



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 8

THE HANSARD

Thursday, 23rd February 2023

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

Hon. Deputy Speaker: You may proceed.

COMMUNICATION FROM THE CHAIR

DELEGATION FROM PARLIAMENT OF NAMIBIA

Hon. Deputy Speaker: Hon. Members, I wish to introduce a delegation from the Interim Committee of the Namibian Parliamentary Women Caucus, who are seated in the Speaker's Gallery.

(Applause)

The delegation comprises the following:

- | | | |
|---------------------------------|---|----------------------|
| (a) Hon. Emilia Nuyoma- Amupewa | - | Chairperson; |
| (b) Hon. Elma Dienda | - | Member; |
| (c) Hon. Evelyn Nawases Taeyele | - | Member; and, |
| (d) Ms. Frankhilde Endjala | - | Parliamentary Clerk. |

Hon. Members, the delegation is in the country for a study visit to engage with institutions charged with the implementation of the gender-related programmes as well as to share experiences on establishment and operations of a functional parliamentary women caucuses. The delegation has extensively engaged with State organs as well as with the Kenya Women Parliamentary Association (KEWOPA).

Hon. Members, on behalf of the National Assembly, I wish the delegation success during the remainder of their stay in the country.

Thank you, Hon. Members.

PAPERS

Hon. Deputy Speaker: The Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

1. Legal Notice No. 2 of 2023 relating to Energy (Revocation) Regulations 2023, from the Ministry of Energy and Petroleum;
2. Legal Notice No. 3 of 2023 relating to the Petroleum (Importation) Regulations 2023, from the Ministry of Energy and Petroleum;
3. Update on funding of National Government Constituencies Development Fund (NG-CDF) from the National Treasury and Economic Planning; and,
4. The Fourth Quarterly Report covering the period from 1st October 2022 to 31st December 2022 from the Ethics and Anti-Corruption Commission.

5. Reports of the Auditor General and Financial Statements of the National Government, Constituency Development Fund (NG-CDF) in respect of the following constituencies for the year ended 30th June 2021, and the certificates therein:
 - (a) Kilgoris.
 - (b) Maragua.
 - (c) Navakholo.
 - (d) Runyenjes.
 - (e) Buuri.
 - (f) Ndia.
 - (g) Webuye West.
 - (h) Mumias West.
 - (i) Kabuchai.
 - (j) Teso South.
 - (k) Mukurweini.
 - (l) Mt. Elgon.
 - (m) Cherangany.
 - (n) Butula.
 - (o) Malava.
 - (p) Tigania West.
6. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2021 and the certificates therein:
 - (a) Kenya National Convention Bureau;
 - (b) University of Eldoret;
 - (c) Mosoriot Teachers Training College;
 - (d) Moi University;
 - (e) Lands Limited; and,
7. Approval under Article 223 of the Constitution in the 2022/2023 Supplementary Estimates 1 from the National Treasury and National Planning.

This is to be referred to the Budget and Appropriation Committee.

If you allow, Hon. Deputy Speaker, there are two Papers laid that I would want to draw the attention of Members of Parliament to. This is the last approval under Article 223 of the Constitution in the Supplementary Estimates. If Members go through that, they will see that there are two schedules. That is the overall schedule of all the payments done under Article 223 of the Constitution for the Financial Year 2022/2023 and what has already gone through the Budget and Appropriations Committee. There is a schedule of what is approved by the Budget and Appropriations Committee. I believe when they table their report...

(Hon. John Kiarie consulted loudly)

Hon. Speaker, protect me from Hon. K.J. and tell him that he is a seasoned Member of Parliament. He cannot be shouting from behind all the time.

Hon. Deputy Speaker: Hon. K.J., I hope you stand guided.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, he is my good neighbour, but the shouting interrupts the thought process of the person speaking. We have beseeched ourselves, as the older Members, to be good examples to those who are new in the House and, more so, to our students in the Speakers' Gallery. They should know that this is a House where people conduct business with some decorum.

Hon. Deputy Speaker, these schedules will be part of the Budget and Appropriations Committee's Supplemental Estimates Report, and Members will be able to see what has been paid under Article 223 of the Constitution, what has been authorised, and what has been rejected. After that, it will be interesting to note - and I would want to attract the attention of this House's departmental and oversight committees - the Budget and Appropriations Committee's rejection recommendation.

Hon. Deputy Speaker, I say that as a former Chairperson of the Budget and Appropriations Committee. In 2018, the Committee I chaired occasioned the rejection of the Ruaraka land payment of Ksh1.5 billion and, automatically, such a rejection means that becomes an audit issue. Therefore, it would be interesting for Members to note the rejections proposed by the Budget and Appropriations Committee, because they have a huge bearing on the work of oversight Committees of this House and some of the Departmental Committees. I want to challenge them to take those challenges and the issues that will be raised by the Budget and Appropriations Committee.

The third Paper I have laid out is an update from the National Treasury and the Office of Economic Planning on the funding of the NG-CDF. The Member for Embakasi East, who is also a member of the Budget and Appropriations Committee, has sparked an animated discussion in our WhatsApp groups. It is good because I can see the Chair of the NG-CDF walking in. I would like to request that he familiarise himself with the Paper that I have laid on the Table so that he can inform Members of all disbursements that have been made by the National Treasury to date. The National Treasury has disbursed funds to the NG-CDF Board as of this morning. Consequently, the NG-CDF Board should, through the Committee, begin disbursing cash to the constituencies. I hope that the National Treasury is also working towards the release of the National Government Affirmative Action Fund (NGAAF) as promised at the beginning of this month. I have assurance from the Cabinet Secretary for the National Treasury and Economic Planning that Ksh6 billion was distributed following the Mombasa meeting. I believe they are current as of the third week of the month. I want to encourage them to continue. I think they are up to date being the third week of the month. Along with our Committee, the NG-CDF Board should expedite the allocation of funds to constituencies so that our residents can receive the services that they have been lacking.

With that, I beg to lay all these papers.

As I mentioned earlier, Article 223 of the Constitution is usually the genesis of mega corruption in this country. As a House that is charged with the mandate to oversight the Government, we must exercise our authority. That is why I want to challenge our oversight committees and the relevant departmental committees. Some of the payments have been made under Article 223 and, as is normal in this nation, there is typically a sprint and a looting spree of Government coffers in the final days of any rule or leading up to every election. The most recent election was no different. The scandal involving the Ruaraka land occurred just before the 2017 elections. Kenyans would be horrified by the extent of stealing and impunity...

(Loud consultations)

Hon. Deputy Speaker, I can see the Member for Ruaraka telling me to go slow on Ruaraka, and I know he knows. I do not mean his constituents; I mean the Ruaraka land school scandal, which happened on the verge of the elections in 2017. I want to tell Members that the 2022 General Elections were no exception. If there was theft on the verge of the 2017 General Elections, that was foreplay. Real looting happened on the verge of the 2022 elections. You will be shocked that even on the night Kenyans were voting, when people were counting votes, some people were counting billions that they had looted from Government coffers.

I have just taken time to lay these Papers. These are now public documents. I do not need to name those Kenyans here. They shall be named.

(Several Members consulted loudly)

I do not have the latitude to name them here but in due course, if our oversight committees do not take up this matter to end this culture of impunity, there is nothing that will stop the current Government from looting public coffers with impunity on the verge of the 2027 or 2032 general elections. We must be the House that will stop the looting of public resources towards an election. We must do it. If our oversight and departmental committees do not take up this matter, rest assured, yours faithfully – Leader of the Majority Party – on behalf of the people of Kikuyu and Kenyans, I will ensure I spare no energy to expose those who looted this country on the verge of the 2022 General Elections with abandoned impunity.

I beg to lay, Hon. Deputy Speaker.

(Applause)

(Several Hon. Members spoke off-record)

Hon. Members: Shame on them. *Toboa!*

Hon. Kimani Ichung’wah (Kikuyu, UDA): Mtaona tu. Ulizeni Mhe. Babu kwa sababu anawajua!

(Laughter)

Hon. Deputy Speaker: Next Order.

NOTICE OF MOTION

Hon. Deputy Speaker: Hon. Beatrice Elachi, Member for Dagoretti North, has a Notice of Motion.

