokeza tu. Yeye amepotea na amekaa nje miaka yote. Lakini, anakuja kunadi na kuwapatia wale wazee wasiwasi, akiwaambia atawavunjia nyumba zao waondoke, wakati wamekuwa wakilipa kodi kwa zaidi ya miaka 50.

Sheria iko wazi kuwa Wakenya wapewe ithibati ama hati miliki za mashamba ndio wakae kwa amani. Lakini, unapata kuna watu wanawanyanya, ndio maana Tume hii iliwekwa ili kuangalia maswala hayo. Naunga mjadala huu mkono ili Tume hii ikae na iwekwe wazi bila vizingiti vya miaka mitano, ndio tupate kutatua shida ambazo Wakenya wanapata. Napatia hii Tume ya Mashamba changamoto wafanye kesi nyingi, kwa sababu wamesikia mambo mengi ya mashamba na vilio vya watu wengi. Mpaka sasa, wamefanya kitu gani kuhakikisha kuwa watu wetu wanapata haki zao?

Hii Tume ni nzuri sana, lakini naomba iweze kutatua matatizo yaliyoko ili Wakenya wapate haki zao. Kama tunavyoona wazee wetu, *Council of Elders* au Baraza la Wazee kule Mombasa wamelia sana. Mzee Sumba amelilia mashamba mpaka amezeeka, umri umekwenda,

lakini anatoa machozi kwa sababu wanavunjiwa manyumba katika mashamba wakati Serikali imenyamza. Namwambia ndugu yangu, Owen Baya, kwamba sote tumetoka Pwani, na tunajua matatizo ya watu wetu. Ndugu yangu uko katika mrengo wa Serikali, na naomba uingilie kati. Tunaitetea Tume ya Kitaifa ya Mashamba waweze kujibidiisha na kupigania haki za wanyonge, ili hao ndugu zetu waweze kupata *title deeds* na kukaa kwa amani.

Wakati mwingine nikikaa huwa nalia machozi nikiona vile watu wangu wanavyodhalilishwa. Makaburi ya wazee mahali ambapo wamelala, wanahangaishwa. Mtu anatoka kule Oman na anakusanya *rent* ndani ya Mombasa ilhali, nchi yake ni nyingine. Naiomba Tume ya Kitaifa ya Mashamba waangazie Serikali na kuiambia hawa ni Wakenya wazaliwa, hata kama ni wanyonge na hawana pesa za kwenda mahakamani kujitetea. Lakini, Serikali itoke kuwatetea wanyonge, ambao ni Wakenya, wapate haki yao.

Naunga mkono mjadala wa leo nikisema kuwa Tume ya Kitaifa ya Mashamba iwachwe ifanye kazi bila kuwekewa vizingiti vya wakati. Lakini, ijibidiishe kutoa matukio ambayo wamepata. Pia, watupatie udhabiti kuwa walisikiliza vilio vya watu fulani, wametatua na wakapata hati miliki za mashamba. Pengine mtu alipokonywa shamba lake, aweze kuregeshewa hilo shamba. Wasiwe wanakaa tu Nairobi na kuwaambia watu waje na wakija wanalala kwa mahoteli. Hatuwezi kukubali, kwa sababu hawana pesa, na kisha wanabaki hivyo hivyo. Wawajibike kama Tume ya Kitaifa ya Mashamba, kuhakikisha kuwa wanapatia watu wetu haki zao; na waonyeshe matokeo ya kazi waliyopewa, japokuwa wanalipwa na Mkenya yule wa chini.

Naunga mkono nikisema Tume ya Kitaifa ya Mashamba isitolewe, isisitishwe, wala isiwekewe mipaka. Iwachwe huru. Miaka nenda miaka rudi, tuwe nayo, iwe inasaidia Wizara ya Ardhi kufanya kazi. Pale Ardhi *House* kuna uozo mkubwa sana. Leo tukisema tunawaachia wao ndio wachukue kila kitu wafanye, mtu ambaye amekaa ndani ya nyumba yake miaka 50 ama 100, ataskia mtu amekuja na hati miliki, akisema pale ni kwake. Uozo huu uko pale Ardhi *House*. Ndio maana mimi, kama Mama Mombasa, nasema tusiwachie mamlaka yote Wizara ya Ardhi kwa sababu imetufeli miaka mingi sana. Tuwache mwanya wa kutatua mizozo ambayo iko, na kusikiliza walalahoi ambao wanalia kule chini, maanake mnyonge mnyongeni lakini haki yake mpeni.

Kwa hivyo, mimi nalia pamoja na baba yangu, Hassan Sumba, nikisema watu wa Majengo, Mwembe Kuku na Bondeni wapewe haki zao.