DEVELOPMENT OF POLICY ON ENHANCEMENT OF EXPORT PROCESSING ZONE PROGRAMMES

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. You look elegant. We want to thank you for making us proud as women. I beg to give notice of the following Motion:

THAT, aware that the Export Processing Zones (EPZ) Authority in Kenya was established in 1990 to promote and facilitate export-oriented investment programmes and create incentives for export-oriented production in areas designated as EPZ; further aware that the Authority is charged with the responsibility of regulating and administering approved activities within the EPZ to ensure compliance among others; noting that the programme anchors on Kenya’s Vision 2030, the country’s economic blueprint with regard to becoming an industrialised and upper middle-income country; further noting that EPZ provides an attractive investment opportunity for export-oriented business ventures in the country; acknowledging that, the programme is a source of direct and indirect employment to more than 60,000 Kenyans; concerned that currently,

the programme is facing a myriad of challenges including inadequate funding, prohibitive costs of accessing business loans, high cost of production, shrinking export market due to effects of the COVID-19 pandemic, inadequate supplies of raw materials, water and power for agro-processing companies among others; further concerned that there is need to revamp the said programme to improve its performance through increased funding to aid, for instance, the setting up of excellence centres in some parts of the country, expediting and negotiations of market access especially to the East African Community, including trade negotiations between Kenya and other countries on diversification of products eligible under the African Growth and Opportunity Act (AGOA), employee training and retention, provision of reliable supplier of raw materials of agro-processing companies, improvement of infrastructure to enhance steady supply of water, power and provision of affordable access to credit among others; this House resolves that the national Government, through the Ministry of Trade, Investment and Industry, develops a policy whose core objective would be to, among others, address the challenges currently faced by the EPZ with specific focus on implementing EPZ programmes to enhance performance and enable retention of investors across the country to enhance economic sustainability and allow companies to pursue businesses locally through the 20 per cent waiver to enable them earn a living.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Elachi.

Next Order.

STATEMENT

Hon. Deputy Speaker: Hon. Julius Taitumu, Member for Igembe North, has a Statement.

DEMISE OF HON. NTOITHA M'MITHIARU

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Deputy Speaker. I wish to make a Statement on the demise of the former Member of Parliament for Igembe North Constituency, Hon. Ntoitha M'Mithiaru. Pursuant to Standing Order 259D, I rise with profound sorrow to report to this House the untimely passing on of the former Member of Parliament for Igembe North Constituency, Hon. Ntoitha M'Mithiaru on Monday, 13th February 2023. The late Hon. Ntoitha M'Mithiaru was born on 15th May 1955 in Naathu Sub-Location, Mutuati Sub-County, Igembe North Constituency. He underwent primary education at Naathu Primary School, intermediate education at Nkiriana Primary School, Ordinary Level (O-Level) at Burieruri High School and Advanced Level (A-Level) at Shimo La Tewa High School in Mombasa, where he completed in 1975. Immediately after his A-Level education in 1976, he joined the Central Bank of Kenya at the entry level. His stellar performance saw him rise through the ranks to become the Director of National Debt, which is a position he held until his retirement in 2002. During his illustrious career, he served as the Chair of the Kenya Bankers Association for 13 years, and the Taskforce that reviewed the co-operative laws that came up with the establishment of the SACCO Societies Regulatory Authority (SASRA). The late Hon. M'Mithiaru undertook financial studies, diploma and banking courses at the London Institute of Bankers and Association of German Banks. He earned a Bachelor of Science (Banking and Finance) and later pursued a Master's Degree in Business Administration (Entrepreneurship Option) from Kenyatta University in 2008.

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Hon. Deputy Speaker, the late Hon. Ntoitha M'Mithiaru served diligently in the 10th Parliament from 2007 to 2013 when he was elected as the Member for Igembe North Constituency. He rigorously articulated issues of concern to the people of Igembe North through parliamentary debates and questions. Through the Constituencies Development Fund (CDF), he initiated various development projects in the constituency, particularly in the education sector, where he pioneered the establishment of many day secondary schools, thus enhancing access to education. He was an active member of the Departmental Committee on Finance, where he was resourceful on various matters of finance and economy. He was also a member of several *ad hoc* committees, particularly the Select Committee on Depreciation of the Kenya Shilling, that was constituted to investigate the causes of the drastic and steady decline of the Kenya Shilling against the foreign currencies and make recommendations on the way forward.

At the community level, the late Member was the Chairperson of the Igembe Development Organisation (IDO), through which he mobilised resources for community development. Igembe North Constituency has lost a people-centered leader and trailblazer for development initiatives.

On my own behalf, my family and the people of Igembe North Constituency, I wish to condole with the family of the late Hon. Ntoitha M'Mithiaru, all his relatives and friends, the people of Igembe North and Kenyans for the loss of a distinguished public servant and leader. With your indulgence, may I request that we all stand to observe a minute of silence in honour of our departed colleague? May his soul rest in eternal peace.

Thank you, Hon. Deputy Speaker.

(Hon. Members observed a minute of silence)

Hon. Deputy Speaker: I will exercise my discretion and allow a few Members to give their condolences. The Member for Igembe South, Hon. John Paul Mwirigi.

Hon. John Paul Mwirigi (Igembe South, UDA): Ahsante sana, Naibu wa Spika. Kwa niaba ya wananchi wa Igembe Kusini na familia yangu, ningependa kutoa rambirambi kwa familia ya Mhe. Ntoitha M'Mithiaru.

Nilijuana na Mhe. Ntoitha M'mithiaru nilipochaguliwa kipindi cha kwanza. Alinionesha vile nafaa kufanya hapa ili nisije nikafukuzwa kazi. Nilifuatilia yale aliyoniambia mpaka nikachaguliwa kwa mara ya pili. Naombea familia yake ili Mungu aendelee kuizingira na damu ya Mwana wake, na Mungu aendelee kuikuza Eneo Bunge hili la Igembe North. Tunamuomba Mungu aiweke roho yake mahali pema anapowaweka watakatifu wake.

Amina.

(Hon. John Kiarie and Hon. Omboko Milemba stood between the Member on the Floor and the Deputy Speaker)

Hon. Omboko Milemba (Emuhaya, ANC): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Emuhaya, Hon. Mwalimu Omboko Milemba, what is your point of order?

Hon. Omboko Milemba (Emuhaya, ANC): Thank you so much, Hon. Deputy Speaker for giving me this chance. This is a House of order and I have continuously seen this happening; that when a Member is speaking, other Members stand between the Member and the Speaker, like what has just happened. We also had an earlier case when we had a Statement being read. I think you, Hon. Deputy Speaker, should speak to that so that we have that order being restored.

Thank you.

Hon. Deputy Speaker: Hon. Ndindi Nyoro and Hon. John Kiarie, I think *Mwalimu*, Mhe. Omboko Milemba is referring to you.

(Hon. John Kiarie and Hon. Omboko Milemba apologised off-record)

They have acted. I will give an opportunity to Hon. George Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. On my behalf and that of the people of Tharaka, who are neighbours to the people of Igembe South, Igembe Central and Igembe North, allow me to convey my condolences.

Hon. Ntoitha M'Mithiaru, was a Member of this House. He served the people of Igembe North with distinction. It has been narrated to us exactly what he did. I came to know him when he was the Chairman of the Kenya Bankers Association.

Hon. Ntoitha M'Mithiaru was an astute Banker, a financier and a person who was extremely knowledgeable in money matters. His contribution in the financial sector in this country is immeasurable. Therefore, on top of the great things he did for the people of Igembe North, he also contributed immensely to the development of our financial sector in the country.

With those remarks, may his soul rest in eternal peace.

Thank you.

Hon. Deputy Speaker: Lastly, is the Member for Lugari, Hon. Nabwera Nabii. It looks like he is not present. I will, therefore, give an opportunity... Ooh, he seems to be in.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Deputy Speaker. I and the Members who have stood here today, would like to send messages of condolences to our fellow Kenyan. We are here as Members today because those who came before us had humane feelings about each other. On behalf of the people of Lugari Constituency and my own behalf, I, therefore, stand here in sympathy for the family of our departed colleague.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The next Statement is by Hon. Capt. Ruweida Obo, Member for Lamu East.

REQUESTS FOR A STATEMENT

POWER OUTAGES IN FAZA WARD IN LAMU

Hon. Ruweida Mohamed (Lamu East, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Energy regarding power outages in Faza Ward, Lamu East Constituency.

The residents of Faza Ward in Lamu East Constituency have been experiencing periodic power outages that last for three to seven days for the last six months. The periodic power outages are a major concern to the local community. Regrettably, lack of reliable electricity has caused significant disruption in household businesses, particularly Tuna fishermen and traders who have lost so much stock due to failure of storage facilities such as coolers and fridges.

The lack of electricity has also adversely affected service delivery to residents of Faza Sub-County Hospital. Consequently, the existence of non-functioning generator at the said sub-county hospital, has put the lives of patients at risk in the event of power blackout during operation sessions. Additionally, learning institutions in the area have also been forced to rely on generators for their operations.

It is in this regard and background that I seek a statement from the Chairperson of the Departmental Committee on Energy on the following:

1. Could the Chairperson explain the measures that the Government has put in place to ensure that the residents of Faza Ward have access to reliable electricity?
2. Could the Chairperson explain whether the Government has a plan to compensate Tuna fishermen and traders in the said Ward, following massive losses of produce incurred especially during harvesting season?

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Captain Ruweida. I now direct that your request for statement be referred to the Departmental Committee on Energy.

I now call upon Hon. Dorice Donya to make her request for statement.

UNFAIR CONVICTION OF MS. EMILY
KERUBO NYAKWERA IN SOUTH SUDAN

Hon. Dorice Donya (Kisii County, WDM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2), I wish to request for a statement, from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Affairs, regarding the circumstances surrounding the conviction of one Ms. Emily Kerubo Nyakwera in the Republic of South Sudan.