Ahsante sana Mhe. Spika.

MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

STATE OF SECURITY IN LAIKIPIA

Spika wa Muda (Mhe. Martha Wangari): Ahsante Mhe. Zamzam. Ikiwa haujamaliza, utakuwa umesalia na dakika tano kwenye kikao kijacho, iwapo utapenda kuendelea na Mswada huo. Lakini kwa sasa, ningependa kuahirisha shughuli za Bunge, kama ilivyoelekezwa hapo awali, ili kujadili suala mahususi, la dharura, na la muhimu kwa taifa, kama vile ilivyoelekezwa na Spika. Ni suala ambalo litawasilishwa na Mhe. Korere. Utakuwa na nafasi ya dakika kumi, Mhe. Sarah Korere. Vilevile, nitampa mwenzako ambaye alikuwa na Hoja kama hiyo, Mhe. Mwangi Kiunjuri, dakika kumi. Kisha yeyote atakayetaka kuchangia atapata nafasi ya dakika tano.

Kwa hivyo, Mhe. Korere, nafasi ni yako. Tutarudi kwa Mswada huu katika kikao kijacho.

Hon. Sarah Korere (Laikipia North, JP): Thank you, Hon. Temporary Speaker. I had given a Notice of Adjournment of the House on a definite matter of urgent national importance regarding the escalating state of security in Laikipia.

Hon. Temporary Speaker, we are all aware that the security of the citizens of Kenyans and their property is a constitutional right. As we speak, the residents of Laikipia North, Mukogodo East, and parts of Segera Ward have been denied that important constitutional right.

It is very difficult for Members of Parliament to go on with their daily duties while the people we represent are actually being terrorized in their own homes. They cannot go about their own personal businesses because of the terrorists called bandits.

Sometimes, I wonder what this thing called cattle rustling is. Whatever it is, it is robbery with violence. And if it is robbery with violence, the robbers must be met with equal violence from the State. As I stand on the Floor of this House today, the residents of Laikipia North, from December last year to date, have been visited with terror by a group that has reigned a lot of terror on the constituents, and nobody is safe. Even our security agents on the ground are not safe.

On 6th February 2024, Mediaku Meshami was attacked in his home at Ipolei. They drove away 80 goats, and he was left nursing a gunshot wound on his leg. On 2nd March 2024, Abraham Lepiyet, a Grade Six pupil, was attacked by bandits, and 78 goats from his family were driven away, and the boy was left with severe gunshot wounds. On 15th March 2024, Lolmarik Farm was attacked and 200 cows were driven away, and nothing has been recovered to date. On 29th December 2022, Mr. Gitumbe's 61 cows were driven away and to date, nothing has been recovered. I can go on and on but, on 31st March 2024, residents of Sanga were attacked, and the home of Chief Kisio was attacked. Four hundred cows were driven away, and a 12-year-old boy, James Lesawa, was left to fight for his life. As I speak, that boy is still in the Intensive Care Unit (ICU) fighting for his life. On 8th April 2024, again, they attacked a homestead in Graton and shot one Brian Kinyua, a 17-year-old boy, who is still nursing gunshot wounds at the Cottage Hospital.

What am I saying, Hon. Temporary Speaker? All our cattle, goats, sheep and camel, which are being driven away by those ruthless militia, are driven into Mukogodo Forest. Mukogodo Forest is one of the most indigenous and well-preserved forests in this country, and it is courtesy of the Yiaku people and the Rungwesi people who have used traditional knowledge to preserve that forest. But as we speak today, that forest is a no-go zone for those people. That forest has got new dwellers, very recent dwellers, heavily armed bandits who have moved into that forest with their families and kicked everybody else out, and they come to steal from the residents and drive all the livestock to that forest.

The question that I would like the Government to answer is this: Is Mukogodo Forest not in Kenya? What does the Kenyan Government lack to do a thorough operation in Mukogodo Forest? Those bandits are so ruthless. When they attack homesteads, which they know nobody is armed, you wonder why they just cannot drive the livestock away and leave children to go about their daily lives without maiming them, killing them, and leaving a lot of pain behind.

Hon. Temporary Speaker, we have just come out of a very bad drought that has not been witnessed in the last 40 years or so. And 90 per cent of our livestock was swept away. For those people who still have livestock today, they made a lot of sacrifices to have those livestock. Some of them drove their livestock to Mt. Kenya Forest. They braced the cold and the diseases of Mt. Kenya Forest. Some of them bought hay for their animals while some hired grass from their neighbouring ranches just to make sure they save the few livestock which is their main source of income. We sell the livestock to educate our children and get food. That livestock is our life. And as we speak, what was left of the drought is being taken forcefully from us in broad daylight.