On and about 17th January 2022, Ms. Emily Kerubo Nyakwera, a Kenyan national of Identification Number 32690439, and a kindergarten teacher by profession, was taken to the Republic of South Sudan by a South Sudanese Educationist who runs Mercy British International Day Care, Nursery and Primary School.

It is reported that while in the line of duty, which included changing diapers for small children, teacher Kerubo reported to the school management that a pupil in her class was wearing unpermitted chain. Consequently, the school requested the pupil's mother to remove the chain, which she reluctantly did after withholding the child from attending classes for about two weeks. When the child resumed classes, the mother barred teachers from changing her child's diapers in school. Two days later, the child's mother reported to the school that Teacher Kerubo had molested the child, citing rashes and bruises around the girl's private parts. Teacher Kerubo was arrested and held in police custody pending investigations. The medical report indicated that whereas there were some bruises around the minor's private parts, there was no evidence of molestation whatsoever and hence the small bruises could have been attributed to prolonged wearing of diapers. Despite the fact that Teacher Kerubo was vindicated by the medical report and witness testimonies, she was still, under unclear circumstances, charged and convicted on 13th October 2022 to a five-year imprisonment and a fine of 700,000 Sudanese Pounds, equivalent to US\$1,200

It is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Affairs. In the Statement, the Chairperson should provide the following:

1. Details of the circumstances under which Ms Emily Kerubo Nyakwera was convicted in the Republic of South Sudan without evidence contrary to the principles of rule of law and natural justice.
2. The interventions that the Ministry intends to make in order to ensure that justice is done for Ms Emily Kerubo Nyakwera?
3. The measures that the Government has put in place to safeguard the welfare and rights of Kenyans working in foreign countries, especially those in the Republic of South Sudan.

Hon. Deputy Speaker: Member for Taita Taveta, Hon. Haika Mizighi, do you have a point of order?

Hon. Haika Mizighi (Taita Taveta, UDA): Yes. My point of order is in regard to the Statement that has been made by one Hon. Dorice Donya relating to the welfare of a Kenyan who is working in South Sudan and has wrongly been convicted. Indeed, the 3rd prayer made by the Member is on the measures the Government has put in place to protect the welfare and rights of Kenyans working in foreign countries especially those in the Republic of South Sudan. This subject falls within the mandate of the Committee I chair, which is the Select Committee on Diaspora Affairs and Migrant Workers. I, therefore, seek your guidance on whether the Statement ought to be directed to the Departmental Committee on Defence, Intelligence and Foreign Affairs or Select Committee on Diaspora Affairs and Migrant Workers?

Hon. Deputy Speaker: That is duly noted. The matter shall be referred to the Select Committee on Liaison to decide which committee it is supposed to be domiciled in before it is marked to the correct committee or the one that has been requested.

At this stage, I would like to recognise the presence of the following schools in the Public Gallery: Mutulu Secondary School from Kitui West Constituency, Kitui County; Ndo Secondary School from Mbooni Constituency in Makueni County; and, Moi Boys Academy from Baringo North Constituency, Baringo County, and I am told specifically Kabartonjo. I wish to recognise the presence, in the Speaker's Gallery, of Muthambi Girls School from Maara Constituency, Tharaka Nithi County.

PERSONAL STATEMENT

WAJIBU WA VIONGOZI KUVAA NA KUTANGAZA MAVAZI NA SANAA YA KIAFRIKA

Hon. Deputy Speaker: Hon. Haika Mizighi, Member for Taita Taveta, kindly give your Statement.

Hon. Haika Mizighi (Taita Taveta, UDA): Asante Naibu Spika kwa kunipatia fursa hii kwa mara nyingine tena. Nimesimama kwa kauli ya mujibu wa Kanuni ya 44(2)(c) kuhusu wajibu wa viongozi kuvaa na kutangaza mavazi na sanaa ya Kiafrika. Kwa mujibu wa Kanuni ya 44(2)(c), ningependa kuto Kauli kuhusu wito kwa viongozi kuvalia na kutangaza mavazi na sanaa ya Kiafrika.

Mhe. Naibu wa Spika, ona Wabunge wa kike wanavyong'aa kwa mavazi na nakshi hizi za Kiafrika!

(Wabunge wa kike walisimama)

Asante sana, ndio hao mnaowaona. Kina mama *hi!* Asante sana. Hili ni dhihirisho kuwa ipo haja Bunge la Kenya kutambua mavazi na mitindo yetu ya Kiafrika na Kikenya.

Waheshimiwa: Tambua, Mhe. Tandaza!

Hon. Haika Mizighi (Taita Taveta, UDA): Ndio, nitamtambua Mhe. Tandaza. Pia Mhe. Tandaza amevalia vazi la Kiafrika. Asante. Niruhusu niendeleo.

Bila shaka, hatua hii inaafika hadhi, jukumu, sura na sifa ya Bunge la Kenya. Siku zote jukumu la viongozi ni kupeperusha upekee wa nchi na jamii zao. Kama kielelezo, nimeng'aria vazi lililoshonwa na fundi wangu kule Taita Taveta. Bila shaka, ningeweza kuvaa Uturuki, Uchina, Italia, na mitindo kadha ya ng'ambo. Lakini, viwanda vya Kenya kama Rivatex, Spin Knit Limited na Thika Cloth Mills vitapata riziki yao wapi iwapo kama sisi viongozi hatutachukua hatua ya kwanza?

Kwa juma moja lijalo, kuanzia siku tatu zilizopita, Wabunge wa kike katika Jumba hili na Seneti watavaa mavazi na mitindo ya Kiafrika. Lengo la hamasa hii ni kutangaza mavazi na utamaduni wetu kitaifa na kimataifa. Tunalenga kuinua ufundi wetu na kuboresha mapato ya wanamitindo wetu pamoja na Wakenya wanaofanya kazi katika viwanda vya nguo. Ni sharti tuinue soko la wasanifu na wasanii wetu wa Kenya na Afrika kupitia mavazi, fasihi, teknolojia na sanaa za hapa nyumbani.

Nimekuwepo Bungeni humu kwa kipindi kirefu sasa. Bila shaka, nafahamu kuwa Kanuni za Spika zimebainishia Wabunge wa kiume mavazi kama suti, tai na viatu. Kwa hekima yake, Kanuni za Spika zimetuwachia fursa ya kuwa wabunifu katika mavazi ili kuakisi utamaduni na mahitaji ya Bunge na Wakenya. Mavazi kama wanayovaa kaka zangu Wabunge yanahimiza na kuboresha soko la mataifa ya nje ya Afrika.

Mavazi ni kitambulisho na sifa ya kila jamii. Mwafrika ni nini kama si chakula, mavazi na lugha zake? Muandishi Shaaban bin Robert alisema titi la mama litamu, hata likiwa la kelbu". Huu ni utamaduni wetu na ndilo titi la mama yetu. Isitoshe, tasnia ya mavazi na mitindo ni miongoni mwa sekta zinazooajiri Wakenya wengi. Isitoshe, ujasiriamali wa biashara ndogo ndogo kama ya mavazi huchangia mapato yetu na utalii na kubuni ajira na kuleta mapato kwa watu wetu. Mhe. Naibu Spika, tunaomba utuongoze kuungana na wenzetu katika Bunge la Ghana, Bunge la Afrika Kusini, Bunge la Nigeria, miongoni mwa mengine. Wenzetu hao wamekoleza desturi na itikadi ya kuvaa mavazi ya Kiafrika katika Bunge na mikutano ya kimataifa.

Mwisho, nahamasisha Wakenya kujivunia mavazi na mitindo ya Kiafrika. Tujiunge na mjadala huu unaoendelea katika mitandao ya kijamii. Nakusihhi uruhusu Waheshimiwa Wabunge kutoa na kunakili kauli zao kuhusu suala hili. Hata wewe umevalia vazi la Kiafrika na unapendeza sana.

Asante, Mhe. Naibu Spika.

Mhe. Naibu Spika: Asante hata wewe. Ningependa kuwapatia Wabunge wachache nafasi kuchangia hii kauli la Mbunge wa Taita Taveta. Kwa sasa nitampatia Mhe. Ruth Odinga. Nitampa nafasi Mhe. Fatuma.

Mhe. Fatuma Mohammed (Migori County, Independent): Shukran, Mhe. Naibu Spika. Kwanza kabisa, nawashukuru wanaume wetu; wametushangilia wiki nzima. Na mnaonekana kwenye runinga mjichunge nyumbani. Mavazi ya Kiafrika ni kitamaduni kitamu na cha heshima sana. Hata kwa dini na madhehebu tofauti tofauti, mavazi haya yanapendeza.

Tukiangazia kabisa mishono hizi tunazozivaa kwa wiki hii yameshonwa na mafundi ambao ni wamama wa hapa nyumbani Kenya. Zaidi ni wamama walioko viungo vya chini. Ni wamama ambao sio wabunifu wa hali ya juu. Kama langu limeshonwa hapa River Road, Nairobi na mama mmoja na ni bei ya chini. Lakini ujue unapomuina mama moja unainua uchumi ya nchi. Nawaambia wamama tuendeleo kuvaa haya mavazi ya Kiafrika. Nama ikiwezekana tukubaliane na hawa wanaume wetu ambao ni mandugu zetu pia wavae vitenge vya kisuti ili waje nayo hapa. Wasiwe wanavaa tu ya kizungu. Hatufanyi kwa sababu tunajinua; tunawainua wamama walioko chini. Kwa hivyo, fanyeni kwa niaba ya kuhimiza wamama na mafundi ambao ni wamama wa kiwango cha chini na mjue bei itakua chini na itasaidia uchumi ya hii nchi. Hiyo pesa kidogo tunayo tukiwasaidia hao mafundi wetu uchumi yetu itainuka.

Naomba wazee waliopo leo wapatie wake wao hela wanunue kitenge. Nawaomba msememe mtafanya hivyo. Mtafanya hivyo?

Asante sana.

Mhe. Naibu Spika: Nafasi hii nampatia Mhe Babu Owino.

Mhe. Babu Owino (Embakasi East, ODM): Asante sana, Mhe. Naibu Spika. Leo hii ninafuraha mpekwekwekwe kuona wamama wetu waking'aa na kumetameta kama nyota. Niko na *boxer* ambayo ni kitenge.

Mhe. Naibu Spika: What is your point of order, Hon. Millie Odhiambo?

Mhe. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. First of all, I want to raise a concern. A Member next to me is harassing me that I must speak in Kiswahili. There is no relation between wearing kitenge and Kiswahili. I want to tell you because I am smartly dressed *na Kiswahili sio lugha yangu*. I am dressed in kitenge. My point of order is: If we are promoting kitenge and Hon. Babu Owino does not wear a kitenge suit, why is he being given a chance to speak on kitenge? We are promoting kitenge yet he is wearing a suit from the US. We are promoting local products. Give opportunity to only men promoting local products, not those promoting things from abroad.

Mhe. Babu Owino (Embakasi East, ODM): Mhe. Naibu Spika niko na *boxer* ambayo ni kitenge. Siwezi onyesha hapa jameni.

(Kicheko)

Nina furaha sana kwa kuwa tuna *promote local manufacturing*. Mhe. Fatuma amesema sisi wanaume tuendele kuinua wamama na tutafanya kazi chini yenu.

Asante sana.

Hon. Deputy Speaker: Hon. Catherine Omany.

Mhe. Catherine Omany (Busia County, ODM): Thank you, Hon. Deputy Speaker. Ninashukuru sana. Nimeambiwa nizungumze kwa Kiswahili. Kuinua uchumi wetu na kuleta pia kazi kwa wamama na wanaume wa kiwango cha chini ni kuwapatia biashara. Kwa hivyo, kuvaa kitenge sio kwa chama pekee yake. Yafaa utamaduni wetu wa Kiafrika tusiusahau kwa sababu tunaiga mifano wa ng'ambo na tunasahau tunaonekana kama *puppets*. Tunakaa vikaragosi. Unajua ukiomba utamaduni wa mtu mwingine haistiri uchi. Yafaa tusiazimeazime tu kila kitu. Hapa Bunge tuzidi kuwa mstari wa mbele kurudi mahali ambapo tulikotoka. Wazungu ni marafiki wetu lakini ikifika kwa tamaduni zetu, tunafaa kuvaa kama Waafrika, kutabasamu kama Waafrika, kukaa kama Waafrika na kufikiria kiAfrika. Mhe. Naibu Spika, naomba uwe unavaa hivyo kila siku ukiweza. Jinsi umevaa unafanana na malakia ama malkia. Unapendeza sana mpaka nilikuwa nimesahau kama ni wewe. Ujaze kabati na nguo kama hizo kwa sababu heshima inakuja mara moja bila kubembeleza. Nashukuru sana. Nitakuwa navaa kitenge kila siku.

Hon. Deputy Speaker: What is your point of order, Hon. Kassim Tandaza?

Mhe. Kassim Tandaza (Matuga, ANC): Asante, Mhe. Naibu Spika. Kuna watoto wa shule ambao wanatusikiza tukizungumza kwa Kiswahili. Mhe. Babu Owino alisema kwamba kuna nguo ambayo imekaa *kwekwe kwekwe*. Hiyo si Kiswahili sanifu. Huenda Watoto wetu wakalichukulia kuwa litaingia katika kamusi kwa sababu ni Waheshimiwa wamelitaja. Ningeomba hilo neno litolewe na wanafunzi wajue kwamba hakuna neno kama hilo lililotumiwa na Mhe. Babu Owino.

Asante.

Hon. Deputy Speaker: Hon. Bishop Kosgei, Nominated Member.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Hon. Deputy Speaker, I may not be good in Swahili, but I will try next time.

At the outset, I wish to congratulate our beautiful ladies, Hon. Members, for demonstrating and speaking to our identity as Africa. I still join other speakers and agree that the male counterparts should also do the same and have a week for demonstrating our Africanness. We must tell our story. In the history of the western civilization, many writers and speakers have continued to speak on our behalf. It is time that Africa speaks through their arts, dressing and even in their language. We are very happy that Swahili is being promoted to be the African language. This is a very interesting week in this country and in our Parliament.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Timothy Wanyonyi, Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Asante sana, Mhe. Naibu Spika kwa kunipatia fursa ya kuchangia Mswada huu. Kwa niaba yangu, nimefurahi sana kuona Wabunge wetu, akina mama, ambao ni viongozi, wakiongozwa na wewe Mhe. Naibu Spika, wakiingia hapa wakiwa wameng'aa kabisa. Lakini mavazi ni chaguo la mtu. Ila, ningependa kuhimiza akina mama kwamba wakati mwingine mkifanya uamuzi, ni vizuri muungane na wanaume. Mngetuibia hiyo siri, sisi pia tungeweza kuvaa kama nyinyi. Ninafikiria kuwa wakati mwingine huwa mnafanya ubaguzi. Mnafanya mambo pekee yenu kama akina mama halafu mnataka wanaume wawaunge mkono. Ningependa kusema ya kwamba ni jambo la muhimu lakini inafaa mjumuishe kila mtu ndio tujue kwamba hili ni jambo letu sisi sote. Kwa sababu hii ni kimila yetu.

Tunataka pia kuona vazi la Kenya kwa sababu haya mavazi mmevaa hapa mengi si ya Kenya. Tunataka kuona lile vazi ambalo limeshonwa na linaitwa Kenya. Hilo ndilo tutafurahia na kuinua kiwango cha wale mafundi, vijana na akina mama wetu ambao wanafanya hii kazi. Serikali ya Kenya Kwanza inatambua hiyo kama “*bottom up*”. Hao ndio tunataka kuinua na sisi tutaenda kushona nguo huko. Ni vyema mtuonyeshe mlikoshona nasi pia tuweze kushona shati na vitenge zetu.

Asante, Mhe. Naibu Spika kwa kunipa nafasi.

Hon. Deputy Speaker: Mhe. Timothy Wanyonyi, akina mama walisema kwamba, na kama ulivyosikia Mhe. Haika Mizighi akisema, tunavaa nguo za Kiafrika sio Kenya tu. La muhimu ni bora zimeshonwa na Wakenya.

Ningependa kumpatia Mhe. Yusuf Hassan nafasi hii.

Hon. Yusuf Hassan (Kamukunji, JP): Asante sana, Mhe. Naibu Spika kwa kunipatia fursa hii. Nachukua nafasi hii kusema kwamba leo ni siku ya furaha na shangwe kwa sababu naona akina mama wetu wamekuwa na mwamko. Wamejitokeza leo kuzatiti na kushikilia kwa nguvu utamaduni wetu wa Kiafrika. Unajua taifa lolote lisilo na utamaduni sio taifa huru. Tumekua na kasumba ya kikoloni ambapo tumeambiwa kuwa mavazi ya kizungu, ndio bora na yenye ustaarabu. Lakini sio hivyo kwa maana Bara la Afrika limekuwa na ustaarabu wa kudumu na wa muda mrefu kwa karne nyingi sana.

Ninaona kuwa Bunge hili na akina mama wameonyesha mfano mzuri. Hili ni jambo ambalo litawahimiza akina mama wengine nchini kujua kwamba wana utamaduni na mavazi ya heshima na yenye umaridadi. Nasema hongera sana kwa Bunge hili na kwa akina mama haswa Mbunge wa Taita Taveta, kwa kuleta jambo hili katika Bunge. Na sio jambo la kuomba omba au wanaume wasaidie ila ni wajibu wetu kuunga mkono jambo lolote ambalo linawapeleka mbele akina mama wetu. Jambo hili ni muhimu ili kujionyesha walivyo na kurudi katika utamaduni wao wa kiasili ambao ni wa heshima na mzuri.