The other day, the President was in Laikipia on 12th March 2024. I raised the issue with him. The President is so passionate about making Northern Kenya secure. And while the President was addressing the issue in Rumuruti, in broad daylight, at midday, they shot dead Daniel Karisho, who was a very successful farmer and also a National Police Reservist (NPR). When the President was on one side of the county, the bandits were having an operation on the other side of the county. We will be burying Karisho on Friday. You wonder what he did to deserve that kind of death.

We cannot keep on crying on the Floor of this House. Baringo is crying. Samburu is crying. Laikipia is crying. Elgeyo Marakwet is crying and West Pokot is crying. I do not know whether Tiaty is laughing, but I am just asking: For how long? What does the Government lack in dealing with those bandits once and for all?

There are operations that are normally done in those areas. And when those operations are done, we hear a lot of noise from human rights activists and Independent Policing Oversight Authority (IPOA). I ask IPOA and human rights activists...

The Temporary Speaker (Hon. Martha Wangari): Member for Tiaty, what is out of order? Hon. Members, kindly use your cards for interventions and for contributions.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Speaker, I did not want to interrupt the Hon. Member whom I consider...

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Speaker, I do not want to interrupt the Member whom I consider my senior for many reasons. However, you heard what she said which was quite cynical. She does not know whether Tiaty is crying or laughing.

Why does it have to be Tiaty and yet, I know the problem she is talking about is most likely from Samburu? How did Tiaty come in? Can she withdraw that because, for the first time, we are debating insecurity in this House, and which is not caused by my people? She is just looking for a way to mention Tiaty for no reason.

The Temporary Speaker (Hon. Martha Wangari): Member for Tiaty, do not debate because Hon. Korere mentioned very many counties. You have made your point. Hon. Korere.

Hon. Sarah Korere (Laikipia North, JP): As I wind up, Hon. Kamket is quoting me out of context. I just looked across the aisle and I saw him laughing. I am sorry. I do not mean anything.

Those bandits are ruthless. They do not know any other language other than ruthlessness. The Government security agencies must treat them with the ruthlessness they deserve. They cannot use their families as human shields. I do not understand why people should go and camp with children in the heart of the forest. They do not go to school. They deny them their basic constitutional right to education. It is high time the Government acts. I want to say on the Floor of this House that we are not safe. They killed one chief in my constituency who is my brother-in-law. They have raided four chiefs. They are actually targeting all leaders.

The Temporary Speaker (Hon. Martha Wangari): You have one minute, Hon. Korere.

Hon. Sarah Korere (Laikipia North, JP): We lost a Member of the County Assembly (MCA) in Samburu. Those bandits are now targeting leaders. Hon. Kiunjuri can confirm that they even raided my home and killed my herdsmen. As I stand here, I know that I am not safe anymore.

The Temporary Speaker (Hon. Martha Wangari): Well said. Member for Laikipia East.

Hon. Mwangi Kiunjuri (Laikipia East, TSP): Thank you, Hon. Temporary Speaker. I also rise to express our concerns as the people of Laikipia County. Our fear or anxiety has really gripped our people for the last three months. As it has been laid down clearly by Hon. Sarah, we are visited three or four times every week.

For the last four months, bandits have been roaming in Laikipia North terrorising people. During daytime, they scout fearlessly the homes that they will steal from in the evening. They are seen during the day in the conservancies and valleys within Ngare Ndare. What really surprises us is the heavy presence of deployed police officers and Anti-stock Theft Unit. They are around but those bandits still roam freely, and they come and steal. What worries the residents of those areas is that they can come all the way, skip a few homes where there are animals and then they go 20 metres to the Anti-Stock Theft Unit and steal from there. No police officer shoots in the air or comes out of the camp. They have gone ahead to isolate areas. They go to the Chief's home at Ethi and steal animals. He lives about 50 metres from the Police Post. As leaders of Laikipia County, if our people are not safe, how should we react? Police officers are around but they do not act. Are they submitting, overwhelmed or collaborating with the thieves? So far, so many animals have been taken. The bandits and the perpetrators are still free. None of them has been apprehended. Animal recovery is almost at 1 per cent. Everyone knows where they are taken. The animals are taken through ranches. Our question is whether some ranchers, especially the Ole Naisho Farm, are collaborating with the bandits.

That area is expansive. It takes time to move them from villages to the forest. How come they steal and comfortably drive the animals to Mukogodo Forest? They have made it their safe haven. Are those officers and bandits submitting that it is a "bring it on"? If they cannot reverse them, and we do not have enough police reservists, how are we to react? Information is very clear that security forces know where the animals are taken. One wonders if the security forces and the people where animals are taken from know where the animals are. Everybody knows where the animals are. Why can this Government not take action similar to the one that was taken during the raids at Mt. Elgon, whereby all the agencies were brought together? That is even if it calls upon us to amend the law to bring in the army.