Kwa hivyo, mimi ninasema kwamba huu ni mwamko ambao utaonyesha mfano mzuri. Hata kwetu wanaume, ninafikiria Bunge libadilishe sheria zake ili tusiwe tunavaa tai kila siku na hizi suti za kizungu. Haina raha! Angalia sasa hivi hali ya hewa ilivyo, ni joto sana lakini unalazimishwa kuvaa tai na koti. Unatokwa na jasho and huna raha kwa sababu ya kasumba ya kizungu. Kwa hivyo, tunahitaji kuwa na ukombozi wa akili na kujifikiria kwa heshima kwamba sisi Waafrika tuna utamaduni na mavazi yetu. Nawapongeza sana na kuwaambia kuwa muendeleo kusonga mbele. Nasi wanaume pia tuhimizwe tubadilishe sheria za Bunge ili tuweze kuwa na raha ya kuvaa nguo zetu za kiasili.

Huwa ninaona mwenzetu kule Seneti, Seneta wa Narok, akivaa mavazi ya kiasili. Na pia dada yetu huyu kutoka Narok, Mhe. Tonkei, amevaaa za kiasili pia. Wamaasai, Wasamburu na Waturkana wameshikilia utamaduni wao. Hawajatawaliwa kiakili kama Wakenya wengine. Kenya sio kisiwa. Sio lazima tuwe tunaiga kila kitu.

Hizi mipaka ziliwekwa na wakoloni miaka michache iliyopita. Kuna watu wanaishi hapa Kenya ambao walizaliwa kabla ukoloni hujafika katika sehemu nyingi za Kenya. Kwa hivyo, sisi ni Waafrika Mashariki na wenzetu wote wa eneo hili pia wanabadili. Ukienda Tanzania, utaona mavazi ya kupendeza ya akina mama na wanaume.

Kwa hivyo, ninawatakiwa kila la heri. Muendeleo vivyo hivyo. Mvae haya mavazi mazuri na mtandazo utamaduni na ustaarabu huo kote Kenya. Zaidi pia, tujikomboa kiakili na tuwe na nchi inayoheshimika.

Asante sana, Mhe Naibu wa Spika.

Hon. Deputy Speaker: Asanteni sana.

Next Order.

STATEMENT

BUSINESS FOR WEEK OF
27TH FEBRUARY – 3RD MARCH 2023

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I rise under Standing Order 44(2)(a) to make a Statement on behalf of the House Business Committee which met on Tuesday, 21st February 2023, to prioritise the business for consideration during the week.

As Members are aware, yesterday Wednesday, 22nd February 2023, the House commenced deliberations on the Report by the Public Debt and Privatisation Committee on the consideration of the Consolidated Funds Services expenditures for the Supplementary Estimates No.1/2022/2023. I would like to thank this Committee for a job well done with the way they put together this Report in record time and also note that it is the first such report in the history of Parliament. Members are expected to continue deliberations on this if debate will not be concluded by the rise of the House today.

Next week, the House will consider the Report by the Budget and Appropriations Committee on the first Supplementary Estimates for the Financial Year 2022/2023. The House will also continue with the general debate on the proposal to Parliament to amend the Constitution and the Standing Orders as well as the Report of Delegation to the 42nd Session of the ACP-EU Joint Parliamentary Assembly.

I, therefore, urge Members to be present and actively participate in this important business and other priority matters that will be brought before the House.

The House Business Committee will reconvene again on Tuesday, 28th February 2023, to schedule business for the rest of the week.

Hon. Deputy Speaker, I now wish to lay this Statement on the Table of the House.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order!

MOTIONS

REPORT ON CONSIDERATION OF THE CROPS (COFFEE)
(GENERAL) (AMENDMENT) REGULATIONS, 2022

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Crops (Coffee)(General)(Amendment) Regulations, 2022, laid on the Table of the House on Tuesday, February 21, 2023, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b), annuls in entirety the Crops

(Coffee)(General)(Amendment) Regulations, 2022 published as Legal Notice No. 102 of 2022.

*(Moved by Hon. Samuel Chepkong'a
on 22.2.2022 – Afternoon Sitting)*

(Debate concluded on 22.2.2022 – Afternoon Sitting)

Hon. Deputy Speaker: Before I put the Question, I wish to recognise the presence of students from the University of Nairobi, Starehe Constituency, Nairobi County, who are accompanied by students from the Soka University of Japan. Welcome to Kenya.

(Applause)

(Question put and agreed to)

Hon. Deputy Speaker: Next Order!

REPORT ON CONSIDERATION OF THE CONSOLIDATED FUND
SERVICES EXPENDITURES FOR THE SUPPLEMENTARY
ESTIMATES NO.1 OF 2022/2023

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services Expenditures for the Supplementary Estimates No.1 of 2022/2023, laid on the Table of the House on Tuesday, February 21, 2023.

(Moved by Hon. Abdi Shurie on 22.2.2023 – Afternoon Sitting)

(Debate concluded on 22.2.2023 – Afternoon Sitting)

(Question put and agreed to)

Hon. Deputy Speaker: Next Order!

APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON
MEMBERS' SERVICES AND FACILITIES

Hon. Deputy Speaker: Hon. Leader of the majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

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

1. Hon. Stephen Karani Wachira
2. Hon. Salim Feisal Abdallah Bader
3. Hon. Owen Yaa Baya
4. Hon. Ali Raso Dido
5. Hon. Peter Lochakapong
6. Hon. Brighton Yegon Leonard

7. Hon. Anne Wanjiku Muratha
8. Hon. Charity Kathambi Chepkwony
9. Hon. Jerusha Momanyi Mongina
10. Hon. Elisha Odhiambo Ochieng
11. Hon. Ruth Busia Adhiambo Odinga
12. Hon. Robert Basil Ngui
13. Hon. Beatrice Elachi
14. Hon. Paul Abuor
15. Hon. Elsie Muhanda Busihile

Hon. Deputy Speaker, these are the same Members. As we indicated, there are two sessional committees which are the Committee on Member Services and Facilities and the Committee on Powers and Privileges that is on Order No.11. The term of these two sessional committees lapsed at the end of December last year and, therefore, we needed to renew their mandate to enable them to continue with the business of the House. We have largely maintained the same membership within the committees to facilitate them to hold their elections to elect their chairs and vice-chairs and commence business.

Hon. Deputy Speaker, the Members Welfare and Facilities Committee is a very important committee for Members. I was a Member of this Committee in the last Parliament and I will tell you that this Committee did a lot of work under the chairmanship of the current Cabinet Secretary for Education, Hon. Ezekiel Machogu. Those who were in the 12th Parliament and had occasion to use our gymnasium and have been there now can attest to the work of this Committee in ensuring that Members enjoy good facilities including the improvement that we saw in the Members private dining and the lounges. I am sure there is a lot of work cut out for this Committee. More importantly, there is a huge responsibility that has been bestowed upon this Committee by our Standing Orders that all other Constitutional commissions are overseen by this House and the Parliamentary Service Commission is not an exception. It needs and it must be overseen. The Committee that is charged with the responsibility of overseeing the workings of the Parliamentary Service Commission is the Members Welfare and Facilities Committee.

I want to challenge the Members of this Committee, Hon. Beatrice Elachi and the other Members, that once you embark on your work, please, occasion Members of the Parliamentary Service Commission to appear before you to account for their work as commissioners. This is the only committee that can oversee the Parliamentary Service Commission to ensure that whenever the institution is employing staff, they are employed in a fair, transparent and competitive manner in line with our Constitution and our statutes.

Hon. Deputy Speaker, I hope that once this Committee embarks on its work, they will pick up that task to ensure that even the staff that serve us in the other committees, are recruited competitively and the best calibre of staff in this country. More importantly, they must ensure that there is both regional and ethnic balance in the composition of our staff in Parliament. This is because Parliament cannot be treated as a village institution.

This is not a county assembly. This is the National Assembly and the Senate of the Republic of Kenya. We cannot have a few communities having the bulk of staffers in an institution that should be the face of our nation. At times, it is shameful that there are offices you would walk into and find people conversing in vernacular. I am saying these things because a lot of times this Committee has been underappreciated because of the history it had in the 7th, 8th and 10th Parliaments when one very famous Member from West Pokot said that he cannot be taken to the kitchen committee. This Committee is no longer the Catering Committee. It is a very important committee to this House. If we find ourselves in a position where Parliament is recruiting staff that come from my village as the Leader of the Majority Party or that of Hon. Mohammed Ali or Hon. Makau, it is only people from Mavoko who are being employed by

Parliament because they are commissioners, this is the only committee that can take charge and oversight the Parliamentary Service Commission to ensure that you not only enjoy good services and facilities, but also enjoy the services of the best calibre of staff that we can get in this country.

With those many remarks, I want to beg that we support the establishment of this Committees so that they can embark on their very important duties. I wish to request the indomitable Member for Marsabit, Hon. Naomi Waqo and the Deputy Whip, to second.

Thank you.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Leader of the Majority Party.

Hon. Deputy Speaker, I stand to support and encourage the Members to participate and play their roles well.

I thank you, Hon. Deputy Speaker. I second.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Rachel Nyamai) took the Chair]

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

(Question proposed)

Hon. Members: Put the Question!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, is it the mood of the House that I put the Question?