We cannot have Kenyans terrorised across the country - in the North Rift, the Central Rift and everywhere. We are only hearing that the Government is up in arms and that it is countering them. We have not seen any serious incident that can teach them a lesson. We demand an operation similar to the one that was carried out in Boni Forest. It should be carried out in Mukogodo Forest, the Suguta Valley, and other constituencies and areas where the Government knows stolen animals are taken to. Serious action should be taken so that those people never repeat what they are doing. The perpetrators and the collaborators must be punished in equal measure. We are wasting our time if the Government is not going to do that. We must seal Mukogodo with the Mt. Elgon and Boni forests kind of operations. Combined forces must come there. The Government must show its force. Otherwise, the bandits will remain there. They see that the Government can bark but cannot bite.

We agree that the Cabinet Secretary, Kithure Kindiki, is doing a lot of work. However, it is more of paperwork. At the end of the day, if you ask them, he will just be a paper tiger if he cannot bite.

We strongly condemn those criminals and their acts of cowardice. We must make sure that the perpetrators are brought to book. It is not okay if the Government does not take serious action to deal with the perpetrators and collaborators. They know them by name. They left two phones when they killed Karisho on Friday. With only that, they can say who those bandits and their collaborators are. This is an enterprise. It is not only about cattle rustling. We must, for the first time, deal with the people who are arming the bandits and those who are involved in that business. At the end of the day, those animals end up somewhere.

Some animals are stolen for restocking, as Hon. Kamket would call it. Some rich people somewhere are advancing that business. They must now be called by their names and brought to book. We want a tougher and bigger action this time around. I like the way the Kenya Wildlife Service (KWS) operates. They have their way of eliminating those people if they

discover the police are doing nothing. Even those who are sent to steal, with a behaviour of always restocking, must stop. This must end.

If you look at who is involved in that business, we already know where our problems come from. Go to Kibish and Kipsing and look at the farmers around there. They are all armed. There are more than 40 to 50 police reservists where the animals are taken from. They have security that is armed by the same Government. It is high time this Government sat down to reconsider its decision on whether it will continue arming those farmers, especially those ones who cannot stop this kind of an attack to the people of Laikipia.

Lastly, for us, we agree that the Government is taking action and the armed forces are being employed. However, how do we now gain confidence in the Government if the same officers who are being employed with command cannot take action? Answers to that must be given to us. The only way we will agree and accept that the Government is taking action is when it will recover our animals and have the culprits brought to justice and being punished. Those who make other people cry must also cry. They should not steal our animals at their own leisure and have the pleasure to go and enjoy the loot. With those few remarks, I beg to support and seriously ask this House to consider amending the laws that are necessary to ensure that there is combined forces and action that can be taken with no boundaries. The army, the police and other security forces should and must come in.

I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much, Hon. Temporary Speaker. Let me join my two colleagues, Hon. Sarah Korere and Hon. Mwangi Kiunjuri, in expressing my disgust at those incessant acts of banditry and cattle or livestock theft in those areas. I really want to subscribe to their sentiments to a large extent. We need to look at the root cause of all this. I am not privy to what goes on there in detail. However, my understanding from what I have been told is that this is no longer just a way of life as we were made to believe when we were young; that cattle theft or banditry is a way of life. No! It has become a pure economic activity. Therefore, it calls for a more in-depth look at what can be done to address the economic situation of the people living in those areas. If they get more gainful economic engagements, perhaps, they will slowly move away from those nefarious activities. That is food for thought. It is the duty of the Government of the day to address those concerns.

My second point is tied to the first one. You know, if this banditry is contained, it would create a conducive environment for more meaningful economic activities to take place and in the long run, it will not only help the people who are not only living in those areas, but the whole country. If every single part of the country is economically active or productive, it will contribute to the overall economic development of the country. So, it is incumbent upon the Government of the day to address this issue in a holistic manner. What we have tended to see from time to time are knee-jerk reactions that seem not to be yielding fruits.

I am not a security expert like my good friend, Hon. Rasso, but I am not too dumb to see the trends. In the recent past – and this is my own observation – we have done very well as a country and I must commend the current leadership of the National Intelligence Service. We have done so well in containing terrorism in this country. We have done very well in combating terrorism and terrorist acts in the recent past. I attribute this - in my own way - to the National Intelligence Service. However, the question that comes to my mind is: Why can we not use the tactics we have used in containing terrorism in the recent past in dealing with this menace? Is this menace too complex to be dealt with conclusively? Hon. Rasso, you may tell me that after this. What is it that this banditry entails that is so complex for the Government to deal with for the benefit of the country?

As we debate this, I really sympathise with my good friend, Hon. Sarah Korere. That is because I can imagine what she is going through if her life is now in danger. She is not even sure whether she is safe anymore and yet, she is a leader who is elected by the people. What is the situation, therefore, of the rest of the populace; the ordinary people in Laikipia, Samburu, Baringo and elsewhere? This House should now move from mere talk to more concrete actions because we have talked enough.

Since I joined this Parliament in 2013 with you Hon. Temporary Speaker, we have had this talk. In every Parliament session, we have talked about this insecurity situation of banditry and cattle rustling, but we do not seem to be getting anywhere. It is now incumbent upon this House to think outside the box and, perhaps, take extraordinary measures to deal with this situation which is clearly extraordinary.

With those many remarks, I adopt the sentiments of my two colleagues. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Member for Saku Constituency.

Hon. Dido Rasso (Saku, UDA): Thank you very much, Hon. Speaker.

I wish to join the Leader of the Minority Party, Hon. Sarah Korere and Hon. Mwangi Kiunjuri on what they have expressed this afternoon. I speak from the Floor of this House as the patron of the Pastoralist Parliamentary Group, as a former officer of Kenya Defence Forces (KDF), and also the Vice-Chairman of the Departmental Committee on Administration and Internal Affairs of the National Assembly.

As a Committee, we have managed to visit Laikipia, Samburu, Turkana, West Pokot, Marakwet and Baringo. We are convinced beyond reasonable doubt that the Cabinet Secretary, Hon. Kithure Kindiki, is doing so much and he has achieved so much. However, 20 per cent of work that is undone, co-operation between security forces and administrators and many cartels who have made the issue of insecurity internally in Kenya totally unbearable for quite a sizeable part of the Kenyan population.

We have visited some of the areas like Baringo that have locations and even wards where the people have moved away because they cannot live in their homes and they cannot farm. I told both my colleagues and the population we found wherever we visited that we cannot allow that situation to obtain.

I also agree with the Leader of the Minority Party. If we are able to deal with terrorists, people without faces and whom we can only trace on computers, telephones or in technological fingerprints, why are we unable to deal with bandits in Mugogodo Forest? Are there special people who are undertaking those criminal activities?

Hon. Temporary Speaker, the Departmental Committee on Administration and Internal Affairs will table a report by next week following our extended visit to all the troubled spots. Further to that, we have said that the idea of blanketly naming the area, tribe and communities must come to an end. We must focus on areas and individuals. It does not matter whether they are leaders or politicians, people must account for what they are doing in terms of making Kenya unsafe.

Hon. Temporary Speaker, what Hon. Sarah has raised... You know, we take many things for granted. You leave Parliament and without looking left or right, you go straight to a social place or home. However, many of those Members who come from those bandit-prone areas, unless they are adequately covered by security, they will not even attempt to go to their homes, let alone villages to condole with the bereaved families. I thank Hon. Sarah for raising this very important issue.

I want to assure the House that, as a Committee, we are going to name names and troubled pockets in this country. At no point are we going to stop, even if the administrators are part of this problem. With those remarks. I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Karachuonyo.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to say a word or two on this issue of insecurity.

It is a very sad thing to listen to the story of what is happening in areas where insecurity is prevalent. Seeing somebody who had his own home is living almost nowhere, perhaps, in the forest just for fear of his life, is a sad thing. The number one priority of any Government is the security of its people. I appeal to the Government to rise up to the occasion and do what is needed to restore peace, so that areas which are suffering can feel safe.

Hon. Temporary Speaker, just as the Leader of Minority Party has said, I know that there are causes for all this. Are those causes unique to those particular places alone? It is possible those causes are in other parts of this nation as well. However, those places have not taken to arms to fight the battle that is going on elsewhere. It has potential problems in those other 'peaceful' places. They are, indeed, not peaceful. They have potential problems that are waiting to occur. It is important and necessary for the Government to rise up to the occasion and face the situation before it explodes to other parts of the country where problems are already on the surface.

Talking of development, economic progress where there is no peace is a waste of time. Our nation will never develop if what has started in those areas that we are talking about is allowed to continue. We will not get anywhere with our effort. I know we pay a lot of tax so that we can improve our country, but then who will use the resources necessary for development if you do not know what is coming to you in the next day individually and as communities? If you know today and not tomorrow, you cannot invest or try to accumulate anything that would add to your wealth if you have any.