Hon. Members: Yes!

(Hon. Junet Mohamed spoke off-record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will give a chance to the Whip of the Minority Party.

Hon. Junet Mohamed (Suna East, ODM) East): Hon. Temporary Speaker, we have not come to this House to listen to Questions being put. We came here to debate. We must be given opportunity to say something on issues.

This Committee, whose Members we are approving today, is very important to this House. Members spend more than 70 per cent of their time in a day in this House. This is the Committee that takes care of their lives, welfare and everything that they do in this House. So, this is a very important Committee because without it, Parliament cannot function. This is the Committee that makes Parliament function but it is normally belittled. When you are assigned to that Committee, people think that you have been punished. The Whips who assign you to that Committee know why they do so. That is a very important Committee. It is not about *mandazi* or tea. That is how it is normally belittled. That Committee drives this House.

We must also be careful about the welfare of our staff. I could not agree more with what the Leader of the Majority Party said today. The staff who work in Parliament must represent the face of Kenya but, again, I would like to refer him to the Executive. The Executive is setting a bad precedent in this country. When you only employ people from your community in the Executive, Parliament follows suit. Out of 22 Cabinet Secretaries, 14 are from two

communities. Out of 52 Principal Secretaries, 14 are from one community. Those are the problems we are experiencing. We should be told if the country is a company with shares.

If you want to streamline how things are done in this country, you must start at the top. When the top gets it right, every other Kenyan will get it right. The Leader of the Majority Party sits in very high places because of his position. When he goes for those meetings, he should inform the Executive that they are setting a bad precedent in this country and Parliament is following their example.

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

You have already spoken. Give me time to give my thoughts. This is debate, *ndugu yangu bwana*.

In conclusion, I want to say this...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will give a chance to the Leader of the Majority Party. You are on a point of order. What is out of order, Hon. Kimani Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, besides being irrelevant, Hon. Junet Mohamed is grossly misleading the country. He knows he is on live national television. He is talking about the Leader of the Majority Party sitting in meetings. He knows that the only meetings I sit in are the House Business Committee on Tuesdays, the Committee on Selection and the plenary sittings of the National Assembly. I represent the people of Kikuyu in the National Assembly. I am not a member of the Executive. Therefore, he cannot mislead the country that there are meetings that I sit in as a member of the Executive.

Under the handshake regime, Hon. Junet was used to sitting in meetings in Harambee House. He probably perceives that I am carrying on with the habit of that regime. I do not. I sit in my office in the National Assembly and carry on with my work in line with my constitutional mandate of oversight, legislation and representing the people of Kikuyu. When you do not represent the people of Suna East, I speak for them.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I order that debate on this subject be confined to the Motion under Order No.10 concerning the appointment of Members to the Select Committee on Members' Services and Facilities.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I did not know...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I urge Hon. Members to remain relevant to the subject matter.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I did not know until today that the Leader of the Majority Party is such a small man in this country. *Kumbe* I had very bad perceptions about him? I thought he is a big man. *Kumbe* he is just a small errand man in Parliament for the Executive. I did not know that. I am sorry. Now I know that you are a small man. However, I know that he attends night meetings. He sometimes calls me in the wee hours of the night telling me that he wanted to deal with me in a certain manner the next day. Now I know.

Anyway, the most important message that I want to give to Kenyans is that we need to have a harmonious country. What the Leader of the Majority Party has raised is true. There have been skewed employments in this Parliament for the last 10 years. I do not disagree with him on that one. However, we should address this matter holistically as a country. You cannot have someone telling you that you cannot work in a Government office because you are not a "shareholder" of a "company". We cannot have that kind of business in this country. We will not allow it to happen. It will not and shall not happen. It is doomed to fail.

In conclusion, this Committee, whose Members we are approving today, must be taken very seriously. It must be seen as the premier Committee of the House. The Leader of the

Majority Party should have been the Chairperson of this Committee instead of the Committee on Selection. It is very good because he also runs butcheries in Kikuyu. He and I know each other.

Thank you, Hon. Temporary Speaker, and have a good day.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, you had indicated that it was the mood of the House that I put the Question.

Hon. Members: Yes!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Do I go ahead and put the Question now?

Hon. Members: Yes!

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next Order, Leader of the Majority Party.

APPOINTMENT OF MEMBERS TO THE
POWERS AND PRIVILEGES COMMITTEE

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 15 (1) (a) (ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175 (3), this House approves the appointment of the following Members to the Powers and Privileges Committee, in addition to the one specified under Paragraph 1 (a) (i) of the said Act:

1. Hon. Muriu Wakili Edward, MP;
2. Hon. Jayne Kihara, OGW, MP;
3. Hon. Samwel Moroto Chumel, MP;
4. Hon. Festus Mwangi Kiunjuri, MP;
5. Hon. John Philip Kaguchia Gichohi, MP;
6. Hon. Rai Samuel Gonzi, MP;
7. Hon. Joseph Lekuton, MP;
8. Hon. Fabian Kyule Muli, MP;
9. Hon. Sabina Wanjiru Chege, MP;
10. Hon. Mboko Mishi Juma Khamisi, MP;
11. Hon. Jessica Nduku Mbalu Kiko, MP;
12. Hon. James K'oyoo Onyango, MP;
13. Hon. John Okano Bwire, MP; and,
14. Hon. Rose Museo Mumo, MP.

As I had stated earlier, this is a Sessional Committee and the same Members' term is being renewed. The Committee has very seasoned members, as you note. They are Members who are serving two, three, four or five terms, and at least two members who are serving their first term for them to learn from the older members on what the Committee on Parliamentary Powers and Privileges does. It is a very important Committee chaired by the Speaker himself. Other than the House Business Committee, it is the only other Committee chaired by the Speaker.

Hon. Temporary Speaker, I beg to move and ask the Member for Gatundu South, Hon. G.G Kagombe, to second.

Hon. GG Kagombe (Gatundu South, UDA): Hon. Temporary Speaker, I rise to second the Motion for re-establishing the Committee as constituted. It is a very important Committee. It looks into the breaches of powers and privileges of Members of Parliament.

With those remarks, I second the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, I now propose the Question.

(Question proposed)

(Question put and agreed to)

Next Order.

CHANGES TO MEMBERSHIP OF VARIOUS COMMITTEES

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, further to the resolutions of the House of Thursday, 27th October 2022 and Wednesday, 9th November 2022 appointing Members to various Committees; and pursuant to the provisions of Standing Order 173, this House further approves the appointment of the following Members to the respective Committees as specified hereunder:

A. Departmental Committees

(i) Sports and Culture

The Hon. Chege Njuguna, MP to replace the Hon. Chumel Samwel Moroto, MP.

(ii) Regional Development

The Hon. Dekow Barrow Mohamed, MP to replace the Hon. Kahugu Eric Mwangi, MP.

B. Financial Audit and Money-Related Committees

(i) Public Debt and Privatisation

The Hon. Chege Njuguna, MP to replace the Hon. Kahugu Eric Mwangi, MP.

(ii) Special Funds Accounts Committee

The Hon. Kahugu Eric Mwangi, MP to replace the Hon. Gichuki Edwin Mugo, MP.

C. Other Select Committees

(i) Committee On Delegated Legislation

The Hon. Dekow Barrow Mohamed, MP to replace the Hon. Rai Samuel Gonzi, MP.

Hon. Temporary Speaker, just for clarity, these changes are accommodating the two new Members sworn-in at the beginning of this Session. You know our Standing Orders require that all Members of Parliament sit in at least in one Committee. The Committee on Selection and House leadership on both sides have endeavoured to ensure that all Members of Parliament are in at least one Committee. As per the Standing Orders, no Member of Parliament sits in more than two Departmental Committees. Because we could not constitute Committees without the requisite numbers for those Committees that have 15 members, we put some

Members in more than two Committees – Departmental and Select Committees. We put some in two Departmental Committees and some in two Select Committees to hold the two positions of the two members—the Member for Kandara and the Member for Garissa Township, whose elections were held early in January because the former Members of those constituencies had been appointed to the Cabinet.

Therefore, all we are doing is to accommodate these two Members—the Member for Kandara, Hon. Chege Njuguna and Hon. Dekow Barrow Mohamed, the Member for Garissa Township. They are to embark on the work of Committees. I am glad that the Rt. Hon. Speaker was very magnanimous during the induction of Committees. He allowed these Members to attend the induction seminar held in Mombasa in order for them to understand the business of Committees. We now afford them the opportunity to interact in Committees. We have ensured that each of them serves in a Departmental Committee and a Select Committee.

With those remarks, I beg to move and request my sister, Hon. Naomi Waqo, to second the Motion.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I second the Motion.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, I will now propose the Question.

(Question proposed)

(Question put and agreed to)

POINT OF ORDER

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Junet Mohamed, what is out of order?

REPRESENTATION OF THE MINORITY SIDE IN COMMITTEES

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I am raising a matter pertaining to representation of the Minority side of the House membership in the Committees.

First, I want to congratulate the new Members, Hon. Dekow and the other Member, who have just been appointed to the new Committees.