In other words, the problem we are facing is a serious one that needs serious action for Kenya to develop and move forward. If we sleep over the peace, pretending that the development upon which we spend a lot of effort will be fruitful, we are daydreaming. I beg the Government to act now and not tomorrow.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. County Member of Parliament for Isiolo.

Hon. Mumina Bonaya (Isiolo County, JP): Thank you, Hon. Temporary Speaker. I stand to support this Motion that hopes to capture the deep pains that pastoralists and families in this part of the country go through in the hands of bandits that are roaming on our lands with a lot of impunity that anyone cannot imagine. While we could survive natural calamities like floods and droughts in this part of the country, it is very hard to stay safe from bandits because they are all over. They are operating with so much impunity. They can come in, raid, kill, maim and still get away with it.

I present a case of an innocent Form III girl by the name Fatuma Waqo Wario, who was leaving school recently just after closing. She was on her way home to see her parents on 1st April on the Isiolo-Merti Road. She was shot dead by bandits. This left the parents and family so devastated and many other families so hopeless to the extent that they were even afraid of sending learners to schools anymore.

Further, what has left many families so helpless is the fact that even after the bandits raided and took the lives and destroyed everything, it is puzzling that the State could not go after them and recover those herds of animals when they have complete intelligence on where the herds are and who is keeping them. To give you an example from my county, there are 147 camels that are hidden in Mukogodo Forest, just as mentioned by another *Mheshimiwa* here. The boma is known and the number of bandits involved are known, but there is no action from the Government. One is left to wonder: In a State where there are functional security establishments and machinery, why is it so hard to go after those people, even after they have destroyed life? Recovering the herds will, at least, give some hope to the families and

pastoralists. The security agents are not ready to go after the bandits. That can only embolden those bandits to come back again, kill and maim. And the cycle continues.

This is a matter that has killed many hopes. It has broken families and taken away livelihoods. I cannot further describe it. And we cannot normalise it by making it look like a normal thing in this part of the country and that nothing can be done. As leaders of pastoralists, we feel that it is enough. It is time we re-looked at our way of handling bandits. If there is a need for us to have a conversation on how we could handle them differently, then this is the time.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this very important Motion. I wish to thank Hon. Korere for bringing this Motion. As we speak, there are sections in this country, particularly the North Rift, that are under a militia. Those are sections of the country where there is no Government. There are young men, women and children who are wielding guns, and moving from one place to another raiding families, killing innocent children and women. In this century, there are no schools, churches and public utilities in those areas. It is high time we sat down as a country to discuss this issue. Looking at the history of this country, it developed along the railway lines. So, some areas were marginalised and are still marginalised.

Hon. Temporary Speaker, when we talk about marginalisation funds that are set aside to develop areas that were left behind, it is unfortunate that they were hijacked and used for other purposes that they were not originally meant for. My opinion on this issue is that the person or office to blame for the run-away insecurity in this country is the Inspector-General (IG) of Police.

(Applause)

We feel that the Inspector-General of Police has not stamped authority to deal with the issue of bandits in this country. When we talk to police officers down there, they say they do not take advice or instructions from *raia*; referring to the Cabinet Secretary for Interior and National Administration. We feel there is sabotage from within the Government and certain officers. There is no way a militia can run the entire day, killing people and there is no arrest by our police officers.

I want to thank the Member from Saku for the profound statement he has made on the Floor of this House. That, they have identified certain individuals. Criminals and gangsters cannot live in a community. They should be isolated and, perhaps, assassinated for bringing havoc in Kerio Valley and other parts of this country.

Hon. Temporary Speaker, finally, so that I can give another Member time to speak, while I am seated here, a Member of Parliament has passed us and said: “*Hawa ni* bandits. He referred to us as bandits. As Members of this House, we feel those areas have been marginalised and there is need for deliberate effort by the Government to take security services there so that those individuals are identified, isolated and the necessary action taken to they are wiped out.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Turkana East.

Hon. Nicholas Ng’ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker, for giving me time to add my voice to this Motion. As Members of Parliament from North Rift, Laikipia, Isiolo and other areas that are invaded by bandits, we do not know how to deal with

the issue we are discussing here. I heard the Member for Saku saying that very soon they will table a report regarding insecurity in those areas. His Committee visited my constituency about one or two months ago, and they said it is high time that those bandits were mentioned by name. I do not know how true that is because Members have condemned mentioning names of bandits in certain areas. Until that report is tabled in this House, then we can mention their names.

The time has come for this country to face the Pokot community who are terrorizing the communities in the North Rift. We cannot be afraid to mention the community. Who are those people? Can the Government give the names of those people so that we can avoid mentioning the Pokot community? Can we be given the list of the terrorists from the Pokot community who are terrorizing the Turkana, Tugen, Njemps, Elgeyo Marakwet, Samburu and Laikipia communities? If someone has the list of those terrorists in the North Rift, let it be tabled in this House.

Hon. Sarah Korere (Laikipia North, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Korere.

Hon. Sarah Korere (Laikipia North, JP): Hon. Temporary Speaker, from where I sit, there is no community of terrorists. In Laikipia, I am terrorised by individuals who are believed to hail from Samburu North and Samburu East, not Pokot.

The Temporary Speaker (Hon. Martha Wangari): Member for Turkana East, you shall not mention a community. I think the Vice-Chairperson of the Departmental Committee on Administration and Internal Affairs has already committed that they will bring a report with a list.

Hon. Nicholas Ng'ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker. I have just said that I am waiting for that list to be tabled here, whether they come from Turkana East or elsewhere, so that we can avoid mentioning communities. Before that list is tabled here, which names are we going to use? This issue has persisted because we are trying to cover it. People are dying and homes are being burnt by people we know from those areas and yet, we are not mentioning their names. How long will this issue continue in this country?

In my constituency, people are being killed and schools have been closed for the past three years. The children are not going to school and yet, no one is taking any action. You only hear about the war against alcohol in the central region. Every effort is focused there. Is that not life? Are the lives in the North Rift different from the lives in Central Kenya? It has reached a time when the leaders of this country should come out and see how they can help the people of North Rift.

With those few remarks, let me stop there so that others Members can also contribute. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Member for Turkana East. Next is the County Member of Parliament for Laikipia.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this adjournment Motion. I forever remain grateful to the people of Laikipia County for the opportunity to serve them. If I were asked the toughest part of this job, it is when I receive a phone call or text from a family at night informing me that there are bandits or cattle rustlers outside their house. In a good case scenario, the following day they call you back to tell you the cattle rustlers drove away with their herd of cattle. In a worst-case scenario, the community calls to inform that a member of that family was killed. Such is the life that Laikipia constituents are living today.

It is also good to mention that Laikipia is the 15th largest county in this country, despite having three constituencies. That said, we are generous enough to have seven counties – that is Isiolo, Nyeri, Meru, Nakuru, Baringo, and Samburu - as our neighbors. We are peaceful

neighbours but, in many instances, we have neighbours who keep antagonising us and thus affecting the residents of Laikipia County. Our challenges are cattle rustlers and if not them, it is the illegal grazers who come to disturb us. The greatest challenge is that we know the corridors where those cattle rustlers pass. Any Member in this House knows how fast or slow a cow walks. When someone says 200 cattle have been driven away, if security had the intent and the purpose of catching up with those cattle rustlers, they would be able to do so. In this day and age, we have technology like drones and armoured vehicles which, if our system agrees to use, it will be easy to end cattle rustling in Laikipia County.

It is also good to mention that seven of the 15 wards in my county are being antagonised. I will give an example of Githiga Ward. We even know the corridor that the cattle rustlers use. There is Mlima Jangili, Matweku and Mitaro. Those places are well known even to the security people. This is where cattle rustlers pass, but the security people have been unable to stop those people. In Ol-Moran, Wangwachi, Salama Ward and Checkpoint, there are issues.

Two weeks ago, they killed an elderly man at Checkpoint. In that instance, the Senator and the area Member of the County Assembly (MCA) tried to pursue the cattle rustlers. And with the assistance of some sniffer dogs, they found them in a certain house. It would have been a different story if the cattle rustlers had seen them approaching. As leaders, we have been forced to become security agencies on the ground because those people have refused to work. It is our plea to know the structure that is going to be used for security in our areas. As mentioned by our colleague earlier, it seems the security forces receive instructions from somewhere else. I would like to go by the good book, the Bible. Leviticus says an eye for an eye. In our instance, a cattle rustler kills our people, but when it comes to their arrest, they are treated with baby gloves as if they are special. The justice they dispense to our people should be the same justice meted out on them.

I speak of seven wards that are experiencing insecurity. We all know where the insecurity is coming from. Recently in Sosian Ward, our MCA was almost killed as he was pursuing cattle that had been stolen there. As a Member for Laikipia County, I want to join my colleagues in saying that the time has come. If we deliver nothing else for our people, we must deliver security. Security must be restored in Laikipia County, now and not later.

Our chiefs also need to be given powers. Chiefs walk out in the middle of the night to assist our people, but they are stopped from giving any instructions to the security forces. It is time we get to know the person that should give instructions for our people to be secure. We are demanding for it. We can no longer keep pleading for it.

Thank you, Hon. Temporary Speaker. I support the Adjournment Motion.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Baringo County Member of Parliament.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker.