I am a Member of the Committee on Selection that is chaired by the Leader of the Majority Party, Hon. Kimani Ichung'wah. I must bring up this matter now that we are discussing it on the Floor of the House. I must go on record. If you look at the Motion that we have just passed, and the names that have been approved, the list only consists of Members from the Majority side of the House. There is no single change from the Minority side. The Minority side had their own changes to do and we were not punishing anyone. We wanted to reorganise our Committees so that they can become more effective. If you want to punish anyone, you de-whip them under Standing Order 176. On this, we wanted to reorganise the Committees for Members who were in more than two Committees to effectively serve in one or two Committees maximum. We were denied the right to do so.

Yesterday, for the first time in the history of the Parliament of Kenya, we almost took a vote in the Committee on Selection. The Majority side blocked the Minority side from managing their committees. This House consists of the Majority and the Minority sides. When the Minority cannot manage their side and they have to be managed by the Majority side; if that

is not capture of Parliament, then what is capture of Parliament? I occupy the Office of the Whip of the Minority Party and my leader here, who is the Leader of the Minority Party, cannot do any effective changes like what is happening now in the Senate. Why are we in office? Why is Parliament facilitating us? Why do we not close those offices and give keys to the Leader of the Majority Party and the Clerk? They can run Parliament the way they want. This is especially on the Leader of the Majority Party who is the Chair of that Committee.

Hon. Temporary Speaker, what happened yesterday will remain in the history record of the National Assembly and will be remembered as the worst day a Committee of Parliament made such a decision. What do we do with those Committees now? There are Members coming to our offices everyday who are in one Committee while there are Members who are in three Committees. We wanted to rationalise the membership. However, the Majority side now wants to run the Minority side as well. How are we going to allow that to happen? That is a declaration of war in this House. If that matter is not arrested by the leadership of this House, the consequences will be dire.

Therefore, I want to urge the Leader of the Majority Party – now that he is the Chairman of the Committee on Selection – to show leadership so that this House can run in the manner envisaged in the Standing Orders and the Constitution, which provide for the Majority and Minority sides. People joined these coalitions by choice. Nobody was forced to join any coalition. If you want to get your Committee from the Majority side, go and join that side and get your Committee. Committee slots were shared between the coalition in accordance with the proportional representation of Members in the House. Members went out on 9th August, campaigned and were elected from the constituencies to come and represent their people.

Hon. Temporary Speaker, as the Minority side, I want to register here that our rights guaranteed in the Standing Orders were trampled on yesterday. How we run the Minority side cannot be dictated by the Majority side. That is a fact. Also, we cannot dictate how the Majority side is to be ran. Our proposal to rationalise our side of the Committee memberships was rejected yesterday through a vote. We have serious crisis outside Parliament. If Members wish that we also bring that crisis inside here, well and good. We know how to do it best. We have been doing it from 2013 to 2017 and all the time we know how to do it. We have brought *firimbi* here. One time, we made the former President Uhuru Kenyatta not to speak in this House. We can repeat the same but we do not want to go that direction. We want to take a direction where we show leadership.

I urge the Leader of the Majority Party to take leadership and make sure that our changes to the Committees are brought here without any fail. The Majority side should not have any say in how we run our Committee representation. If that demand is not met in 14 days, I hereby issue notice that the consequences will be dire.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, obviously the first opportunity goes to the Leader of the Majority Party, who is the Chairperson of that Committee.

The Floor is yours, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. It is good that the Minority Whip has raised that very pertinent issue regarding the Committees of this House, including the Committee on Selection that I Chair. This is the only Committee that I Chair and sit in other than the House Business Committee (HBC), where I attend as a Member under the chairmanship of the Hon. Speaker. I chaired the meeting yesterday from about 5.00 p.m. to around 7.00 p.m. It is true that there was a list that came from the Minority side, in respect of which Members felt that, first, it was not part of the circulated agenda for the meeting. The agenda that circulated from 27th of January had two agendas. The first one was approval of the membership of the two Sessional Committees – the Powers and Privileges

Committee, and the Committee on Members' Services and Facilities. The second agenda was placement of the two new Members, Hon. Chege and Hon. Major Dekow, in Committees.

When the Leader of the Minority Party introduced the list of changes under Any Other Business (AOB), we had a spirited engagement of close to one hour on whether we should admit such substantive business as AOB. Eventually, we agreed by consensus that we should admit that business under AOB. Therefore, it is not true that the Majority side, in any way, stopped that business from being transacted. We discussed the list and even the Leader of the Minority Party and I read out the list of the Members being moved from one Committee to another. Members had varied opinions to an extent that one of the Members proposed that we take a vote. I am glad that Hon. John Kiarie is in the House because he is the one who moved a Motion that we take a vote. Where you do not agree on anything by consensus then a vote decides.

Before we voted, the Whip of the Minority Party offered to withdraw the list of changes because he saw the sense in building consensus. Why were we seeking consensus? As I said, the Committees sit on behalf of the plenary. We could not sit the 349 of us and place Members in Committees. That would be like a market place and it cannot work. When a Committee sits and you are the Chair, you listen to Members. I know Hon. Junet has never chaired any Committee for the last 12 years that he has been in this House, but I have been the Chair of the most important Committee, the Budget and Appropriations Committee, where you have to give and take. I have told Hon. Junet and Hon. Opiyo Wandayi that I believe in consensus building. I believe in people engaging and arriving at a fair result.

Therefore, whichever party you belong to, whether in Jubilee, Orange Democratic Movement (ODM) Party or Wiper Democratic Movement (WMD), I will want to treat every Member as a Member of Parliament. If I feel that Hon. (Dr) Nyikal's rights are being infringed by Hon. Junet, I will stand up to be counted as one of those who protected Hon. (Dr) Nyikal's right as a Member of any Committee.

Last week, I implored upon the Minority side that, rather than make changes in a very sectarian and underhand manner by sneaking in a list in the last minute of the meeting through the Office of the Clerk, let us engage each other. Let us engage as we did when we were forming these committees. Let us have changes from the Majority Party because we desire to make them. The Members on the majority side will tell you some of them want to sit in other committees. There are Members who were appointed to committees and have never attended a single meeting.

I committed as the Chairperson of the Committee on Selection that unlike the two previous Assemblies where the Committee on Selection sat only once at the beginning of every Session, we intend to have regular meetings to review the work of committees which Members are engaging in. So, we pre-empt the situation where Members are placed in committees, they appear to sign then run to the next one to sign or probably run to a third committee and sit for 30 minutes. They offer no meaningful engagement and do not add value in those committees.

Hon. Temporary Speaker, it is our endeavour to ensure there is fairness. This is because I do not want to chair a committee where Hon. Jerusha Momanyi feels her rights were infringed because she was not given notice of being moved to another committee. She has not been given an opportunity by the Whip, the Leader of the Minority Party or Leader of the Majority Party.

Therefore, it is only in the pursuit of fairness - maybe it is my weakness to be fair to everybody. I do not want in any way to control the minority side. I want it to go on record that I have no business running the minority side. If you are seeking for guidance, please look for the people taking you to Jeevanjee and not Kimani Ichung'wah. I will only guide you in the Committee on Selection.

Probably, Hon. Junet is saying that nobody has been forced into their coalition. Indeed, you will remember last year before elections we were inviting people into the coalition of the

willing - Kenya Kwanza Coalition. It is no secret that the Azimio Coalition was not a coalition of the willing but of coercion and intimidation by the handshake brothers. Hon. Junet we are not in the previous regime where anybody within the majority side would seek to run the minority side.

Hon. Junet, because you are in the minority leadership, please take charge of the political parties under your coalition. I have no business managing them. But those in the Kenya Kwanza Coalition can be rest assured that they will enjoy fairness, equal opportunities and enjoy their rights and privileges as Members of Parliament. No animal will be more equal than another. This is not the case in Azimio, where Hon. Junet decides who will sit in a committee without engaging or consulting Members of this coalition. Therefore, it is in bad faith for him to raise this issue knowing we had engaged with him one-on-one.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Junet, what is out of order?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I will give two opportunities. On my left to Hon. Junet because he has been mentioned and on the other side, I will give Hon. John Waweru.

(Loud consultations)

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I want to tell the Leader of the Majority Party...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Members! I want Hon. Junet to be heard in silence.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I want to remind the Leader of the Majority Party that this House has majority and minority sides. He behaves as though we are in the Kenya African National Union (KANU) days when we were being led by the Leader of Government Business only. Shame on him! What fairness is he talking about when Members in his coalition are suffering and he is unable to deal with them? What fairness is he is talking about?

His own Members do not have the National Government Constituencies Development Fund (NG-CDF), bursaries or anything to tell their constituents yet he is in Government. If democracy is to be allowed to mature in this country, what the Leader of the Majority Party has said should not be on record in this Parliament. How can he say he will be fair to Jerusha Momanyi? When has her coalition been unfair to her?