I want to add my voice to this matter of insecurity and banditry. I thank my sister, Hon. Korere, and the Member of Parliament for Laikipia, for bringing this Motion before us. We have spoken, attended meetings, screamed and even written letters. We have done what is humanly possible to put across this menace. We have talked to everyone who cares to listen. I, at times, wonder; how many people should die? How many families should be displaced? How many children should not go to school because they are closed? How many water points and boreholes should be destroyed for a Government that was bestowed by the people to protect them?

I was elected on the Government side, the United Democratic Alliance (UDA) Party. We always remind our people that this is the Government that we all voted for and expected to ease this problem from our backs. Unfortunately, it is now more burdening. When you have a lot of hope and you do not get what you hope for, it becomes more burdening.

As a Member of Parliament, my request to the Government is to take time and show goodwill to this menace, once and for all. The other time, we saw the Government taking time to fight the illicit brew menace. We mobilised a lot of resources and called on leaders to take charge, close shops, arrest people and stop bars from selling illicit brew. That is business. I just wish the same energy and effort could be used to stop this problem.

I want to give an example of what happens when I go to drink, even if it is an illicit brew. I walk into a club, sit down, order my beer and drink one, two, or three bottles, probably up to morning. If I do the same the following day, I will become addicted to it and that is when I will realise that it is a problem.

What about a mother who is sitting in her house, or a farmer or a pastoralist who is taking care of his cows and is ambushed, attacked, thrown out of his home and all his wealth or cows are driven away and no one talks about it? It is one thing for the Government to say that they will take care of our problems, but it is another to see how we will take care of victims of banditry.

Someone said that communities are not supposed to be accused of being criminals. However, many criminals originate from communities. It is the prerogative of the community to take the initiative to control such incidents. For instance, when the *Mungiki* were terrorising everyone in Nairobi and central provinces, the Kikuyu community had to stop that menace. The Somali community did the same with the *Al Shaabab*. Similarly, the Pokot community should take charge and take up the challenge to eradicate this problem.

Lastly, I want to tell the President that the Tugen and other communities that are affected by this menace really wish and hope that this problem will be sorted this time round.

The Temporary Speaker (Hon. Martha Wangari): Member for Samburu North.

Hon. Letipila Eli (Samburu North, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Motion of Adjournment by the Member for Laikipia North, Hon. Sarah Korere. I really feel for her just as I feel for all Members from the North Rift who are affected by this menace of insecurity.

I come from Baragoi in Samburu North. We are currently marking 30 years of gang-related cattle rustling in that part of the country. Many voices have spoken about the vice in this House. The fact that we are still talking about this issue on the Floor of this House is an indictment on the Government of the Republic of Kenya. People are still being killed and families are still being traumatised 30 years down the road.

You have heard from the Women Representative of Isiolo County, Hon. Korere, Hon. Jematiah and every Member who has stood up to speak on the Floor of this House. We are talking about fresh killings. We lost over 105 people in Samburu during the past year. I lost an elected leader, a Member of the County Assembly (MCA), a month or so ago. Since the killing of the late Hon. Paul Leshimpiro, the MCA for Ang'ata Nanyekie Ward in Samburu North Constituency, we have not seen any concrete action being taken by the Government to bring to book those who killed him. We have not seen any concrete action to inspire confidence in the communities which live there. Schools in that part of the country did not close early because the school term ended, but because of insecurity. Children in the following three schools do not go to school any more: Angata Nanyukie, Ngabai and Soitpus primary schools. They fear to go there. At Soitpus Primary School, a teacher and cook were shot in the evening. There were no cows in the school. People went there and shot them. That is the kind of terror that is visited upon the communities in the North Rift and parts of Samburu County.

Hon. Temporary Speaker, I support the sentiments by Hon. Mwangi Kiunjuri that this is a very small matter, if the Government is serious. For instance, in the once infamous Baragoi, we have lived in relative peace over the past one and half years. This is because the Government came out strongly and partnered with elected leaders and communities. Specialised units, who supported community-led peace initiatives, were also sent to that area. I recommend that we

amend the laws in this House to bring in the military to assist us, so that what happened in Mt. Elgon can be replicated across Northern Kenya. As long as small arms are proliferated in Northern Kenya, we will continue speaking on the Floor of this House, while some young men aged between 15 and 20 years old are holding the Government hostage in rough terrains which they cannot access. It is only the military which can go there.

Thank you, Hon. Temporary Speaker. I support Hon. Korere's Motion of Adjournment on a Matter of Urgent National Importance.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I have realised that there is still a lot of interest. Unfortunately, our time is up.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 7.02 p.m., this House stands adjourned until tomorrow, Wednesday, 17th April 2024, at 9.30 a.m.

The House rose at 7.02 p.m.

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