Hon. Korere is saying she will tell us. If she wants to join another coalition nobody is holding her back. She can go tomorrow morning. If you are in our coalition, you must adhere to our rules and regulations. The way I am seeing, this Parliament will generate into chaos. We will not allow...

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Junet you have made your point because Hon. Kiarie has been mentioned and Sarah Korere. I feel it is fair...

(Loud consultations)

(Hon. Millie Odhiambo-Mabona shouted)

Order, Hon. Members! Order! I will give a chance to Hon. John Waweru. Please proceed.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I believe we are able to debate rationally in this House. As you rightly said, I was in that meeting. I want to tell this House authoritatively that what the Leader of the Majority Party has presented before the House is proper.

The committee applied itself in the best way it could. This is because what the Majority Whip has debated appeared before it as un-procedural. We had to pause the meeting to accommodate the list they wanted to bring. In fact, to resolve the impulse, I implored the Chairperson to call the matter to a vote.

More importantly, I want to associate myself with the words of the Leader of the Majority Party. That the majority side has no business managing the minority side. In fact, what is happening is natural. Last year, when we were saying the Azimio coalition was coercing, bullying and intimidating people, we meant exactly that. No amount of shouting from Hon. Millie will stop me from saying there shall be a stampede out of Azimio because it is not a coalition of the willing.

People are running out of Azimio because they are seeing the injustices in that coalition. Wiper Democratic Movement (WDM) is crying because it was conned the time Azimio was formed. It was in the National Super Alliance (NASA) and is now in Azimio under the same name. The reason you see the minority side silent is because the big brothers in Azimio are bullying junior Members.

Hon. Temporary Speaker as you said, this is a House of debate. If they want *maandamano* they can take them to Jacaranda, Jeevanjee or Kamukunji but this shall remain a House of sober debate where ideas are weighed based on merit and not by how loud you shout on the Floor of the House.

Hon. Temporary Speaker, I want to say that the majority side has presented its list and the minority side has been unable to agree on what changes they want in committees. If they want to abscond, it is their right to abscond even the sittings but Azimio shall face a massive stampede of coalition Members and parties running away from it. The stampeding...

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. KJ, you have made your point. Hon. Members, the last opportunity will go to the Hon. Sarah Korere.

(Loud consultations)

Hon. Sarah Korere (Laikipia North, JP): Mhe. Naibu Spika wa Muda naomba nikushukuru. Wahenga wanasema mficha uchi hazai.

An. Hon. Member: Mimi sitaki kuzaa.

(Laughter)

Hon. Sarah Korere (Laikipia North, JP): Kinara wa Waliyo Wachache Bungeni alipozungumza alisema kwa kimombo kwamba wanataka kuchukua hatua za kinidhamu. Utasikiza alivyosema. Mhe. Junet aliposema kuwa wale wanataka kuenda kuchukua nafasi zao katika Kenya Kwanza waende, ninamjulisha kuwa hatuendi. Iwapo wana njia yakutupeleka watafute tingatinga watupeleke. Tutakaa kwenye huu mrengo. Ndugu yetu ambaye ni Kinara wa Wachache hana ule uvumilivu wa kusikiza mawaidha yanayotofautiana na yake. Kwa Kiingereza inaitwa *intolerance*.

Kila mmoja aliye kwenye jumba hili alichaguliwa na alitumia mali zake, akili na hata muda wake kutafuta kura, kujitafutia na kutafutia mrengo wake wa kisiasa. Tusifike hapa watu waanze kuhujumu wenzao kwa sababu wengine wetu wameenda kukutana na Rais wa Kenya. Kuna Rais mmoja Kenya, hakuna mwingine. Kuomba ruhusa ni mamlaka mabaya ya imla,

mbaya zaidi kuliko ile imla tuliyoshuhudia katika hii nchi miaka iliyopita. Hatuwezi kuomba mtu ruhusa ya kuenda ikulu.

(Loud consultations)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, allow Hon. Sarah Korere to be heard in silence, just the way other Members have been heard. You have the Floor Hon. Sarah Korere.

Hon. Sarah Korere (Laikipia North, JP): Mheshimiwa Spika ninavyoelewa mimi ni kwamba, kila Mheshimiwa katika Jumba hili ana wajibu wa kuhakikisha kuwa serikali imewajibika. Awe wa upande ule ama upande huu. Ninashangaa kizaazaa ambacho ndugu yetu Kinara wa Waliowachache anataka kuleta kisiri ni cha nini. Iwapo kizaazaa kipo, wasifanye kisiri bali walete kinaga ubaga kwa kuwa chama ninachosimamia... Wajua waswahili husema paka akiondoka panya hutawala. Mhe. Uhuru alipoondoka Jubilee kwa sasa mimi ndiyo Kinara wa chama wa muda. Iwapo wana ODM wanataka mazungumzo basi wazungumze nami. Naomba Kiongozi wa Waliowengi Bungeni alinde uhuru na haki za Wabunge. Ashirikiane na ndugu zetu kwenye Bunge. Waache kwenda Jeevanjee. Waseme kila wanachokitaka wakiwa hapa kwenye Bunge.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Members, a decision has already been made concerning the matter that we are discussing. I would like to address Hon. Junet. You have been a leader in this House before. This is your third term in Parliament...

(Hon. (Dr) James Nyikal consulted loudly)

Order, Hon. Nyikal! There are processes that happen based on Standing Order Nos. 172,173 ,174 and 175. It is clear that this matter has gone through those processes before it was brought to the House and a decision has been made. Hon. Members, I would like to order that we move to the next order.

Next Order!

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order Hon. Members! Order Hon. Nyikal!

Hon. (Dr.) James Nyikal (Seme, ODM): I want to clear my name!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please Hon. Nyikal, I order that you go back to your seat.

Hon. (Dr.) James Nyikal (Seme, ODM): Will I clear my name?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): First of all, Hon. Nyikal go back to your seat. Please proceed to your seat Hon. Nyikal.

(Loud consultations)

MOTION

GENERAL DEBATE ON PROPOSALS TO AMEND
THE CONSTITUTION AND STANDING ORDERS

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments

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to the Constitution; Acknowledging that, actualization of the proposals which relate to, inter alia, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; Further acknowledging that, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the Departmental Committee on Justice and Legal Affairs with regard to proposals relating to the implementation of the Two-Thirds Gender Principle and the establishment of the Office of the Leader of Official Opposition; The Joint Parliamentary Ad Hoc Committee with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and The Procedure & House Rules Committee with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; NOW THEREFORE, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House notes, considers and makes general comments on the proposals contained in the Memorandum by the His Excellency the President.

*(Moved by Hon. Kimani Ichung'wah
on 15.2.2023 – Morning Sitting)*

(Resumption of debate interrupted on 22.2.2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The next order is resumption of Debate. Hon. Members we have already moved to the next order which is Resumption of Debate. In regard to that, I will give the opportunity to Hon. Kuria Kimani, the Member for Molo.

(Loud consultations)

Hon. Kuria Kimani (Molo, UDA): Thank you for the opportunity, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I gave the opportunity to Hon. Kuria Kimani

Hon. Kuria Kimani (Molo, UDA): Thank you Hon. Temporary Speaker for giving me a chance to contribute to this Motion. The issue before us, which is the Amendment of the current Constitution, is a discussion that has been ongoing for a long time. During our campaigns, as Kenya Kwanza, we said that there was no need to go for a referendum to put the things that we felt needed to be corrected in the Constitution. There are those issues that needed to be corrected in the Constitution that can be done through Parliament.

I am happy that this matter is now appearing before us. It is now time for us to debate. The issue that was discussed earlier and the confusion that was here with the Leader of the Majority Party and the Leader of the Minority Party is one of the reasons that we are proposing that the Office of the Leader of Official Opposition is set up in the Constitution. As I have said it here before...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, The Member for Molo shall be heard in silence. The matter that you are bringing up has already been concluded.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. I want to implore the minority side that just as you ruled, this is a House of order and we are on the next order. I look forward to that time when we will be reading the Annual Budget for the Financial Year 2023/2024.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order Hon. Members. Order Hon. Buyu. Hon. Junet take your seat. Please take your seat Hon. Junet. The Leader of the Minority Party please take your seat. Hon. Members, I am not going to Order Number 12 because it has already been concluded. We are on Order Number 13. I gave an opportunity to the Member for Molo to make his contribution. Hon. Member for Molo please proceed with debate.

Hon. Kuria Kimani (Molo, UDA): The issue of the Office of the Leader of Opposition is what we are talking about and it is what we are facing right now.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, there is a point of order from Hon. Kaguchia.

QUORUM

Hon. Kaguchia John (Mukurweini, UDA): Hon. Temporary Speaker, I stand pursuant to Standing Order 35. I realise we do not have quorum to conduct any business in this House. I beg that we suspend this debate since we have no quorum in this House. Put the Question.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, clearly, we have no quorum. I order the Quorum Bell to be rung for 10 minutes.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, with the expiry of the ten minutes, and the fact that we are not able to raise quorum, the time being 4.50 p.m., this House stands adjourned until Tuesday, 28th February 2023 at 2.30 p.m.

The House rose at 4.50 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi