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THE HANSARD

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Thursday, 27th April 2023

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Serjeant-at-Arms you can ring the Quorum Bell. We have a shortage of Members to form a quorum.

(The Quorum Bell was rung)

Hon. Speaker: Hon. Members, we now have the necessary quorum to transact business. Hon. Otiende Amollo, as a matter of interest, what happened to your Whip? I have not seen your Whip in this House for a long time. Is he well?

(Laughter)

I know you are not his keeper but you are sufficiently senior to know what happens on your side.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, I think our Whip is engaged in business outside of Parliament, but as you well know there is always the concept of holding brief. So, whenever I am around, I hold brief for him.

(Laughter)

Hon. Speaker: Leader of the Majority Party.

PAPERS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Speaker. I thought Hon. Otiende Amollo was going to say that Hon. Sabina Chege is holding brief for Hon. Junet, who I am aware is out of the country but will be back tonight. Hon. Otiende Amollo, you can relax as from Tuesday.

Hon. Speaker, I beg to lay the following Papers on the Table:

1. Annual Reports and Financial Statements for Kibabii University for years ended 30th June 2019, 2020, and 2021.
2. Annual Report and Financial Statements for the Privatisation Commission for the Financial Year ending 30th June 2021.
3. Summary of the Auditor-General's Report on national Government Ministries, Departments, and Agencies for the year 2021/2022.
4. Annual Report and Financial Statements for the National Police Service Commission for the year 2021/2022.
5. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022:
 - (a) The National Transport and Safety Authority.

(b) East Africa Skills for Transformation and Regional Integration Project – IDA 6334-KE – State Department for Infrastructure.

6. Special Audit Report of the Auditor-General on Transparency, Accountability, and Inclusiveness on the use of Emergency Funding for Covid-9 on Socio-Economic packages in the Tourism Sector by the Kenya Development Corporation Limited for April 2023.

Hon. Speaker: Thank you, Hon. Leader of the Majority Party. Chairperson Departmental Committee on Blue Economy, Water and Irrigation.

Hon. Kangogo Bowen (Marakwet West, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Blue Economy, Water and Irrigation on its attendance at the United Nations Water Conference held from 22nd to 24th March 2023, in New York, United States of America.

Hon. Speaker: Let us have the Chairperson of the Public Petitions Committee.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Speaker. I beg to lay the following papers on the Table:

Report on the Public Petitions Committee on its considerations of the following petitions:

1. Public Petition No.2 of 2022 by Mr. Peter Kinyua Waweru, Chairperson of the Ng'ando PAPS, Housing Co-operative Society Limited regarding completion of the house units for Kibera residents funded by the World Bank and the national Government.
2. Public Petition No.5 of 2022 by Mr. Patrick Kiberia, Executive Director of Pawa Africa, regarding amendment of the Universities Act, 2012.

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Speaker: Leader of the Majority Party.

BUSINESS FOR THE WEEK COMMENCING 2ND – 5TH MAY 2023

Hon. Kimani Ichung'wah (Kikuyu, UDA): I think the Member for Bomet East...

(Laughter)

Hon. Speaker: Was he holding you captive?

Hon. Kimani Ichung'wah (Kikuyu, UDA): No. He tried to trip me as I came down, but inadvertently.

Pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee (HBC) which met on Tuesday, 25th April 2023 to prioritise business for consideration during the week.

As Members are aware, yesterday the Prime Cabinet Secretary appeared before the National Assembly plenary to answer questions and expound on policies under his docket on cross-cutting and inter-ministerial matters. I would like to thank Hon. Members for their continued active participation in this process.

With regard to business for Tuesday next week, the House is expected to continue with debate on the Second Reading of the Statute Law Miscellaneous (Amendment) Bill, 2022 and the following Motions should they not be concluded today:

1. Report on the Vetting of a Nominee for the Appointment as a Member of the National Police Service Commission.
2. Report of the Kenya Delegation to the Pan African Parliament (PAP) on the Proceedings of the First Ordinary Session of the Sixth Parliament.
3. Report of the Decentralised Funds Accounts Committee on the Consideration of the Report of the Auditor-General on the financial statements for the National Government Constituencies Development Fund for 26 constituencies in the counties of Mombasa, Kilifi, Kwale, Taita Taveta, Lamu and Tana River for the financial years 2013/2014, 2014/2015 and 2015/2016,
4. The General Debate on the Proposal to Amend the Constitution and the Standing Orders.

The House will also consider the Report of the Kenyan Delegation to the Parliamentary Dialogue on United Nations Convention Against Corruption (UNCAC) and the Annual General Meeting of the Global Parliamentarians Against Corruption (GPAC) held in Doha, Qatar, and any other urgent business that may be received as we prepare to head into the long recess on Thursday, next week.

In accordance with provisions of Standing Order 42A(5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear on the afternoon of Wednesday, 3rd May 2023 before the House to respond to Questions as follows:

1. Cabinet Secretary for Education to appear to respond to the following Questions:
 - (a) Question 102/2023 by Hon. Oku Kaunya regarding funds channeled towards construction of Junior Secondary Schools countrywide and whether they shall ultimately be domiciled in primary or secondary schools.
 - (b) Question 103/2023 by Hon. Abdul Haro regarding the introduction of school feeding programme coupled with supply of clean water to schools in Mandera South Constituency.
 - (c) Question 103(a)/2023 by Hon. Oku Kaunya regarding plans being undertaken by the Ministry to ensure smooth transition of learners from Grade Seven to Junior Secondary, and
 - (d) Question 112/2023 by Hon. John Waithaka regarding the plight of Government sponsored students undertaking their studies in Cuba.
2. The Cabinet Secretary for Energy and Petroleum shall also appear to respond to the following Questions:
 - (a) Question 94/2023 by Hon. Amina Mnyazi regarding measures being taken to cushion water utility companies from high electricity prices in drought-stricken counties like Kilifi County.
 - (b) Question 95/2023 by Hon. Abdul Haro regarding stalled electricity connectivity to homes and public institutions in Mandera South Constituency
 - (c) Question 96/2023 by Hon. Capt. Ruweida Obo regarding plans by the Ministry to compensate fishermen in Faza Ward who incur losses due to incessant power outages.
 - (d) Question 97/2023 by Hon. Jessica Mbalu regarding plans to replace dysfunctional and obsolete solar PV systems that were installed to provide uninterrupted water supply to various public institutions across the country.
 - (e) Question 98/2023 by Hon. Joseph Lekuton regarding connectivity of sufficient and uninterrupted power supply to Loiyangalani, Kargi, Mount Kulal and South Horr towns,

(f) Question 135/2023 by Hon. Robert Mbuyi regarding causes and planned long-term solutions to address persistent power outages in the country.

Finally, the HBC will reconvene on Tuesday, 2nd May 2023 to schedule business for the rest of the week.

Hon. Speaker, I now wish to lay this Statement on the Table of the House. With your indulgence, I wish to commend Members, notably, Hon. Abdul Haro, the Member of Parliament for Mandera South, who has been very keen in bringing Questions forth on behalf of his constituents. I urge Members to take advantage of these sessions to put Questions to Cabinet Secretaries, especially those that relate to matters touching on their respective constituencies. Your constituents are watching you and they are glad. As we were noting somewhere today, the Cabinet Secretary for Interior and National Administration, Hon. Prof. Kithure Kindiki, was inspecting mines in Busia County following a supplementary Question that was raised on the Floor of the House. Therefore, it becomes a very good way for Members to get issues that are of concern to their people get immediate attention from Government through Cabinet Secretaries.

Thank you, Hon. Speaker.

Hon. Speaker: Next order.

MOTION

RATIFICATION OF THE HAGUE CONVENTIONS ON CHILD SUPPORT AND PROTECTION

THAT, this House adopts the Report of the Departmental Committee on Social Protection on its consideration of the Ratification of the Hague Convention on Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, and the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance, laid on the Table of the House on Tuesday, 25th April 2023, and pursuant to the provisions of section 8 (4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the following Hague Conventions:

1. Civil Aspects of International Child Abduction;
2. Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children; and
3. International Recovery of Child Support and Other Forms of Family Maintenance.

(Moved by Hon. Alice Ng'ang'a on 26.4.2023)

(Resumption of debate interrupted on 26.4.2023)

Hon. Speaker: Clerk, who was on the Floor? This Motion has 53 minutes to go. Hon. Joshua Mwalyo. Is he present? Is Hon. Joshua Mwalyo here? Where is he?

Hon. Members: Here.

Hon. Speaker: Hon. Mwalyo, you have three minutes to contribute.

Hon. Joshua Mwalyo (Masinga, Independent): Do I have three minutes only?

Hon. Speaker: That is what was left of your time.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you very much, Hon. Speaker. I started the debate and then I was interrupted. In this ratification, there should be the aspect of enforcement with regard to compensations to be made by absent fathers who father children and then they leave the country. The laws should be enforced. Such fathers should be traced to their countries of origin. They leave us with many problems because we have to educate their children whom they fathered but they left them in our constituencies. Once this law is ratified, it will cure that.

The courts should ensure that cases do not drag forever. They should have deadlines or timelines so that children do not suffer and leave school because there are no school fees yet their fathers are working and enjoying somewhere else. Although some things need to be rectified in this ratification of the three Hague Conventions relating to matters of children, what I picked is that compensation is very important. When fathers absent themselves, they can be forced by the law to educate the children wherever they are and also take care of their day-to-day needs. It is very hard for our grandmothers to take care of such children. They have no income and they are left there wondering where the fathers and mothers went to.

I support this Motion so that we can ease the problem for grandfathers and grandmothers who are left with very many children to take care of. I thank you, Hon. Speaker.

Hon. Speaker: Hon. Munyoro, what is it? I see you flicking the intervention.

Hon. Joseph Munyoro (Kigumo, UDA): Thank you, Hon. Speaker.

(Loud consultations)

Hon. Speaker: Order, Hon. Members.

Hon. Joseph Munyoro (Kigumo, UDA): I rise because of a statement you gave that you do not know the whereabouts of Hon. Junet Mohamed. My understanding is that whenever an Hon. Member is travelling out of the country, he should inform you. I want your clarification.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. For avoidance of any doubt to any Member, Article 103 of the Constitution, as you all know, requires that you leave jurisdiction only with the permission of Hon. Speaker. In the absence of that, you can lose your seat.

Remember also that Standing Order 257A (1) says any Member— and lawyers like my distinguished colleague, Hon. Kajwang’ can buttress this if they wish— who wants to leave jurisdiction simply writes to Hon. Speaker to notify him that he is leaving so that he gives you permission or decline. It also says the Clerk keeps that record. With permission of Hon. Speaker, it may be released to any other party to use against you.

I want to encourage Members that if you want to leave the jurisdiction of the country, Hon. Speaker will never deny you permission, unless it is extremely difficult for him to do so. Just write to his office. Many of you do so but others do not. Hon. Speaker will never instigate anything against those who do not do it. However, if your opponents and other people instigate and demand evidence from Parliament, if we do not know, we have no reason to withhold that evidence. Do you get the point, Hon. Munyoro?

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Wanjala.

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker. Some of us live right at the border.

(Laughter)

Sometimes within one hour, we cross to another country for a drink and then we come back. Sometimes, we go there and stay for one day. Can I call you or send a message?

Hon. Speaker: Hon. Wanjala, as a legislator, you are presumed to know that we have the East African Community (EAC) with a protocol on free movement of people, goods, and services within there.

An Hon. Member: Especially services.

Hon. Speaker: There is free movement of goods, people, and services across the EAC. Your crossing to Uganda and back is not within the expected demands.

(Hon. (Dr.) Robert Pukose spoke off record)

Hon. Kajwang'

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Speaker, thank you. The issue that we have diverted to a little is really administrative. You always direct us accordingly and you are quite aware of these issues. When the Member...

Hon. Speaker: Hon. Munyoro, Member for Kigumo.

Hon. TJ Kajwang' (Ruaraka, ODM): The Member rose on a point of order to raise this matter. These are some of the interventions that divert us away from business. You know that it does not concern this Member where the Member who is supposed to be in the Chamber really is. It does not help him, in any way, to know where the Whip of the Minority Party is.

Hon. Speaker: To put it into perspective Hon. Kajwang', when we started the House, there was no quorum. I asked where the Whips were. I said that I had not seen the Whip of the Minority Party for quite some time. I was concerned as to whether he was well or unwell. That is how it came up. Do you understand now?

Hon. TJ Kajwang' (Ruaraka, ODM): I understand. In fact, Hon. Speaker, you must be concerned about your House leadership every time. You know that many of us, especially those who have been here longer, including the Parliamentary Service Commission Member who is standing next to you, we do that all the time. Even when I am unwell and I go to hospital, I write to Hon. Speaker that I have hospital sick leave to be out of the Chamber.

Hon. Speaker: In fact, you are one of the best examples who adhere to that Standing Order.

Hon. TJ Kajwang' (Ruaraka, ODM): Thank you very much.

Hon. Speaker: You always write to Hon. Speaker even when you are going to see a doctor, although that is not a requirement.

Hon. Julius Rutto, Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Speaker.

Hon. Speaker: Give the microphone to Hon. Julius Rutto. He is not on a point of order. He is contributing to the Motion.

Hon. Julius Rutto (Kesses, UDA): Yes.

Hon. Speaker: Go ahead, please.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Speaker. As I contribute to the Motion, it is also good that you have raised a point of concern on the issue of a missing Hon. Member. It is our responsibility in this House to know where our colleagues are. We appreciate the fact that even our neighbouring countries like Sudan are experiencing challenges. When an Hon. Member's whereabouts is not known, it is your responsibility and our responsibility, being sworn Members, to carry out their responsibilities in this honourable institution. Therefore, we should know of his whereabouts. We are seeking to ratify conventions that have been undertaken internationally, including one that considers issues of the parenting of our children, and the challenges we keep experiencing here and there. We know that human beings

always move across geographical locations. Therefore, increasing social interactions that end up causing issues in terms of parenting have to be looked at beyond our borders.

My point of concern, in terms of this Motion, is that we must proceed with a bit of caution. Ratification of some conventions has legal implications. I wish that before such treaties or conventions are ratified, they come before this House and we consider them, clause by clause, so that we do not end up ceding our role. We should not cede our jurisdiction and the judicial provisions that we have by virtue of the Constitution of Kenya to international judicial processes. These usually end up contravening our African culture, moral practices, and legal framework. Treaties should be looked at clause by clause, so that we ensure their applicability within our jurisdiction. We should only limit this discussion to international cases. If there are matters that cut across Kenyan borders...

(Loud consultations)

Hon. Speaker: Order, Hon. Members. The conversations are too loud. We can barely hear the Member for Kesses, who is making very valuable contributions to this Motion. You are requested to converse in low tones, if you must. Go on, Hon. Rutto.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Speaker, for protecting me. When I looked at the conventions that need to be ratified by this honourable House, one question came to my mind. What are the contents of these conventions that were discussed internationally, yet we want to adopt them into our legal framework? What will be the implication? Would it challenge our existing judicial process? Are the contents of the conventions applicable to the laws of the land? Do they respect our moral practices? Do they adopt and appreciate our cultural processes? Our values and cultural practices bring us together as Kenyans. So, it is good and ideal for this honourable House to henceforth scrutinise conventions, clause by clause, through a Committee of the House, interpret them, and look at the legal implications, so that we do not end up approving a process that would diminish our power.

However, on the other hand, I also appreciate that it is high time we looked at the global framework in terms of issues that touch on the family. We all appreciate our families and we have been blessed with parenting responsibilities. They are a blessing from God. Many times, we find situations where children suffer a lot because they lack the care of both parents. At times, one parent, unfortunately, loses their life. The child is left at the mercy of charitable organisations, our laws, or the fairness of society. We end up with children who are devastated and depressed. In the long run, these challenges become evident in our society in the form of criminals who result from children raised without the parental care that they deserve. As much as we want to look outside our borders, if possible, let us first of all scrutinise the contents of these treaties and conventions.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Gertrude Mbeyu, do you want to contribute to this Motion?

(Hon. Raphael Wanjala consulted loudly)

Order, Hon. Wanjala. My good friend, Hon. Wanjala, you seem to cause trouble everywhere you go.

(Laughter)

Hon. Members, the screen is full. I do not know if some of you have keyed in to speak to this Motion, or to others. Okay. I will give an opportunity to Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Motion. I rise to support the Motion on the ratification of the Hague conventions relating to matters of children.

These are very important conventions. First, they are in line with the United Nations (UN) Convention on the Rights of the Child, which this country has ratified. As per our Constitution, any law or treaty that we ratify becomes part of our law. It is important because children move a lot, particularly with their parents. Sometimes in circumstances where there are differences within a family, the child moving may be considered to have been abducted. Sometimes children move with their parents and one parent abandons the children. Sometimes there are civil disruptions and children move alone. Therefore, it becomes very important that we have internationally agreed ways of handling children.

Hon. Speaker, I support this Motion because these conventions are in three parts. The first part deals with the movement of children and how they will be handled when they move from one place to another, or if a parent has moved with a child, or if a parent has moved and left a child behind. When a child has been moved from their usual area of habitation, there is need to know how he or she can be returned to his or her home. There are many laws in different jurisdictions such that it becomes very difficult to move children and go through all the procedures. Therefore, the first convention that deals with abduction gives provisions, so that children can be removed and returned to their habitual residences in an orderly manner, across various jurisdictions. This is so that those involved, whether they are parents or Government officers, do not have to go through different complex jurisdictions. That part also deals with criminalisation of moving and detaining children in areas where they do not normally reside, or without the concurrence of one or both parents.

The second convention deals with various laws. What methods do we use? Sometimes children may end up in private institutions like children's homes. Others may have been fostered, while in some cases, others may be adopted. Therefore, we need to know how to deal with such scenarios. As I said earlier, there are different laws in different countries and, therefore, we need a law that is universally agreed on, so that people who deal with these matters can handle children without any problem. It is vital, especially if there are parental disputes and one parent wants to move with the children while the other parent does not. Eventually, it turns into abduction. Sometimes children are unaccompanied, yet they are minors. How do you deal with them? That convention gives provisions for dealing with cross-border issues.

The other part that I find extremely useful is how to enforce parental responsibility and child maintenance. When a child has been moved, or a parent has moved, what is the responsibility of that parent in terms of maintenance of the child? These conventions have covered everything that we really need to look at in terms of children. Once this is ratified, we will be bound by it. It will be an obligation on all Government officers, including children officers to deal with these issues. The judiciary and the office of the Attorney-General are responsible here. This Treaty will ease the issue of handling children across different jurisdictions.

With that, I support the ratification of the conventions.

Hon. Speaker: Order, Hon. Members. I hope you heard what Dr. Nyikal said. He was quoting Article 2(6) of the Constitution without reference. That Article states that a treaty or convention ratified by Kenya – which you are considering now – shall form part of the law of Kenya. So, it is important that you read and understand what you are ratifying before you ratify it.

Hon. (Dr.) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker, for allowing me to contribute. At the outset, I oppose this ratification. Many people who are contributing to this have not read and understood it.

The conventions mean that a certain body can sue you for child maintenance in the USA and it is enforced here. It means that you will take responsibility for something which has been done even where you are not represented because you ratified it. Sometime back, we ratified the Rome Statute on establishment of the International Criminal Court, that is, a Treaty on crimes against humanity. By Kenya being a signatory, people had to be taken to Hague for trial on crimes that could not be proved.

The House should not pass this ratification; we should oppose it. The rest of the country is ignorant about what we are ratifying. We are making the rest of the 50 million Kenyans to be enjoined to these three treaties on children without their participation. We should take our time. There are some of those ratifications that we are doing that are not in conformity with our own laws. We cannot ratify what is not in conformity with our law. By supporting it, we will be letting down Kenyans. I want this House to rise to the occasion by not ratifying something that Members have not read and understood. Let us have an opportunity to subject it to public participation. Let us have an opportunity for Kenyans to look at it so that we do not regret ratifying it.

With those few remarks, I oppose.

Hon. Speaker: Hon. Members, before I give the Floor to the next speaker, allow me to acknowledge, in the Speaker's Gallery, PCEA Muthua Church Brigades from Dagoretti South, Nairobi County, and Greenvale School from Kesses, Uasin Gishu County.

(An Hon. Member stood and waved at the Gallery)

Hon. Member, it is out of order to stand up and wave at the Gallery.

(Laughter)

In the Public Gallery, we have Murafiji Primary School from Igembe North, Meru County, and Muhoroni Students Association from Muhoroni, Kisumu County. On my behalf and yours, I welcome our visitors to the House of Parliament.

Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Speaker, I rise to oppose this Motion. I do not know if my good colleagues in this House understand the implication of these things. This is a very dangerous thing not only for Kenya, but for Africans in general and the continent.

Third World people and Africans with values are running away from the First World because the First World has become rotten in terms of moral values. They accept LGBTQ+. They allow a situation in which a 10-year old is asked whether he wants to be a girl or a boy. They have something they call gender neutrality. You are not allowed to buy a cigarette or drinks if you are less than 18 years but you can decide whether you want to be castrated as a man and injected with hormones to become a woman at the age of seven years.

There are many Africans who had emigrated to the West and are now coming back. If you ratify this and it becomes part of our body of laws in the country, it means it will be applied here. Article 2 says that anything ratified by Parliament forms part of laws of this country. If a parent runs away with his daughters and sons because they do not want to have sex change and come back to Kenya, Somalia, or Ethiopia, it means the school can go to court in the USA, UK, or the Netherlands and say that those children were abducted against their own will thus it is child abuse and force us to surrender those children to them.

This has got to be opposed in the strongest terms possible. This is a very dangerous thing. Right now, the entire western world has set all its guns and said that anybody who does not support LGBTQ+ and gender neutrality for children does not qualify for their aid and support. That is why the Vice-President of the USA, Kamala Harris, was here and is also

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travelling all over our continent. This is not purely about children and whether children can be taken good care of or not – this is something to do with what the West wants in terms of the New World Order. It is about their own values which are contrary to ours.

We should reject this in the strongest terms possible because we cannot accept this kind of a situation among our children and our youth here. Look at the double standards. A child of 17 years cannot go into a bar and buy alcohol but a child of seven or eight years is asked whether they want to be a girl or a boy. If that child says he wants to become a girl, he is castrated irreversibly. It cannot be reversed again. He is injected with hormones to get the breasts come out and so on. If it is a girl and she wants to become a boy, that is exactly what will happen. Because there is this crisis in the so-called developed world, there is going to be an avalanche of Africans who had travelled and settled in the western world running back to our continent. They have a right, using their school boards, administration, and the Congress, to go to court and say that the two parents abducted the children from them in the States and took them away from their own jurisdiction. They will come here and say they want to recover those children to be taken back to the States.

Hon. Speaker and dear colleagues, we reject this in the strongest terms possible.

(Applause)

Not only do we reject that, but as Members, we should also create meetings in town halls and discuss whatever is happening in the world. Our children are going to be destroyed in our midst by things like TikTok, television, and social media. We now have to be agents to preserve our values. We need to address our constituents in town halls and everywhere else in order to create a modicum of decency for those young boys and girls. In this way, we bequeath to them our cultures and values.

Hon. Speaker, with those few remarks, I oppose this Motion in the strongest terms. Let us all internalise this and do the needful for our country. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Cynthia Muge.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Speaker, for the opportunity to contribute to this very important Motion on the Floor of this House today.

From the onset, I want say that I oppose this Motion in the strongest terms possible. Since I got a notification from a very gracious lady who shares the contents of the Order Paper, I have spent the better part of this morning looking for the exact wordings in those treaties so that I can make a very informed decision. I have taken my time, in my own way, to read through those particular writings. I want to say that this Ratification is something that has been brought to this House covered in a different colour, while it means something in another colour.

Having gone through these particular treaties, I want to say this: they do not address the underlying issues of the challenges that we are facing as parents in terms of child upkeep. It is giving power to some other quarters, that we are not aware of, to control us from a different place. It is an opportunity for this House to refuse this saying: “The hand that feeds you, controls you.” We no longer want other different hands feeding us and, therefore, we have to refuse that control.

This country has better and more progressive laws that can protect our parental responsibilities and children in terms of upkeep. Therefore, I want to urge all the Members that they have been given a responsibility to come to this House to legislate and make decisions on behalf of millions of Kenyans out there. It is, therefore, our responsibility to make progressive decisions on the Floor of the House on behalf of the people of Kenya. One of those progressive decisions is to reject this Ratification in totality. This will help us embrace our own policies and laws, and ensure that we implement them without borrowing what we do not even need.

Therefore, I oppose the ratification of three Hague Conventions relating to matters of children in this country.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Adan Haji, Mandera West.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Speaker, for giving me this opportunity.

I also stand to oppose this Motion. This is a Motion of people who do not want to sire children but want to manage other people's children. They do not want to have children but want to manage, control, and mismanage other people's children. We have seen cases of children taken away from their parents. Children are gifts from Allah that we should be very proud of. Parents have a special natural connection to their children. If you read these laws in-depth, they provide that your children can be taken away and given to other people or institutions. They will then be allowed to become what they want on their own. However, in our African culture, children are God's gifts. We are proud of them. We want to keep and maintain them so that they can grow in our values and beliefs.

Hon. Speaker, supporting children is mandatory to any parent. It is a must that anybody who sires a child supports him/her. It is unacceptable to say that children can be supported by other people other than their parents. In the African culture, in cases where by God's grace parents die and children are orphaned, we have a support system. Our Constitution recognises the children's rights. We also have the Children's Act which is very explicit and good. So, introducing this foreign ideology of keeping children and sneaking it into our community is to disorient our societies. I cannot be a party to accepting these conventions.

We have ratified some very good conventions. Among them is the Maputo Declaration on Agriculture and Food Security, the Abuja Declaration on Food Security, and the Malabo Declaration on Agriculture of giving 10 per cent of our budgets to food production. We should consider the good conventions that we need to ratify, but when it comes to such, I stand here firmly and oppose.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker.

I rise to oppose the ratification of the three Hague Conventions relating to matters of children. As one of my colleagues has stated, it would have been nice if we were given full disclosure of the contents therein. Children matters are sensitive to Kenya because it is a country with its own baseline cultural practices. Children belong to Kenya and communities. We cannot blindly use the Floor of this House to ratify conventions that we do not understand their repercussions.

This country has been party to many ratifications that have made us look like we are under neocolonialism. We have given other people an opportunity to look like they are controlling our country. The Kenyan people are sovereign. Sovereignty of the Kenyan people cannot be eroded by such ratifications that are not well informed to the Members.

We have been following the world stories and news and we have realised that some of these ratifications that are pushed to us to be members and party to, are not common to other countries that purport to be ahead of us. Therefore, we end up locking ourselves into cocoons of agreements that we cannot remove ourselves from when things go haywire. As a mother, a leader, and an elected woman of this country whose obligation is to protect the rights and status of children in this country, I strongly oppose the ratification of three Hague Conventions relating to matters of children.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Joseph Oyula.

Hon. John Koyi (Sirisia, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Who is raising the point of order? Member for Sirisia, what is your point of order?

Hon John Koyi (Sirisia, JP): Hon. Speaker, I rise under Standing Order 95 that you call upon the Mover to reply.

Hon Speaker: Thank you. I had already given Hon. Maero Oyula. Let him make his contribution then I will put the question as to whether the Mover should be called upon to reply. Hon. Oyula, I will not deny you the opportunity I had given you.

Hon. Maero Oyula (Butula, ODM): Thank you Hon. Speaker, for giving me this opportunity to also contribute to this Motion. I rise to strongly oppose ratification of the three Hague Conventions relating to matters children. Let us not allow international organisations to give us directions on how to handle affairs of our children. If we ratify, we are going to give foreign court's jurisdiction over the children of Kenya which is not right.

The children of Kenya are guarded by enough laws that were passed by this Parliament. So, we should not accept any laws from outside to subject our children into activities that are not normal to the African culture. We shall be subordinating our Constitution, the Children Act, and other laws we passed related to children by accepting these laws. So, I strongly oppose the ratification of these laws.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Sirisia has called on the Chair, to move the House as to whether the Mover should reply. I will put the question.

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

(Laughter)

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

Hon. Speaker: The Ayes have it. The Mover is called upon to reply. Order, Hon. Alice Ng'ang'a! Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Speaker, I am sorry to interrupt the Mover before she replies. Today, I was listening to the men's conference discussions and the gentlemen in that conference were asking... I mean the men's conference within the National Assembly. As the Mover replies, she should confirm to them, if we allow this convention to go as it is, and just to avoid using myself as an example, if Hon. Peter Kaluma is accused at some point of siring a child in one of his many trips to the United States of America (USA); Whether people will follow him and occasion the Speaker as the Chairman of the Parliamentary Service Commission (PSC) to take away the whole of his salary and ship it off to the USA or mine or any other member of the men's conference.

The Chair needs to clarify to make sure the men's conference within the National Assembly is comfortable with the import. I am saying this so that the Chair addresses herself on some of the concerns raised on the import of this Motion and its impact to us. This is because our norms, cultures and laws are not equal to those of the USA and other Western nations. In the USA children and mothers enjoy far more rights than they do here. Therefore, we must balance and be careful not to impose other cultures and legislations from other jurisdictions that do not exist here. So, it will only be fair if the Chair clarifies as she responds.

Hon. Speaker: Hon. Alice Ng'ang'a you are called upon to reply.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Speaker. I rise to thank all Members who rose yesterday and today to contribute to this debate on adoption of the Report of the Committee on Social Protection on the ratification of the Hague Conventions on: (a) Civil Aspects of International Child Abduction; (b) Jurisdiction, Applicable Law, Recognition,

Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children; and, (c) International Recovery of Child Support and Other Forms of Family Maintenance.

Hon Speaker, I noted that several Members supported while others opposed the ratification of the three conventions noting their significance in protecting the children of this country as provided for under Article 53 of the Constitution. Yesterday, I noted Hon. Oundo and Hon. Kaluma raised several issues, including the question of why as a country, we need to ratify the convention in light of Article 53 of the Constitution which already provides for the rights of the children, and recently we enacted the Children Act of 2022.

Hon. Speaker, allow me to inform the Members that in preparing the report, we were not only guided by the Treaty Making and Ratification Act 2022 but we also combed through the entire Constitution and the Children Act of 2022. All the Hague Convention Act is doing, is to assist our women, children and men who may have orders issued by a Kenyan court relating to custody, access to parental responsibility and maintenance. So, those orders are recognised in other countries through the Office of the Attorney-General, Ministry of Labour and Social Protection, Ministry of Foreign Affairs and our foreign mission to facilitate the execution of the court orders.

Therefore, the conventions comply with the Constitution and the United Nations Convention on Children's Rights which we are members as a country. It is also notable that the committee was also guided by the advice of the Office of the Attorney-General in making its report in relation to the Constitution and registration implication of the...

Hon Speaker: Have you lost your microphone? Can you give the microphone to Hon. Alice?

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you very much, Hon. Speaker. Finally, our decision to recommend ratification of the three conventions was not just guided by the mere fact that the other countries have ratified. We examined the convention versus the requirements of the Treaty Making and Ratification Act 2012. The Act has listed 16 requirements which guided the ratification process, including the views of the public, national interest, constitutional implications and obligations imposed on Kenya by the Treaty. These must be adhered to before a convention finds its way here and is ratified.

Consequently, whereas many countries in the world have ratified this convention, I stand here to say, as a committee, we recommended ratification of the convention cognisant that it shall promote the children's rights under Article 53 of our Constitution. I also observed there are several issues that Members noted, that may not have been included in the Hague Convention more so, the issue that the committee should have considered the three conventions separately despite the fact that they are closely related.

Hon. Speaker, you know when the Chinese came to Kenya to construct the super highway, we were left with very many Chinese children. They went back to their country and right now they are Kenyan citizens. If you go to Naromoru, you will find that there are very many children born of British fathers yet the soldiers went back to their countries.

Recently, I visited Canada and met a Kenyan lady who relocated with her family. The man decided to come back to Kenya and left her and their children and yet she was not working. All these treaties are saying that we should take good care of our children. I am telling men in this House not to be afraid. Maybe you went to Britain or America and left a child there, Hon. Kaluma—it is on a light note—and you are worried what the *wazungu* will do to you once these conventions are passed by the House. It is all about protecting children. If you are not guilty, I do not understand why you are afraid of the passing of these treaties. If you are an honest and good man, let us pass these treaties to protect our children. Furthermore, the children are your blood.

If you are told to take responsibility for them, there is nothing wrong. Provide maintenance to them. Make sure that the way you treat your child in the house is the same way your child somewhere is being treated. Do not leave the children with nobody to take good care of them. You are afraid that if the matter goes to The Hague you will be compelled to take care of your children. We take the advice and we will endeavour to table separate reports, in future, on each convention for ease of reference by Members and to enrich debate in the House.

Hon. Speaker, with those few remarks, I beg to reply.

Hon. Speaker: Hon. Members, I now put the question.

*(Hon. Musa Sirma walked into the Chamber
while the Speaker was on his feet)*

Order, Hon. Sirma. Take your seat.

(Question put and negatived)

(Loud consultations)

Order, Hon. Members. Leader of the Majority Party, if you listened to the contributions—I looked at the HANSARD last night—of Hon. Kaluma, Hon. Pukose, and Hon. Farah, you may very well have to look at the Treaty Making and Ratification Act and the Standing Orders and see whether in ratification of treaties you conform to law-making through public participation or not.

(Applause)

That will be important to ensure that you carry the public along in creating law that has not been legislated by this House.

Next order.

SPECIAL MOTION

APPROVAL OF MR. EDWIN KIPRONO CHELUGET AS A MEMBER OF THE NATIONAL POLICE SERVICE COMMISSION

Hon. Speaker: Hon. Dido Raso, on behalf of the Departmental Committee on Administration and Internal Affairs.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. I want to thank Members for rejecting the conventions which are contrary to our customs, laws, ethos and everything that is not African.

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

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Affairs in its report on the vetting of a nominee for appointment as a member of the National Police Service Commission, laid on the Table of the House on Wednesday, 26th April 2023, and pursuant to the provision of Article 252(b) of the Constitution, section 6(6) of the National Police Service Commission Act, 2011 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mr. Edwin Kiprono Cheluget as a member of the National Police Service Commission.

The approval hearing was grounded in law, specifically Articles 252 and 118 of the Constitution, Section 6(5) of the National Police Service Commission Act and section 6(4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3). The Committee also considered the provision of Article 246 of the Constitution that establishes the National Police Service Commission (NPSC). The Article provides that the Commission should consist of a person qualified to be appointed as a High Court judge, two retired senior police officers, three persons of integrity who have served the public with distinction, the Inspector-General of the National Police Service and both Deputy Inspector-Generals of the National Police Service. The Committee also considered fundamental and basic requirements for a nominee to be cleared, including ethics and integrity, tax compliance, criminal record, repayment of higher education loans and political party affiliation.

We must consider the suitability of an individual to be appointed to such a constitutional office. The suitability of the nominee is what the Committee, in principle, assessed. We assessed his professional training, experience, personal integrity, background, qualities as well as performance during the approval hearing. The Committee was clear that this nominee is qualified and suitable. He also attended Kabimet Primary School in Nandi and Kapsabet High School. He is a Law Degree holder from Moi University. He also holds a Diploma in Law from Kenya School of Law.

On his employment record, the nominee brings about a long legal experience of over 18 years. He has worked in several law firms including but not limited to Cheluget and Company Advocates. He has been a member of the Tax Appeal Tribunal since 2022. He has also served as a board member of the National Irrigation Board since 2019.

He was also the inaugural Speaker of the County Assembly of Nandi from 2013 to 2017. Hon. Temporary Speaker, the nominee is also a member of the Law Society of Kenya and a life member of the Red Cross Society of Kenya.

He confirms that his net worth is Ksh55.5 million comprising residential homes, farms, farm machinery, vehicles and livestock. He is not a member of any political party and he confirms that if this House approves his nomination, he is not likely to have any conflict of interest.

On integrity, the nominee has not been charged in any court of law and for that reason, he is given a clean bill of health.

During the approval vetting, the nominee was asked by the Committee Members a raft of questions that range from education of police officers; the appointment of the Inspector-General to be a member of the National Police Service Commission; police officers welfare including injuries while on duty; stagnation of police officers in one rank; the challenges graduate police officers are facing; on emerging issues such as new religious crimes of radicalisation; on mental health of police officers and transfers. The candidate was able to fully respond to the questions that were raised.

In accordance with Article 78(1) of the Constitution, the nominee is eligible for appointment as a state officer.

In terms of education, experience and working in Government, the nominee fulfils most of the important requirements that are laid down statutorily by the Constitution. The nominee also meets the requirements of Chapter Six of the Constitution on Leadership and Integrity.

The nominee has also not been dismissed from office under Article 75 of the Constitution for contravention of Articles 76 and 77 of the Constitution.

Hon. Temporary Speaker, the Committee is of the opinion the nominee fits the requirements for the office for which he has been nominated and recommends that the House approves his nomination.

I wish at this point to ask Hon. George Kaluma to second.

The Temporary Speaker (Hon. Farah Maalim): Proceed Hon. Peter Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you Hon. Temporary Speaker, I sit in the Committee on Administration and Internal Affairs which vetted the nominee. I made it clear that I was not just impressed by his knowledge of the matters falling under the charge of the National Police Service Commission, but also has the passion to serve the country in the capacity of nomination.

I happen to have known the nominee from the time I was leaving the university. The nominee just joined university when I was leaving. Even at that very point where we were struggling to know freshers, he struck me out as a person capable to lead.

In terms of the requirements of the law, the nominee is overqualified. We are required to confirm whether the nominee has attained the number of years in legal practice that will enable him to be a judge of the High Court and what is required by the Constitution is 10 years. The nominee is in his 18th year going to his 19th year of practice. Most interesting it has been indicated in the observations the various law firms in which he has served. Firms which are not the so-called liberal firms or ambulance chasing firms, but firms which have been engaging very meaningfully and serving Kenyans through the legal sector.

The nominee has been a member of the Tax Appeals Tribunal. Tribunals under the Constitution and the law are now part of the Judiciary. So, this is a person who has also served in judicial capacity. The nominee is the first, for those Members who never listened to the Mover, Speaker of Nandi County. He has the knowledge of the legislative processes to help the county assembly work through from its inception. I met this nominee in a media debate at one time. And those who have met him, though he is very rare in media, can confirm to you that this is not just a person that is deeply knowledgeable, but he is also very passionate and patriotic.

The most interesting thing is that we are dealing with the fight against corruption and let me commend the nominating authority for the first time on this matter. We have had questions about people who have been nominated and people who are serving in public offices but lack integrity and people who are faced with corruption charges. How beautiful, therefore, can it be, colleague Members, that it is being confirmed to us that this nominee is a person who despite having served as an advocate for 18 years has never been convicted and has never been charged before any court of law. The stamp of authority is being given to his integrity by the Ethics and Anti-Corruption Commission (EACC) which confirms no issue. The Higher Education Loans Board has also confirmed and everybody else has also confirmed.

I did not want to take much time, but I emphasise the fact that while approving this nominee we remember as a House the critical function served by the National Police Service Commission. Hon. Members may not know that the Police Service does not entirely recruit police officers. It is the National Police Service Commission that recruits, promotes, and deals with issues of transfer of officers as an ultimate mandate. It has also disciplinary control where you go to if an officer from your constituency is being discharged unfairly. Therefore, I stand in support to say that having a person who has served in the judicial authority in the tax tribunal, and who is a lawyer with 18 years of practice mainly on matters of human rights, labour and employment issues, is the right candidate to join other Kenyans in serving that Commission. More so, when we are dealing with those challenges such as the Shakahola things, which make us question whether we should be recruiting new officers.

I, therefore, rise in full support and urge Members to give their stamp of approval for this nominee for the appointing authority to proceed as required.

I second, Hon. Temporary Speaker.

(Question proposed)

Temporary Speaker (Hon. Farah Maalim): Hon. Kamket, the Member of Parliament for Tiaty.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Speaker. I rise to support the Motion. Mr. Edwin Kiprono Cheluget is the pioneer Speaker for Nandi County Assembly just like I was the pioneer Speaker for Baringo County Assembly. I had a chance to interact with the nominee for a period of five years. In that period, he came across as a man of integrity. If the quality of former Speakers of county assemblies, who are serving as Members of Parliament here in the National Assembly is anything to go by, and we have many of them, then there is no doubt as to the ability Mr. Cheluget to serve in that Commission. I want to commend His Excellency the President for nominating for appointment that gentleman.

As he joins the NPS Commission, I just want to say one or two things about the functions of the NPS. I would like my friend, as he joins, to be part of the reform process and help to remove the bad name that has been associated with our police officers. Along with other commissioners, he should try to clean the soiled image of police officers such as images of corruption and the negative superlatives that are associated with the Police Service. I believe that with the approval of this House and given the experience that he has in the legal profession and being the pioneer Speaker of a County Assembly, Mr. Cheluget will do a good job.

Therefore, without spending too much time, I support and approve that gentleman.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I also rise to support this Report by the Committee on National Administration and Internal Security on the approval of Mr. Edwin Kiprono Cheluget. As Members will see from the Report, Mr. Edwin Kiprono is a gentleman who, from his qualifications and what transpired in the Committee during his vetting, seems like a person who has the capacity and ability to serve as a commissioner in that Commission. This is a very important Commission, especially for our uniformed officers serving in the NPS. Many times, our officers are vilified and nobody remembers to acknowledge the difficult terrain and difficult circumstances that they work under, when they are fighting bandits in the North-Rift and other areas as well as digging up graves of people who died several months ago like Shakahola and other areas. They also retrieve bodies of accident victims, many at times even without the requisite protective gear. This Commission has a duty and responsibility to those officers to ensure that they serve under humane conditions and are well remunerated.

I must appreciate that as we promised the uniformed officers that the Government would work to review their terms of service under the Kenya Kwanza regime, under the Chairmanship of Emeritus Justice Maraga, this is a work in progress. I hope they will conclude this process and our officers will be well served by the people of Kenya and taxpayers as they work hard to serve. Even we as Members of Parliament under the protective arm of our officers must respect them and honour them for the services that they give us and the people of Kenya. That goes for everybody, even members of the public. We, as leaders, must honour and respect our officers as they carry out their mandate; whether the officer is guarding that bank that is holding your millions of shillings and other valuables or just guarding your home. That is why yesterday, I was perturbed when I saw one of our sons who was fortunate and privileged to serve this country as a President and Commander-in-Chief the Kenya Defence Forces, including our policemen for 10 good years, reduce himself to the point of commandeering goons to chase away the policemen who were carrying out their mandate as uniformed officers. Therefore, I have to apologise on behalf of the people of Kiambu because we are the ones who sired him.

As I apologise on behalf of the people of Kiambu and many other leaders, I would...

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

The Temporary Speaker (Hon. Farah Maalim): Hon. Kajwang', what is your point of order?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, you know the Member from Kikuyu is a veteran Member here. He knows that when he brings individuals in disrepute, he must have a substantive Motion.

I hear him over and over again berating that individual every time in this country. There is only one person we know within the description that the Member for Kikuyu is alluding to. He has not mentioned a name, but he has given us sufficient facts to know the person he is referring to. He knows very well. Is it in order for the Member for Kikuyu to do that without bringing a substantive Motion to discuss him?

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Member. Can you wait for the Communication from the Chair? Under what Standing Order will you say he made a mistake? You bring a substantive Motion, if the person is a Member of Parliament.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I may not give you because I do not have the Standing Orders in my hands. However, you cannot discuss adversely someone who is not a Member of this House and does not have a right to respond without proper...

The Temporary Speaker (Hon. Farah Maalim): Hon. Otieno.

Hon. T.J. Kajwang' (Ruaraka, ODM): It is not Hon. Otieno Kajwang'. This is T.J. Kajwang', the Member for Ruaraka. I know you served with Hon. Otieno Kajwang' and he is your agemate.

The Temporary Speaker (Hon. Farah Maalim): Sorry. I know that. That was my brother whom we served together in Parliament. We were very close. He is my agemate.

Hon. T.J. Kajwang' (Ruaraka, ODM): The Clerk-at-the-Table is helping you with that Standing Order.

The Temporary Speaker (Hon. Farah Maalim): No! He is not helping me but you.

(Laughter)

Hon. T.J. Kajwang' (Ruaraka, ODM): Well, he will raise it. I know that you cannot discuss a person who does not have a right to respond in this House in an adverse manner without giving a proper Motion.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. The personalities or offices that you cannot discuss without a substantive Motion here are clearly spelt out in the Standing Orders. Unless they were changed for the period I was out of this House, I do not think what you are saying is correct. In the meantime, while the Clerk-at-the-Table is assisting you or if I am wrong, me, let him continue with his contribution. Proceed, Hon. Ichung'wah.

Hon. T.J. Kajwang' (Ruaraka, ODM): Those are the tenets of the rule of law. You cannot discuss somebody, unless he has a right to respond.

The Temporary Speaker (Hon. Farah Maalim): Order!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker for protecting me from Hon. T.J. He is very unsettled. I do not why he gets very unsettled when we discuss this matter.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I said that I was perturbed. I am certain that very many other Kenyans who honour and respect our police officers were perturbed. It does not matter whether I am a Member of Parliament, President or Governor. Those officers also serve you. Therefore, it behoves all of us, as leaders, to set an example to the people whom we lead.

The Temporary Speaker (Hon. Farah Maalim): Leader of the Majority Party, I have put that to rest. I have said that your private matter cannot be discussed. Your public conduct can be discussed by this House, unless you are a Member of the House, other offices or a Head of State from another country. All of them are there in the Standing Orders. Go through the Standing Orders and get yourself acquainted. You have no problem in discussing the public conduct of anybody who is not a Member of this House and who does not fit in any of the provisions in the Standing Order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for giving that guidance. It is true. That is why I was wondering why my brother was getting very jittery. Those are things that are in the public domain. It is true. I saw the former President act in a manner I have never seen in any other former Head of State, Commander-in-Chief of the Kenya Defence Forces and our disciplined forces, including the police. Hon. T.J. Kajwang' can be our next President in 2032. When he also retires from office, we will expect him to act with the dignity that he carries when he will be in office. He will respect the officers who are under his command, whether he is in office or not. As Members of Parliament, the fact that we are now here approving the appointment of a member of the National Police Service Commission, we must lead from the forefront in honouring the officers who will be served by this Commission.

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

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Kajwang'?

Hon. T.J. Kajwang' (Ruaraka, ODM): Even without reading on the back of my hands, this is a House built on the rule of law. Forget about the other Standing Order 87 that we were discussing. The speaker who has just sat is not only a normal Member of this House but he is also the Leader of the Majority Party. He needs to present himself with a lot of decorum and circumspection when he goes about things.

The Temporary Speaker (Hon. Farah Maalim): What is out of order, Hon. Kajwang'?

Hon. T.J. Kajwang' (Ruaraka, ODM): I rise under Standing Order 91 that says a Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.

He said that the former President led a group of goons. Can this Member substantiate the truth and accuracy of the fact that he is alleging such a distinguished person who served this country led a group of goons somewhere to do certain things that he finds deplorable? Is it in order? I want to hold this Member very responsible for his facts and statements. This is not a laughing matter. He is talking about a person who has served us for 10 years.

The Temporary Speaker (Hon. Farah Maalim): Order. You have made your point.

Hon. T.J. Kajwang' (Ruaraka, ODM): There are many people out there who revere that person and know that he is one of the people who gave us this freedom that he is talking about.

The Temporary Speaker (Hon. Farah Maalim): Order.

(Hon. Rozaah Buyu spoke off-record)

(Several Members interjected)

Hon. Rozaah Buyu, you will have your moment to contribute. Can you hold your horses, until you have your chance? Order, Hon. Members. When you say that you want the accuracy of his contribution, you have to substantiate its inaccuracy. In this case, I am talking from experience of respecting and upholding the dignity of this House and rules which are very clear.

Standing Order 87(1) says that neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House, shall be referred to adversely, except upon a specific substantive Motion of which, at least, three days' notice has been given.

Standing Order 87(2) says that it shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same session, except upon a Motion to rescind that decision is made with the permission of the Speaker.

Standing Order 87(3) says that it shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.

Use of offensive or insulting language is not the description of a behaviour or discussing a conduct. It is like calling somebody a fool or stupid.

I agree with you that this is a House of rules. When we are observing the rules of the House, the political persuasion and preferences will be kept out of the House. The Chair is a very impartial arbiter in this. Conclude your contribution.

(Hon. T.J. Kajwang' spoke off-record)

The Temporary Speaker (Hon. Farah Maalim): Order. Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I will not say that you have come of age but you have always been of age. Thank you for protecting me from Hon. T.J. Kajwang'. I must appreciate the incessant interjections by Hon. Kajwang' were to derail us from pointing out to the people of Kenya that there are, indeed, things that are being done by people who should not be doing them. Thank you, Hon. Temporary Speaker.

Maybe Hon. T.J. Kajwang' is walking in the same shoes as the former holder of that office, but he is yet to appreciate that he is now a former President. There is now a sitting President and, therefore, the sitting President is now the Commander-in-Chief. It is only the Commander-in-Chief who can command forces, including our police service.

The Temporary Speaker (Hon. Farah Maalim): What is the relevance of that information that you are giving right now on the Motion before the House? Maintain relevance.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, the Commission serves to oversee the work of those forces and servicemen. That is why it is important that as we discuss and seek the approval of Mr. Edwin Kiprono Cheluget as a member of the National Police Service Commission (NPSC), to ensure that we protect our police officers. As I said at the start of my contribution, our police officers are often more vilified than appreciated. Even in situations like the one that we saw yesterday, it is about vilifying that officer who is only carrying out his work in line with his constitutional mandate and what he has been charged to do to enforce court orders. I know we are coming from a past where court orders were meaningless, and where it was the rule of men rather than the rule of law that held sway. We must ensure that, not just Mr. Kiprono Cheluget, but the Commission as a whole, empowers our policemen to enforce the rule of law. Whether it is in Ruaraka Constituency, Kikuyu, or Kileleshwa, the police must be there to ensure that citizens live peaceably within their neighbourhoods.

We cannot be a nation that only vilifies our officers and does not pat their backs when they do well and yet, when we have problems, we run to those policemen. Let us also learn to appreciate them. Let us encourage commissioners in the NPSC to ensure that they work to improve the terms of service of our police officers, and that those of us who are served by those

officers appreciate, value and honour them. We should not treat them like second-class or third-class citizens because they are our sons and daughters.

In more developed countries like the United States of America (USA) and the United Kingdom (UK), the police are among the best remunerated public servants. They are well-respected, even in the neighbourhoods where they live. In Kenya, we vilify them and gesture at them telling them, *tokeni hapa ama kwendeni!* You can command sheep or dogs in your farm, and chase them away like we saw yesterday, but not uniformed officers. I again take this opportunity to condemn the actions of the former President and encourage him to conduct himself with the honour and dignity that all other former heads of states and presidents have conducted themselves with, not just in this country, but even in banana republics in Africa and other areas. They have conducted themselves well after their time in office.

With that, I support the appointment of Mr Edwin Kiprono and I urge him to utilise his time in that Commission to work towards improving services for our servicemen and servicewomen in the Police Force.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Rozaah Buyu followed by Hon. Cynthia Muge.

(Hon. Rozaah Buyu spoke off-record)

Can you give the microphone to Hon. Rozaah Buyu? You do not have a card? Okay. Give her the microphone.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Temporary Speaker, for indulging me.

First of all, I am a member of the said Committee, whose Report is being discussed this afternoon. I would just like to thank the former President for leaving this country and commissions intact, as spelt out in the Constitution. That has given us the opportunity to interview the nominee and determine that he is qualified to fill the position of Commissioner of the NPSC.

Currently, the Constitution is at a huge risk. When I put that question to the nominee, I was impressed by his answer. The police are breaking up the ongoing demonstrations using violent means against demonstrators. What would he do to ensure that the Constitution is upheld, and that picketing, which is enshrined in Article 37 of the Constitution, is effected? The nominee was honest and open and said that given an opportunity to serve on the NPSC, he will ensure that the Commission sticks to the letter of the Constitution, and that peaceful demonstrators or picketers are not violently attacked by anybody, least of all, the police. For that reason, I gave him my vote. I am happy that I did so.

I support the Report once again. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Muge Cynthia followed by Hon. Jessica Mbalu.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to the Report that has been brought by the Departmental Committee on Administration and Internal Affairs, regarding the nominee for appointment as a Commissioner of NPSC.

I know the nominee, Mr. Edwin Cheluget, at a person level, having been a Member of the County Assembly of Nandi where he served as the first Speaker. I can attest to his success and ability to deal with administrative issues in any institution. As the pioneer Speaker of the County Assembly of Nandi, he put in place many structures that ensured there was smooth operations. If you get an opportunity to speak to the Members of the first County Assembly of Nandi, they speak highly of Speaker Edwin Cheluget, who is a nominee to the Commission.

He looked after the welfare of those Members. He guided the Assembly and steered it in making the very first rules, regulations and legislations that governed the County of Nandi. On that note, I am confident in his ability to steer the NPSC in different ways with the responsibilities that are vested upon him as a Commissioner.

The said person is knowledgeable. He is not involved in any corruption. This is one gentleman that can easily be present and yet, you do not notice him. We come from the same constituency. He comes from Mosop Constituency within Nandi County, and I am his Woman Representative. He is approachable, he listens, and uses few words. In this capacity, someone who uses few words and means what they say is suitable for this position.

Mr. Cheluget went to Kapsabet High School. You know what it means to go to that school in Nandi County. Most people who went through Kapsabet High School are people of substance. You are aware that Kapsabet High School produced the second President of the Republic of Kenya. It has again produced another President. That is substance. This is a great man who, when given a responsibility, he delivers. I am sure that he will ensure that there is efficient, effective and professional service delivery in the NPSC. Since I come from his place and I know him, I assure Members that this is one of the best choices and appointments that the appointing authority has made. He is suitable for this job. The Committee has spoken conclusively that he is able to do this job and he is equal to the task.

I support this Report in its entirety and I urge all the Hon. Members to support it so that we have the police service up and running because we have many issues to sort out as a country.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Jessica Mbalu followed by the Member for Mosop, Hon. Abraham Kirwa.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I rise to support the Report by the Departmental Committee on Administration and Internal Security on the approval of Mr. Edwin Kiprono Cheluget as a member of the National Police Service Commission. I may not say it like my colleague, the Member, since I do not know him as a person, but I must congratulate her that the nominee comes from her county.

Having listened to the Mover of the Report and also the Seconder, especially Hon. Kaluma, I am convinced. I have gone through the findings of the Committee and I am convinced that the nominee is suitable for the position. He holds a Diploma in Law and for a Police Service Commission nominee, this is very important. Having served as a Speaker of the Nandi County, he understands the Constitution very well.

Hon. Temporary Speaker, being a Speaker, you know how informed you are supposed to be. I have sat in that seat for 10 years and, sometimes, it gets very hot. I know how much research you should do. I am so convinced that our nominee will do a very good job.

He has experience of over 18 years in the legal sector. That is good enough and he is going to do good service to this country. Through the Report, he has complied with Chapter Six of the Constitution on leadership and integrity.

Without much ado, I join my colleagues in supporting the appointment of Mr. Edwin Kiprono Cheluget. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Abraham Kirwa followed by Hon. Wanjiku Muhia.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support this Motion on the consideration of the nominee, Mr. Edwin Kiprono Cheluget, by the Departmental Committee on Administration and Internal Security. I know the nominee personally. He comes from my constituency and we also come from the same ward. I have known Mr. Edwin Kiprono for some time, and I can confirm to this

House that he is a man of integrity with impeccable record. He has served the community for a long time. He is a father, an elder and somebody who can be trusted. He has an experience of 18 years in law practice, and as mentioned, he also served as the first Speaker of Nandi County. This is a man that I know for sure is going to bring a lot of experience and a lot of integrity to the Police Service.

I support the Committee for approving him for appointment. He went through a process and everybody was able to identify his experience and know that he is somebody who is going to be a blessing to this country. I want to thank the President for this nomination and for choosing that particular individual because I know there were many other people who wanted to be in this position, but they chose this particular individual.

As the Member of Parliament for Mosop and coming from the same constituency with the nominee, I can confirm and support the Report of the Committee that Mr. Edwin Kiprono Cheluget be approved and appointed to the Commission.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Wanjiku Muhia, I think you are going to have another shot another time. For now, it is Hon. Caroline Ng'elechei, Woman Representative for Elgeyo Marakwet County.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity. First, I am a member of the Committee on Administration and Internal Security and I can attest before this House that Mr. Kiprono Cheluget, indeed, deserves the job. In the past, we have heard the police complaining too much about the National Police Service Commission. Having interacted with that particular gentleman, he is a very disciplined guy. As some Members have said, he is capable and his integrity and character is unquestionable. Going forth, in Kenya, we need such people who are not pushed by money but by the urge to serve the people of the Republic of Kenya.

This is someone whom I believe is the right person to reclaim the dignity and the respect the service deserves. There have been many complaints in the Police Service that, at times, people do not get the promotions that they deserve and that transfers are done maliciously. But you find that such a person who has been tested before with unquestionable integrity and zero corruption can bring the sanity the Police Service deserves.

I hereby support the Committee Report. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Onyango K'oyoo, Member of Parliament for Muhoroni.

Hon. James K'oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Speaker, for catching my eye. I also want to add my voice to this proposal given that the said lawyer...

The Temporary Speaker (Hon. Farah Maalim): It is the Member who catches the Speaker's eye; the Speaker does not catch your eye. Proceed.

Hon. James K'oyoo (Muhoroni, ODM): The honourable lawyer comes from my neighbourhood. We had a few cases on things to do with sugar-cane plantations and we have done deliberations and I noticed that he is a very mature person. As he walks into office, I urge him to be very careful because police officers have a lot of demands – they are living in horrible state and the graduates have not been graded properly. The police housing has always been said but it has never been implemented. The salaries of officers are not commendable and the police as a force is also an eyesore because every visitor who comes to Kenya finds fault with the immigration officer and the police officer. How I wish that the said lawyer comes in with some magic that will help us tame the so-called corruption in the Police Force such that part of the subjects taught in Kiganjo should include police resisting bribery.

Otherwise, I want to think that he is a very good man. From the hindsight, I thought of regional balancing given that the Chief Executive Officer of the National Police Service, who

was named the other day, almost comes from the same place. But given his record, I will forget about that and support him for the job.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament from Mbeere North, Hon. Ruku, followed by Hon. Catherine Omanyo.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to support the special Motion on the consideration of Mr. Edwin Kiprono Cheluget for appointment as a member of the National Police Service Commission. The work which is done by the police in this country is a lot. Most of the time, members of the public do not appreciate what the Police Service does in protecting property and the lives of the people. We have seen the kind of job that is done by the police as far as taking care of *maandamano*, which was perpetuated by members of *Azimio*. They have continued to ensure that the properties of Kenyans are well protected.

Mr. Edwin Cheluget will ensure that the Police Service is well managed so as to take care of the properties of Kenyans in the coming demonstrations as we have been told by our colleagues from the Minority side. As per the Committee's Report, the gentleman is extremely qualified for the position with very many years of experience in the legal service. He also has experience in legislative matters from Nandi County. Therefore, as a House, we should ensure that the needs of the National Police Service (NPS) are well taken care of in our budgeting processes.

I support. Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member for Busia County, Hon. Omanyo.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker. I support the Report of the Committee because of the testimony that I have heard from the neighbour of the nominee. He has told us that the nominee is a man of high integrity. I believe that he understands that his role has a large inventory of duties. I hope he understands the roles of every docket, including politics. I hope it is not time for the nominees to come in and frustrate or intimidate any part of the divide, whether the Majority or Minority side. We have in the past witnessed some imbecilic postures of some policemen who take the opportunity to showcase how they can destroy or even kill during *maandamano*. We have witnessed that and no action has been taken. A man of such integrity should put the Police Service in a place of admiration.

Hon. Temporary Speaker, the Police Service is at the top of the list of the most corrupt institutions. It is ranked number one. We need to see a lot of changes, and not some biased kind of leadership. He should work towards ending corruption by all means. He should also ensure that there is transparency and accountability in the docket he is getting into. I pray that this position will not be politicised. I hope he brings the Police Service, that is bedridden, to a place where we can trust them such that we can seek their help knowing that we will not be judged before we go there.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Turkana East, Hon. Nicholas Ngikolong, followed by the Majority Party Whip, Hon. Osoro.

Hon. Nicholas Ng'ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker. After listening to all the testimonies attributed to Mr. Edwin Kiprono Cheluget, and looking at the Report of the Committee, I believe that is the right man for the National Police Service Commission; especially at a time when our police are not in good blood with most of the citizens of this country because of what they are doing. I believe that kind of a person will do a good job.

Hon. Wanjiku Muhia (Kipipiri, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Wanjiku Muhia, what is your point of order?

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, the Member has just said that this is the right person for this position especially when the police are not in good blood with many civilians. Can he substantiate what he meant?

The Temporary Speaker (Hon. Farah Maalim): He means that the relationship between the civilians and the police is not good. Not good blood basically means bad blood.

Hon. Wanjiku Muhia (Kipipiri, UDA): How is it bad?

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Wanjiku Muhia. He has the right to express his opinion.

Hon. Nicholas Ng'ikor (Turkana East, JP): Thank you, Hon. Temporary Speaker, for protecting me. This is what I said: "Right now, if you took a police officer to a group of ten people, I am sure that nine of them will not support him because of their work." In Turkana East Constituency, the police officers no longer go to work. The officers at the moment do not go out to perform their roles and it is not because of lack of support. They have just completely changed from the officers we used to know. They used to do their work even at night. Nowadays, they give a lot of excuses to the public that they do not have vehicles and fuel and yet, it is in this House that we passed the laws to hire vehicles for the officers. Those vehicles are well maintained at all times with fuel every month, but you do not see them doing their job as they used to do in the olden days without cars. This is the right time for us to have such a kind of person in that Commission. We need to bring change so that officers can do the right job for the people of this country. I support the Report of the Committee because of the good testimonies that are attributed to the nominee for this position. I hope my colleagues will support the nominee to get this job, so that he can change the characters of the police officers that we have in this country.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Majority Party Whip, Hon. Silvanus Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. The NPS has come of age. We all live in this country and we used to have the police force before the promulgation of the Constitution of Kenya in 2010. It was thereafter changed to the National Police Service; which means that the police are service providers. They will use all ways and formulas possible to offer services and not force as it was before 2010.

In coming up with the review of the law, the NPS ought to be independent, but with supervision from the National Police Service Commission. That Commission is mandated to oversee the operations of the police. Back in the day, the head of police would make autonomous decisions on promotions of officers to certain ranks, and this would depend with how well you danced to the tune of your senior. That is now over because we have the National Police Service Commission that comprises people with high integrity, those who have served this country well and with experience from different fields.

The nominee falls nothing short of that. The gentleman has served this country in various capacities, especially in the practice of law. That is a person who has the history of this country. He has practiced in our courts and, therefore, understands the judicial system and the court processes. He served the country at the time when the police used to abuse their prosecutorial powers. He has also served as an advocate post the Constitution of Kenya 2010, when the police did not have the prosecutorial powers. We could not get any better person to fill that position.

The nominee is a smart person with a strong legal background and highly experienced in every area of practice. I know he will form synergy with other members of the Commission and make sure we continue yielding and building confidence in the police. Members of the

public have previously had issues with the police. So, with the amalgamation of systems and having the National Police Service Commission which does not necessarily have people with military or police training background, this will help us mitigate the challenges of engaging the police and the public. I think that nominee brings with him the experience that is needed in this process of making sure we yield confidence in the Police Service.

Hon. Temporary Speaker, with those reasons, I support the Report.

The Temporary Speaker (Hon. Farah Maalim): Next is the Member for Kangema.

Hon. Wanjiku Muhia (Kipipiri, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, I stand under Standing Order 95. Considering the Motion has been sufficiently debated, could you call upon the Mover to reply?

The Temporary Speaker (Hon. Farah Maalim): Order! Order! You are out of order, the Member for Kangema. Proceed the Member for Juja. Give the microphone to the Member for Juja. Hon. George Koimburi, proceed. What happened to the microphone? Okay, now you have it.

Hon. George Koimburi (Juja, UDA): Thank you, Hon. Temporary Speaker. I also stand on a point of order because all Members have already spoken on this matter, for the Mover to reply.

The Temporary Speaker (Hon. Farah Maalim): Order! Order! You are out of order. Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support this Report and appreciate the Committee for interviewing that person. Indeed, we appreciate he comes with a lot of experience from the different fields and sectors we have in this country. If you look at the Curriculum Vitae (CV) of one Edwin Kiprono Chelugut, you will appreciate as he comes into the National Police Service Commission. First, he is bringing experience of being in the legislature because he was the Speaker of Nandi County. He also brings the experience of a lawyer and Member of a Board that deals with national matters.

Hon. Temporary Speaker, as he goes into that Commission today, you will realise there are very many challenges that are facing that sector. I wish and pray that, as he goes in, he will bring recommendations on how to seriously deal with promotions and not just for the police in blue, but even the General Service Unit (GSU) who joined them and formed one team. This is one of the issues that, when you meet many of our police officers, they cry about. He also needs to sort out the issue of police officers who joined other departments and are unable to be part of the Commission so that they can be remunerated the way others are.

Being a lawyer, he needs to assist the Commission. I know they have legal advisors and others but while sitting in the Commission, he will look at the law from a different angle and advise all the oversight bodies that are looking at the police issues. Today, when I look at a police officer when he wakes up in the morning, this could be your son, daughter, brother or sister and the challenges they face need to be settled.

I know the Government promised them good remuneration and many other things. It is important for us to appreciate the services they offer in this country. If we want to have a good team, we must take care of their welfare. If we do not, we will keep crying about how corrupt they are and many other things. Even if it is the blue uniform, it should be standardised and made in a better way. This can be done by the National Youth Service (NYS) or Export Processing Zone (EPZ). It should be something neat, so that when we look at them, we admire it the way we admire our Serjeant-at-Arms in this House. This is unfortunate.

As the Commission sits, it should think of how it can re-train them. Today, we have a very different society and the training should be with the understanding that society has

changed and evolved. I can see we are fighting illicit brews, but we are surprised to see it is being sold when our police officers are looking. We wonder why it is being brewed next to a police station. I support the police officers in Dagoretti North and we have done very positive things together like enhancing community policing. I know in other communities when you see the police, you run. It used to happen and it is still happening. So, we have to ask ourselves as we bring in our next Commissioner, what he will do best.

I am sorry to say, this but sometimes, you find someone telling you that he has worked for years but the same challenges he faced then are still the same to date. As we move forward, I know we have started pointing fingers because of the issues that are happening. If we decide the Police Service must deal with all the social fabric challenges, they must be trained. They need to be distinguished from politics so they do not feel they might be interfering with it. We have mixed very many things, and that is why there is a lot of laxity in terms of dealing with the moral decay in our society. As he comes in, let him learn to appreciate other institutions around him.

I hope he will have very good understanding of the different organisations in the service. The police are going through many issues like, they went somewhere, used force while on defence, and they are being taken to court. I hope the Commission will look at those issues. This House must come up with clear regulations to guide because there is an issue of people being taken advantage of.

Hon. Temporary Speaker, as I finalise, I want to appreciate and wish Mr. Edwin Kiprono well. I want to tell him we will support and also mentor him. We will support the police where need be. I have always been their supporter, and I will support the need for improved welfare so that they can serve this country in a better way. As the Committee does it rightful job, we need to have good officers who are willing to serve this country, give better services and understand the Constitution. Mr. Edwin is a lawyer. As he goes in, can he guide the rest to understand the Constitution and what they need to do?

Hon. Temporary Speaker, with those many remarks, I beg to support the Motion and wish Mr. Cheluget well. Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member for Kipipiri, Hon. Wanjiku Muhia, what is your point of order?

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, I rise under Standing Order 95 to request that you call upon the Mover to reply.

The Temporary Speaker (Hon. Farah Maalim): Is that the mood of the House?

Hon. Members: Yes.

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

The Temporary Speaker (Hon. Farah Maalim): I call upon the Mover to reply.

(Loud consultations)

Order! It is only the Mover who can reply. No one else can reply. Proceed and reply.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. I thank Members for their contributions. I beg to reply.

(Applause)

(Question put and agreed to)

The Temporary Speaker (Hon. Farah Maalim): Next Order.

MOTION

NOTING OF REPORT OF THE KENYAN DELEGATION TO THE
1ST ORDINARY SITTING OF THE 6TH PAN-AFRICAN PARLIAMENT

THAT, this House notes the Report of the Kenyan delegation to the Pan-African Parliament (PAP) on the proceedings of the First Ordinary Session of the Sixth Parliament, laid on the table of the House on Tuesday, 28th February 2023.

(Moved by Hon. Rahab Mukami on 22.3.2023 – Afternoon Sitting)

(Resumption of debate interrupted on 22.3.2023 – Afternoon Sitting)

The Temporary Speaker (Hon. Farah Maalim): A Member of the Pan-African Parliament (PAP). Hon. Wanjiku Muhia, who is moving this Motion? No, it is resumption of debate. Proceed, Hon. Wanjiku Muhia.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you very much, Hon. Temporary Speaker. I thank Members who have been waiting for this Motion. This Report was already tabled by the delegation that represents the National Assembly at PAP. But for the avoidance of doubt and for the record of the House, yesterday, I tabled a similar Report. For clarity, the Report I tabled yesterday is by the Committee on Regional Integration on the examination of the Report which was tabled by the delegation.

I want to debate this Report and mainly speak to the Committee's observations. To refresh Members' minds, PAP is a legislative body of the African Union (AU). It is composed of over 200 Members from over 50-member States of the AU that have signed the Protocol on Pan-African Parliament. The reason why, through your wisdom, this Report was marked to our Committee is so that we could have time to interact with it, examine it as per our Standing Orders and understand any gap that could be in this kind of debate. In future, such gaps can be filled. The main aim of the AU and its legislative arm is to bring stability in the whole of the African Continent.

The Committee observed four things. First, we identified a gap, which emanates from the mandate of PAP. One of the mandates of PAP is to make recommendations to the AU on matters of common interest, including the promotion of peace, security and stability on the Continent and economic integration and development. However, the recommendations are not binding. This is a gap that my Committee identified. We will continue engaging to see how the gap can be sealed.

One of the observations that the Committee made on the Report is that during the first sitting of PAP after swearing in, Members discussed a Motion and made a resolution urging the AU to ensure there is peace and stability in DRC. When PAP, composed of over 50-member States, make a resolution which is not binding, it leaves a serious gap. And it beats logic why we have PAP.

[The Temporary Speaker (Hon. Farah Maalim) left the Chair]

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

The Committee also observed that there is need to change the way the leadership of PAP is elected. It should be rotational. If we may remember, the 2021 election of PAP

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leadership was marred by crisis, there was stalemate for quite some time and PAP was not able to operate. This is a norm in many parliaments, including this one. You remember at inception, we argued about the Majority and Minority parties. During the 4th East African Legislative Assembly (EALA), there was a stalemate: We were not able to elect a Speaker until we had mediation. For PAP to have a stalemate in choosing its leader is very normal in a parliamentary setup. As such, the leadership of the AU, in its wisdom, has suggested that the leadership of PAP should be rotational. Our Committee observed that the delegation that represents the National Assembly at PAP should understand the terms of reference of PAP. If we speak of rotational leadership and countries that have served before also queue - and considering there are 55 countries, if a country is given a term of five years - others are going to wait for hundreds of years. The team that represents us should be very clear on the terms of reference. It may be alphabetical or take whichever order.

We also observed that PAP aims to have its membership elected through universal suffrage. This is a gap that informed the Committee to urge the House leadership to consider that it would be of much value to the House if the delegation that represents the National Assembly comes from the Committee on Regional Integration.

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

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

Why do we say this? If you are unable to interact well with some of the members who participate and only interact with the paper, then we obviously do not have the advantage to make queries and clarifications.

Hon. Temporary Speaker, as a Committee, we considered this Report and we now urge this House to adopt it because it was to previously notify the House. Having examined the whole Report, hopefully in future, we will do much better. With that, I would not want to leave the Floor without reminding the Members the vision or the main agenda of African Union, which is aimed to be 2063. This is to become an integrated, prosperous and peaceful Africa driven by its own African citizens, which I know the men in the House would really love after the Motion of Ratification that we had a few hours ago. This will only be practical if those regional blocs continue to bite together. One of the objectives of Pan-Africa, as we have seen, is accountability and transparency. As blocs, we are not accountable and transparent. As a previous Member of East African Legislative Assemblies (EALA), I can speak about hundreds of Non-Tariff Barriers (NTBs). We claim we are a common bloc as East Africans and that we can move from one point to another but when you are driving to any neighbouring countries, you will always find the NTBs. The mindset of our officers at the borders is outdated. We still use the system that requires a visa when traveling to Tanzania. Those are the issues that should guide us if we find ourselves reaching the 2063 agenda because each bloc must work towards that agenda.

I would like to sincerely thank Hon. Speaker, the Office of the Clerk, and the Secretariat for the invariable support they have accorded my Committee when we were examining this Report, considering that this was the first time this Report of the Pan-African Parliament has been marked to my Committee. This is especially by the implementation of Standing Order 212 (2)(d) which states that the Committee shall examine the records of all the relevant debates and resolutions of the meetings of the Pan-African Parliament; the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies.

I also want to quote Article 3 of the protocol of the Pan-African Parliament which stipulates the objectives. I realised that because of my advocacy for Persons with Disabilities (PWDs) in their promotion of economic integration, they are speaking of ensuring the

representation of women and youth in decision-making. Our team, which represents us well, should also advocate for inclusive representation other than women and youth. This is because, when we speak about the two categories without using the general term for inclusivity, it means that we are excluding the PWDs from being stakeholders in the decision-making of the African Continent.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Wanjiku Muhia. Is the Leader of the Majority Party in the House? We will have Hon. Silvanus Osoro on behalf of the Leader of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon Temporary Speaker. The position of the Leader of the Majority Party will never be vacant at any given time. In the absence of the Leader of the Majority Party, the Office of the Majority Whip holds the fort.

PAPERS

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Budget Estimates for the FY 2023/2024 and Medium-Term for the National Government from the National Treasury which include:

1. FY 2023/2024 Programme-Based Budget.
2. FY 2023/2024 Estimates for Recurrent Expenditure - Volumes I and II.

The Temporary Speaker (Hon. Peter Kaluma): Hon Members, Hon. Silvanus Osoro is laying Papers on behalf of the Leader of the Majority Party. Chair, stay within and let the Leader of the Majority Party, through his delegate, lay the Paper. For this purpose, Hon. Osoro please proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon Temporary Speaker.

3. FY 2023/2024 Estimates of Development Expenditure - Volumes I, II and III.
4. List of Projects of the National Government of Kenya for the Financial Year ending 30th June 2024.
5. The Budget Summary for the Fiscal Year 2023/2024 and the supporting information.
6. Estimates of Revenue Grants and Loans of the Government of Kenya for the FY 2023/2024.
7. Financial Statement for the Fiscal Year 2023/2024.

(Hon. Kimani Ichung'wah walked into the chamber)

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Majority Whip. The Leader of the Majority Party has just stepped in. I would like to assure you that the Majority Whip has ably spoken on your behalf. Give the Leader of the Majority Party the microphone to say a word.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I was on a phone call in the room behind you. I would like to thank the Majority Whip because I saw him on television stepping in on my behalf.

I just want to take this opportunity to alert all Chairpersons of our Departmental Committees that their most important task is here and looking at the calendar of the House, we are expected to proceed with the long working recess. I emphasize working recess because it is a time when they embark on looking at the Annual Estimates that have just been tabled. I also ask them to kindly avail their time and lead from the front. We have asked many of them

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to put aside any trips during this long recess as it is a working recess and that, all the Departmental Chairpersons make themselves available because they will be meeting with their Ministries, Departments and Agencies (MDAs) for us to engage between the Chairpersons and the Budget and Appropriation Committee and have a report ready by the time we resume Parliament, hopefully, on the first Tuesday.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Leader of the Majority Party. I hope the Committee Chairpersons, both Departmental and Select Committees, have taken note. The Leader of the Majority Party ran in for a reason.

Give the microphone to Commissioner Patrick Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Temporary Speaker. On behalf of the Parliamentary Service Commission, I beg to lay the following Paper on the Table today:

Estimates of Recurrent and Development Expenditure of the Parliamentary Service Commission for the year ending 30th June 2024 and Projections for 2024/2025 – 2026, from the Parliamentary Service Commission.

I thank you.

(Resumption of Debate on Motion)

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Patrick Makau. Hon. Members, I ought to have formally indicated for the HANSARD that I interrupted the debate which was ongoing so that those Papers, due to their critical nature, are laid.

Hon. Wanjiku Muhia, it has also been brought to my attention that by error, we commenced the debate after seconding before proposing the Question. I, therefore, direct that the contributions of the debate already made by the Chair of the Committee will be expunged from record and to proceed to propose the Question for the House to formally debate.

(Question proposed)

Having expunged the previous proceedings, have your bite Hon. Chair.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Temporary Speaker. To err is human. I will briefly repeat myself by refreshing the memories of the Members of this House. This Report was tabled by a delegation that represented the National Assembly in PAP. As per Standing Order 212, the Committee on Regional Integration is mandated to examine all debates, reports and records of the EALA; the PAP; the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies. After this Report was tabled, it was marked to the Committee on Regional Integration for examination. For the record, the Report that I tabled yesterday is not the Report of the Kenya Delegation from the PAP, but the Report of the Committee on Regional Integration after the examination of the Report of the Delegation as per the Standing Order 212.

I want to share two to three observations that the Committee on Regional Integration made. Before I do that, it will be good to refresh Hon. Members' memories by indicating that PAP is a legislative body of the AU comprised of over 200 members from over 50 member States that have signed the protocol of the PAP. Its objective is to promote democracy and human rights; and to accelerate human capital, social development, and economic development. I mentioned that in Article 3 of the PAP Protocol, its main mandate is to promote the AU agenda. I had a disclaimer on that Article where it says that PAP should promote economic integration by ensuring representation of women and youth in the decision-making process. Going forward, I urge the team that represents us in South Africa to make a

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recommendation that in future, representation should be termed as inclusive so that it involves all groups, including persons living with disabilities.

Standing Order 212 was drafted to have such reports sent to the Committee on Regional Integration for examination because the Committee deals with regional integration matters extending to the whole of the African region. As such, the Committee can observe existing gaps and the bilateral talks that could be ongoing at the African continent level, which are fundamental to the East African Community (EAC) or other regional blocs.

During our deliberations in the Committee, we observed some gaps. For instance, we found in the Report of the Kenya Delegation that, the PAP had a Motion calling upon the AU to fast-track the peace and stability in the Democratic Republic of the Congo (DRC). The gap is that despite PAP's mandate being to make recommendations to the AU, its recommendations are not binding. As a Committee, that beats the logic. Why would PAP recommend that peace and stability be fast-tracked in DRC yet with its over 200 members representing five regional blocs, it cannot have a binding agreement on the Floor of its House? That is why it is important for such reports to be referred to us. That was one observation that we made. The Pan-African Parliament did well on that and it was timely. If the PAP was to sit today, I am sure it would have pointed out that the AU and the Intergovernmental Authority on Development (IGAD) should fast-track the peace and stability in the Republic of Sudan.

The Committee welcomed the idea that – and this comes from our experience of the PAP in 2021 – the leadership of AU recommended that the leadership of PAP be on rotational basis. I still remember the stalemate that was there. I mentioned that it is common for a stalemate to happen in any Parliament. For example, during the inception of this House, we struggled even when we could all count that the Kenya Kwanza Members were more than the other team and they were the majority. That was a stalemate. The 4th EALA was not able to elect a Speaker until a mediation happened in Arusha. So, it is normal for any Parliament to be in a stalemate. We should find a better way of handling the matter. The wisdom of the AU of rotational basis is welcome.

As a Committee, we urge the team that represents us in PAP to be clear on the terms of reference of the rotational leadership. Currently, we have 55-member States in the AU. If we go rotational without expunging the countries that have already had the leadership, it will take hundreds of years for other countries to have that leadership. Kenya may never lead in the next 200 years. So, the team that represents us must be clear on the terms of reference. They must see how they can deal with countries that have had the leadership. They must have a time frame. They can consider going alphabetically.

Finally, we also noted from the Report that the membership of PAP is to be elected on universal suffrage. The leadership is aiming to do away with getting PAP's membership from Parliaments. We feel as a Committee that, in future, the delegation that represents the PAP should emanate from the Committee on Regional Integration. Why do I say so? We are given a Report to interact with. However, if you interact with a paper, you cannot get a clarification. For instance, on the universal suffrage for the membership of PAP, the Committee had hundreds of questions seeking clarification. When we intended to call the Kenya Delegation to PAP to our Committee, we were limited by the Standing Orders. You cannot summon fellow Members to a committee unless you invite them as friends of the committee. If you invite them as friends of a committee, that will not be formal. Therefore, as a Committee, we find ourselves in difficulties when we are examining such reports.

We urge the leadership of the House to reconsider in future... We know those nominations are political and politically ...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanjiku, that is a very important point that you are making. Luckily, the Leader of the Majority Party of the House – not of the

majority side – and the Majority Whip are in the House. I wish that in as much as they are consulting – not to even consult in low tones – they heed the point that you are making.

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, I do not mind to repeat myself. I was expressing the need to interact with people. I stated that in future, the PAP membership should be drawn from the Committee on Regional Integration. When we have the PAP leadership proposing to have its membership through universal suffrage, as a Committee, we want to examine that more and have clarity on it. However, we cannot get that clarity from the papers of the Report. Noting that those nominations are political, the PAP Members can be elected in any way by any political party. However, the nominees should come from the Committee on Regional Integration so that when we are interacting, we can get further clarification from the team.

I mentioned the African Union Vision of 2063 that the men in this House would be glad to hear about. It is to drive Africa through African citizens by making ourselves Africa's key players internationally. This is be it in trade, economy or human rights. As such, this Report should be adopted by this House. It was examined by our Committee. We hope that we can do better in future.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Wanjiku Muhia. Hon. Nimrod Mbai, Member for Kitui East.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to speak to the Motion on Report of the proceedings of the First Ordinary Session of the Sixth Pan-African Parliament.

As the Chair has alluded, some things are very disturbing. It is very disturbing to note that some of the regulations or resolutions by the Pan-African Parliament are not binding, especially on restoration of peace in Africa, knowing the challenges that we have. They go beyond peace and reconciliation. The challenge of peace and reconciliation emanates from other serious challenges like the control of our natural resources and politics. If all these can get to the Floor of PAP and the resolutions are not binding, then it is a serious challenge. Something has to be done. For Africa to move to the next level, PAP needs to be empowered for its resolutions to be binding. This is the only body that can move Africa to the next level. Africa spends too much on peace and reconciliation related issues. As we speak, our country sent our Kenya Defence Forces (KDF) to several countries on our Budget and also from our development partners. Such costs are a burden in our Budget. The institutions which make the decisions have no authority to make binding resolutions. These resources go to the drain for no good reason.

We also need to move to the next level of discussion, in terms of Africa being one market without all these challenges of our goods and people crossing borders while doing business. There is also the issue of one currency for our continent. The United States of America (USA) Dollar is very strong. This is because we have small units of African countries with their small currencies which cannot stand the weight of the dollar which is a currency across several states. If Africa has one currency, the economies of African countries would be strong. This can be midwived by PAP. The West, out of neo-colonialism, will not be happy with our PAP having binding resolutions. So, this is one of the ways of African countries to unchain ourselves from the bondage of our colonialists, move our continent to the next level and leave a better continent for our children. I really recommend or commend the Committee for the observations. I wish that this House and other houses in Africa can follow up the regulations and treaties to make the resolutions of PAP binding.

With those few remarks, I beg to support the Motion. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gideon Mulyungi, Member for Mwingi Central.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this Motion.

Like my colleague, I am equally perturbed because PAP has no teeth to bite. It is toothless. It appears to be a social club. We send Members there to enjoy themselves and nothing comes out of it which can be binding for Africa. Therefore, it is high time that we relooked at that parliament, including the East African Legislative Assembly (EALA). I also do not know what EALA does for Kenya and Members of the East African Community (EAC). We recall the late Muammar Gaddafi who had a vision for Africa; the unity of Africa or the United States of Africa. Maybe, that is the direction we should move, so that we become a superpower like USA, United Kingdom (UK) and the European Union (EU). The PAP should work towards African unity and one currency which can be strong as the Sterling Pound, Euro and USA Dollar, so that it is comparable. When each country within Africa closes itself in its cocoons, then there is a problem.

I support these observations that we get more serious and maybe consider the Members we send to PAP to be from the membership of the Committee or the Chairperson who has moved this Report. Therefore, I support the Motion. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Hon. Beatrice Elachi, Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support this Report. We examined it based on how the Chair has moved it.

If you look at PAP, I believe we, as Africans, had desires at that time to go back to what our fathers started in terms of pan-africanism. The PAP was supposed to help us intervene, in terms of protecting the rights of the African member states, deepening our relationships and bringing relevance in terms of the many struggles that we have, especially poverty. Look at PAP, AU and the things that are happening now. First of all, we just need to look at the wealth of the African continent. I hope that Members who go to PAP can critique and look at the key issues that affect Africa and their different member states. We believed that we would have economic growth. This is the Parliament that came in when we looked at the European Parliament, and we felt that interregional relations would be there. As we talk of the robust 2063 where we are talking about the African economies, growth, development and leading in transformation, I believe it should start now. This Parliament is supposed to look at the heads of member states and question some of the issues that are happening. If we want to see Africa's Gross Domestic Product (GDP) go up, we have to work on our agriculture, tourism, the blue economy, and effects of climate change.

As my fellow colleagues have said, it is important that those who are appointed to such delegations by our Parliament table reports that touch on issues affecting the different member-states. What are the challenges that they are facing? Sudan is currently in a crisis. If we were serious, the Pan-African Parliament should have called for a sitting to talk about Sudan. We cannot just lose a whole country where things are going haywire. It is the same in the DRC. The African Union should address this.

There are issues of peace and security across Africa, including Kenya where we have bandits and other security threats. In terms of regional integration and understanding different parliaments, we can have different resolutions. For example, the Pan-African Parliament can recommend imposing sanctions on countries. It can inform the AU that it does not want to hear about violence and chaos in Sudan or any other country. We usually ask foreigners to take action and impose sanctions, but what about Africans themselves? The Pan-African Parliament should sanction these countries and ask them to stop engaging in some of these things.

As much as *Mheshimiwa* says that Members who represent us at the Pan-African Parliament do not have “teeth”, they must create “teeth”. They are politicians who should create those “teeth” and start questioning heads of state. The AU cannot just sit back and do nothing while a country is going to the dogs, just because it is an internal affair that they cannot interfere in. The European Parliament is interfering in the Russia-Ukraine war. Why can the African Continent not safeguard its own? We saw Libya go down. We saw how the Arab Spring took many countries down. We cannot allow Sudan to go down without a fight. At the end of the day, Sudan’s instability affects all countries within the region. We now have to start pushing the Pan-African Parliament to come up with clear recommendations on issuing sanctions on a country. They should not just give us recommendations on how they have gone through resolutions, which is their normal work.

I was expecting the Report to touch on the devastation in Malawi due to effects of climate change. Some of the resolutions that the AU gave the Pan-African Parliament were to look at how we can mitigate climate change. But I have not heard the Pan-African Parliament say that they visited Malawi to see what happened. Malawi is not an island; it is landlocked. Malawi lost more than 500 people due to the effects of climate change. It was important for Members of the Pan-African Parliament to visit Malawi. We need to see results when we send our Members to the Pan-African Parliament, not just as Kenyans, but also for other countries represented.

The African Continent is very rich, yet television stations like *Aljazeera* and *CNN* just showcase miserable faces to the world out there because of poverty and hunger. Members who represent us at the Pan-African Parliament should do a good job. We are not accusing them. As a politician, you cannot go home, find a vacuum, and not fill it. If there is a vacuum in terms of various issues, the Pan-African Parliament should be in a position to fill it. They cannot lack issues to debate, resolve or report on, because there are many issues in Africa. They should come up with binding resolutions such that, they can stand firm before the AU, own their report and ask to see a few changes.

The youth are willing, committed and inspired, to see the changes that we are talking about in Resolution 2063. We also see the commitment of citizens in the diaspora in terms of how much they remit back home, not just in Kenya, but in other countries.

As I finalise, we want to see a vibrant Pan-African Parliament. The Sixth Pan-African Parliament should be vibrant and come up with better resolutions. They should table a Report that we can hand over to the President and ask him to articulate various issues when he goes to the AU. Other Members from other states should also do the same. In that way, we will see the importance of this Parliament.

Going forward, we want Members of the Pan-African Parliament to be elected and supported fully. It is now time for this House to ratify Members of the EALA, so that they are part of the Parliamentary Service Commission (PSC). I have no idea why we go through that long process, only for them to now come to Parliament through ministries. You may have realised that this House has the highest number of representatives to the EALA. Therefore, it is important to ensure that we ratify them and allow them to be part of this House. That includes their remuneration and other benefits.

Africa can transform the world. If we had tapped on the challenges that Ukraine is facing, Africa would now be planting wheat and other crops that Ukraine is known for. But because of our different boundaries and trade barriers, we are unable to do so. I wish the Pan-African Parliament could push for all member-states to open their boundaries before the end of the year, so that we have free trade within Africa. That way, we shall open up, build back our economies, and fight the challenges that we have faced post the COVID-19 pandemic. We shall experience growth and provide employment for many.

With those remarks, I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Beatrice Elachi, for those informative contributions. The Whip of the Majority Party, and Member for South Mugirango, Hon. Silvanus Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker.

It is very ironic that Africa is a rich continent. It is a continent that other parts of the world envy and wish to be in. But our way of organisation sometimes confuses everyone, even ourselves. We do not know how to organise and plan our own continent. That is why some people take advantage of us.

The Report of the Pan-African Parliament is good and I support it. But it is sad that everything that is proposed by the Pan-African Parliament can only be termed as – for lack of a better word – “hot air”. It is sad that the Pan-African Parliament can only recommend action. This is a body that is well-constituted and funded by taxpayers of different member-states, but whatever they propose remains as such – a mere proposal that cannot be effected. It is very sad sometimes when you see our neighbours fighting across the continent and there is nothing the Pan-African Parliament can do, other than make proposals.

The Pan-African Parliament held its first meeting in South Africa in 2005. Over the years, they meet about two or three times a year. They have been holding meetings over the years since 2005. We are now in 2023. You can imagine, we are talking about over 15 years of people meeting. Practically, 18 years of people holding meetings and making recommendations of what ought to be done but it is not effected because those are mere proposals.

The Committee’s Report is very good and juicy to read and we support it entirely, but if there is need to go through the constitutive Act of the African Union that proposed that the election of the Pan African Parliament Members be done through the universal suffrage and also proposed, at that point, that the respective countries be barred from having sitting members of the National legislators to be part of PAP, so be it. This will enable us have a legislative body that can bite. Making recommendations about peace in DRC but not being effected is immaterial.

In fact, the only thing that at times this legislative body focuses on is rotational leadership. This is something this Committee proposed that they do rotational leadership, come up with a matrix in terms of how they can rotate, set up the alphabetical structure or otherwise and how to choose the rotational structure, for example, today Kenya and tomorrow Uganda. In the rotational leadership, Kenya falls under letter K. So, through rotational leadership and alphabetical order, Kenya will achieve the leadership position under that angle of rotational after 200 years when you and I will not be there. This is very sad. That proposal should not be admitted.

We should use the criteria of competing economies so as to establish which country holds a better economy so that people work for it. Those that control the economy and those that are able to go to the level that can amount to quality economy could get that opportunity to lead. But talking about alphabetical order and such things will really mess us. There are other countries that have served previously in such leadership and should not get such opportunities to lead.

Hon. Temporary Speaker, there is also the issue of concern. It is sad that PAP only gets concerned about the challenges in DRC but what happens after that concern? They make proposals that there is need to have peace in DRC, but again, they cannot bite. That concern just ends within that House. It ends within the meetings. It is really sad that innocent children, mothers and fathers are dying in DRC but there is nothing that the member states can do other than calling for the immediate end of the conflict.

There is the issue of women empowerment and their inclusion in governance. Again, this is a proposal. Some of the member states that made the proposal are known to suffocate women

in leadership but they proposed such a recommendation in the PAP. It is quite ironical because there are countries that are known to suffocate women in leadership. They also proposed matters to do with women rights which, in my opinion, cannot be practical when they are proposed by quarters that are known not to respect women in leadership.

All said and done, there is need for African countries to review their treaties and engagements. We are a continent that is very small but very rich. If we decide to join hands and create a common ground in terms of our engagements, we can form a very enviable continent.

The USA is a very big country. It takes eight hours to fly from Texas to Seattle Washington but it is regarded as one country and people are able to engage from the member states. They have been able to turn such a huge populous country into one very small global village. There is need for African countries to review and stop unnecessary fear amongst the member states. The fear of the unknown and people trying to fight to remain in leadership throughout their lives. The PAP member states have leaders that do not want to change and do not want to review their own laws. Some want to remain in power forever. They believe that they enjoy the monopoly of leadership and that is why they do not believe that somebody else can take over the leadership. It is sad that at times as Africans we cannot reason together and come up with a common currency. Those are some of the things that PAP should be thinking about.

If it needs us to suffrage the membership as far as the nominees are concerned so that they can have quality time to legislate and come up with laws that can put this continent together, so be it. Unfortunately, we do not want to agree that as a continent we are too few and the member states can come together and form a common ground so that we become a continent that can reason together.

It is sad that a student leaves Uganda and comes to Kenya and pays school fees as an international student yet Uganda is just here but a student leaves Texas for Seattle Washington, eight hours apart, and is able to study there comfortably.

Hon. Temporary Speaker, with those very many remarks, I support the Report. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Silvanus Osoro, were you rushing against time or you are done? Because of your status, I could add you a few minutes.

Hon. Silvanus Osoro (South Mugirango, UDA): Please add me three minutes.

The Temporary Speaker (Hon. Peter Kaluma): I add Hon. Silvanus Osoro three minutes and he will be followed by Hon. Irene Mayaka and the others who have requested to speak in that order like Hon. Muthoni who has been waiting to speak.

Proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much Hon. Temporary Speaker for adding me time.

It is sad that a student on a one-and-a-half hours' flight from Uganda to Kenya or from Rwanda to Kenya pays school fees at Kenyatta University or the University of Nairobi as a student from USA and students from other places like Asia would pay. This is because they are regarded as international students. This is the case and yet this is a person with the same skin colour as we do; a person who covers just one-and-a-half-hours' flight distance. It is very sad. It is not something that we should be talking about in this time and era.

That is why I am saying that from 2005, when PAP had the inaugural legislative assembly, by now they should have made inroads and would have made recommendations that are workable. It is important for the member states to support the PAP in order to empower them to come up with possible treaties that can make the recommendations of PAP binding and legislative in nature, because as they are, they are merely recommendations. Even if they make recommendations for the students, it would not help because as it is right now, the entire body

is a toothless dog *per se*. It is a body that just meets to share ideas and proposals, possibly network and go home. That is not how Africans should be thinking as we speak now because we have come of age, we are a rich continent and we can reason together. It pains me that we all leave Africa to conduct research elsewhere. Our students leave Africa to go and conduct research in USA, Asia and other far countries. Why can we not get to a level where students from USA and Asia come to the University of Nairobi to conduct research? We can also have research centres. The reason is we do not want to reason together. This explains our circumstances now.

In conclusion, PAP should be empowered. It should think outside the box or even throw the box away. The PAP should come up with treaties that are more binding instead of mere recommendations and suggestions.

Hon. Temporary Speaker, with those many remarks, I beg to support the Report. Thank you for the additional time.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka, Nominated Member of Parliament.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I also rise to support this Report. I would also like to make additional remarks just to enrich the debate and to ensure that our Pan African parliamentarians representatives work well.

I am speaking from the background of being the Vice-President of the East African Region for Africa Liberal Network (ALN), and on behalf of my political party. This is one of the forums where we have discussions with other political parties not only from East Africa but also from Northern Africa, Southern Africa, Central Africa and Western Africa. One of the things that has really helped us— which would enrich the PAP— is that we table and discuss issues that directly affect our countries. A case in point is the crisis in South Sudan. I agree with my colleagues who have said that PAP should have been recalled to give its comments on this issue that is affecting people. As at today, in South Sudan, citizens from other countries are being beaten up. This is an issue that is making Africa look bad and we need to have our voice in it.

The Temporary Speaker (Hon. Peter Kaluma): Did you say the Republic of Sudan or South Sudan?

Hon. Irene Mayaka (Nominated, ODM): My apologies, South Sudan.

Some of the issues that I would have loved to see from this Report are, for example, the ongoing war in Ukraine and the effects it has had in Africa. African countries have been some of the biggest beneficiaries of imports like wheat and oil from Ukraine. As a result of the war, we have prices of food commodities in most African countries going up. This should be a wake-up call for us. Can our representatives in the PAP have discussions on how we can come up with solutions that can help us in Africa? For example, why do we have to import too much wheat all the way from Ukraine yet we have African countries that have good soils and weather that can produce wheat? These are some of the wake-up calls that we need to start thinking about as Africans. Can we find African solutions to African problems so that we do not have to go to the West or the East for help? Yes, we can find solutions within ourselves.

The other day, our President and the South African President signed an agreement that allows Kenyans and South Africans to travel to each other's country without visas for 90 days. This has enabled many citizens from these two countries to travel for tourism and trade. Instead of people going all the way to Dubai for holiday, they are now considering Cape Town, Mombasa and Diani. These are some of the things that we should encourage. Kenya Airways (KQ) now has four flights daily to Johannesburg and Cape Town. This is because we have enabled people to travel without too many stringent requirements. The PAP should push for us to have a free tariff for African travel so that more people can travel to different African

countries without too many visa restrictions. People can identify opportunities in different countries within Africa.

I have seen a lot of emphasis on the Report on what the PAP wants to do with women. Sadly, I have not seen anything about the youth. We keep forgetting that the youth in Africa are the leaders of tomorrow, if not today. If we are not having succession plans and engagements for the young people in Africa together, then we are not opening up that space enough for them. I will cite an example of what Christopher Khaemba, the founder of Nova Pioneer in Kenya, is doing. We have a similar structure of Nova Pioneer in South Africa and Botswana. The students have exchange programmes across these three countries. Our Kenyan students go to these other countries for exchange programmes and the other way round. These students are able to see that there are things beyond Kenya that they can learn, even though they are still going through the Kenyan education system.

If possible, PAP should widen the scope of the things they engage in. They should also become visible. We want to hear the voice of our Pan-African Parliamentarians every time there is a crisis happening in Africa. We want to hear their voice on issues like trade. We want them to advise and drive policy issues that can help Africa.

In conclusion, we should be proud of who we are as Africans. The Chairperson of the Budget and Appropriations Committee likes to say, 'Africa is our business.' Africa should be our business not only in terms of exchange of cultural practices and trade. We must also speak on behalf of Africa and encourage people from other continents to come see and trade with Africa not only considering us as a tourism attraction but also as enlightened people. This can only happen if we realise the potential that we have within our continent that we need to leverage on.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Irene Mayaka. I cannot see Hon. Dorothy Ikiara. Give Hon. Dorothy Ikiara the microphone.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute on this important Report. It is worth noting that Africa belongs to us and our problems will be resolved by none other than ourselves. I strongly support this Report that has been tabled by Hon. Wanjiku Muhia, the Chairperson of the Regional Integration Committee.

Kenya has representatives in the PAP. Out of the 52 countries that sit in that Parliament, our voice is heard there. First, it is key that we appreciate ourselves as Africans. We can only move forward if we are accountable and transparent in whatever we do. Accountability and transparency are very key aspects. In most cases when people sit together, some hide their cards under the table, and this is why when they sit at the Pan-African Parliament to pass laws and treaties, some of the members defer the same because they do not want unity in Africa. It is very key for us to note that the European countries are somehow united because they use one currency and trade across countries like the United States of America. They also have a Constitution that guides and governs them. However, in Africa, we have issues like mistrust and some African countries are not comfortable because they feel they are lagging behind. Our strength will only be drawn when we come together.

I want to underscore the fact that the African continent is right now threatened because of lack of peace. As African leaders, it is our responsibility to ensure that peace and stability are achieved in all the countries. It is very sad to read about the warring factions in the Democratic Republic of Congo and Sudan. The Pan-African Parliament sits to give orders for peace, but when these warring factions go back to their countries, no action is taken.

I want to strongly support this Report from Hon. Wanjiku. I want to urge her to work closely with those who are serving in the Pan-African Parliament so that they can harmonise the issues touching on our region with those touching on the African continent.

It is also worth noting that women issues, whether in Kenya or Uganda, touch across board. I take cognizance of the fact that some African countries have not integrated women into their governance system. I want to thank our Kenyan people because we have a huge number of women serving in this Parliament, either at the constituency or at the county level. It is upon us and the Members who sit in the Pan-African Parliament to ensure that the countries that have not embraced women leadership do so at the earliest opportunity.

As I conclude...

(Hon. Rahab Mukami crossed the Floor without bowing to the Chair)

The Temporary Speaker (Hon. Peter Kaluma): Order! Who is this Member crossing the Floor to talk to Hon. Millie and is pulled by Hon. Osoro?

(Hon. Silvanus Osoro spoke off the record)

Could the Member do what we do in the House in terms of crossing the aisles? Just go up to there and do the right thing.

(Hon. Rahab Mukami went to the Bar and bowed to the Chair)

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. As I conclude, I want to say that Africa is a very rich continent and has relatively accommodative climate and for this reason, we must not lose it to anyone. It is important to know that the countries in the West will always want to see African countries warring and without harmony so that they can come in and claim to broker peace.

Hon. Temporary Speaker, we cannot be sure whether their coming in is to broker peace or colonise the African countries once again. Therefore, I support this very important Motion brought to the House and say, it is time for Africans to stand and be counted.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Omboko Milemba, Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you Hon. Temporary Speaker. I stand to congratulate the Hon. Member for bringing this Report to the House. The Pan-African Parliament was a great mind and great thinking by the leaders who envisaged that we should have an African bloc in place to make resolutions that empower African independent states. This is especially when negotiating at the international front, making a push to realise any benefit and defending the rights both economic and social or other forms of rights of the people.

The Pan African Parliament must be closely related to the history of Pan-Africanism which had the leaders who fought for African independence like Kwame Nkrumah, Jomo Kenyatta and others as founder members. This movement has a very long history emanating from the black Americans living in America like W.E.B. Du Bois and many others who fronted the idea that Africa must be a proud nation with proud countries and independent minds pushing their policy independently without influence of the Europeans.

At that time, they were also inspired by the euro-centric scholars who had defined Africa as the dark continent. The other day I saw a Member of Parliament speaking about this. There was a historian by the name William Trevor Rooper who when asked whether there was anything in Africa he said: 'there is nothing in Africa'. This is because for him it was just darkness. So, when the first Pan-Africanists came up within the continent, their first business was to establish the independence of African states, which they did.

They later on created the Organisation of African Union, which unfortunately did not pick up very strongly. I long for those days when we had the A-Level system of education and in history, we would get a question of 50 marks stating that the Organisation of African Union is a dog that is sleeping without teeth to bite. Later on, the creation of the Pan African Parliament was supposed to bring the African member states to a level of having a stronger negotiating voice with other continents and powers not only limited to rights which I have seen as a recommendation but also economic decisions like trading rights, economic blocs, currency and other things that would make the continent very strong.

I think the trials by the late Libyan leader to form the African Union was a very serious step to try and strengthen Pan-Africanism. Therefore, I welcome PAP but it has a lot to do in terms of making Africa to be a strong bloc. Somewhere in this Report, I realised the Committee had a feeling that to strengthen this Parliament, we possibly need to have representatives who sit in the regional bloc like the East African Legislative Assembly based in Arusha, as Members of Pan African Parliament. That would completely lose the spirit of the Pan African Parliament as intended from the history of Pan-Africanism. The Pan African Parliament is supposed to have representation from the member states, and if there are regional issues that need to be negotiated, they can network among the member states like the eastern region – those Member States in the East African Community, or for economic matters, the economic body that we used to call the Economic Community of West African States (ECOWAS) in West Africa could do the same through their own regional body. So, they would network within their regional body so that they have their point firmly put in place. Let representation come from each member state because that is where the Pan African Parliament sits and is respected as a Parliament sitting for African nations not with regional representation but as member states representing the interests of their countries. I wish to reiterate that it is very important that the representation is directly from the member states.

(Hon. Gideon Mulyungi crossed the Floor without bowing to the Chair)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Omboko Milemba. Hon. Mulyungi, where did you come from to this side? We cannot give our new Members habits other than those prescribed in the Standing Orders.

It is up to the other end. You do not cross as you go.

(Laughter)

Proceed, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker, for maintaining good order within the House. If we do not do that, then we shall lose the House in terms of its respect.

Hon. Temporary Speaker, I was saying that the Pan African Parliament has a lot of work to do. On the issue of labour, it has to legislate quickly to make sure there are agreements that will allow free movement of labour from one state to another and even go further to legislate within their different regions to allow free movement of labour without many tariffs and work permits which are making it difficult for labour to move among the neighbouring states like Kenya, Uganda and Tanzania. That is urgent because one big resource the African nations still enjoy is human resource and labour. Multinational companies always come to Africa because there is cheap labour. The cheap labour is available for foreigners but not for the African states themselves because there are too many barriers that limit transfer of labour from one country to another.

We cannot fail to mention the issue of currency. In fact, this is where the rubber will finally meet the road. If it can legislate so that we have a common currency between or among the African states even if we were to begin with a few, we would solve the problem of scarcity of the dollar. Yesterday, when the Prime Cabinet Secretary was addressing this Parliament, he severally talked about how our dollar stocks are diminishing and he is worried about dollar stocks. It is because the dollar is used by many states which form what is called the United States of America. Therefore, it is a very strong currency. So, if they bring a common African currency, it can be used to negotiate loans. Imagine the depreciation the Kenya Shilling has now had against the dollar, and that has made us pay almost double what we would have paid as foreign debt. A common currency could strengthen the African region.

Finally, even though I have seen the red light, the political legislation in this Parliament must be serious. This will help us have leadership that is democratic and one that can respect constitutions of their own countries. Countries that do not respect their own constitutions can even be kicked out of this Parliament and the organization. Politics and the inability of these countries to respect their own constitutions is hurting Africa the most. If you look at the happenings in the Republic of Sudan...

The Temporary Speaker (Hon. Peter Kaluma): Is that the manner you wanted to conclude, Hon. Omboko?

(Hon. Omboko spoke off the record)

I will add you one minute to conclude.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Speaker, in my one minute, I must say that they must legislate on the politics of Africa. This will ensure democracies and rights are upheld and presidents and leaders respect the constitutions of their own countries. This will enable Africa to be peaceful. Once we are peaceful, we shall grow strong economically, socially, and on the international front when we negotiate for our interests.

Hon. Temporary Speaker, with those few remarks, I thank you for adding me that one minute.

The Temporary Speaker (Hon. Peter Kaluma): I want to interrupt debate for a short while to allow the Leader of the Majority Party lay a Paper.

Hon. Millie, as a former Member of the Pan African Parliament, prepare to make your contributions.

The Leader of the Majority Party.

PAPER

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for your indulgence. I beg to lay the following Paper on the Table of the House:

The National Tax Policy from the National Treasury and Economic Planning.

Thank you, Hon. Temporary Speaker. I also take this opportunity to welcome Hon. Millie to the House at her usual time.

(Laughter)

(Resumption of Debate on the Motion)

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Leader of the Majority Party. Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I also want to thank Hon. Ichung'wah for welcoming me at my usual time when we actually do serious business. I do not normally come when people are doing the Any Other Business (AOB). It is only in the Parliament of Kenya where we start with AOB, and then deal with the business of the day much later. Therefore, as a lawyer by training, I know the right time to come in. I know this is the time when we do business. Beyond that, he was my former Chairman in the Budget and Appropriations Committee (BAC). As the Leader of the Majority Party, he must know that BAC is sitting the whole day. I am a very committed Member of the House since I have sat the whole day, but still had time to be here.

Having said that, let me take this opportunity to support the Report by the Head of the Delegation of the Pan-African Parliament, Hon. Mukami, on the proceedings of the First Ordinary Session of the Sixth Pan African Parliament.

Hon. Temporary Speaker, as you have said, I am a former Member of the Pan African Parliament. Therefore, I understand a bit of the proceedings. I have seen that the Report on the main plenary focuses a lot on the issue of conflict and unconstitutional regime changes in Africa. It makes very serious recommendations; including early warning. As a continent, it is important to check on what bedevils us, and why these changes are becoming very common. We might be slackening on the issue of governance and that could be one of the things that we need to check as a continent.

The Report also talks about the need for continued election monitoring in countries where there is election monitoring. Courtesy of the Pan African Parliament, I had an opportunity to monitor elections in a few countries. I noticed that one of the things that causes these conflicts is Africans' late reaction to changes.

For instance, when I was in Zambia for election monitoring, everything looked okay. This is because of the kind of questionnaire that you are given for monitoring. The questionnaire assesses things like; what time did people start the election? Was there violence and did people have a chance to vote uninterrupted? But that is not how elections are rigged in Africa anymore. Elections are rigged digitally and there is no system to monitor digital stealing of elections. Until in Africa, we reach a point where we are able to monitor digital rigging of elections, we will still have challenges as a continent. Therefore, I want to urge the Pan African Parliament the next time they are talking about this, they should look at how we can confront the issue of digitisation of elections because that is where the problem is.

The problem is no longer about whether people... I was in Ghana, people voted very well and there was no issue. Usually, there is an issue of post-election of transmission of elections. So, this is where we should look at and how to monitor a digitised system of elections. I am very disappointed with the development partners who were here 40 or 60 years ago, when we did not have digitised systems. They look at the way people walk in and vote but not how we can monitor the transmitted results.

Hon. Temporary Speaker, I can tell you as a matter of fact that I won by a very huge margin, but still part of my election was rigged. I only left because I beat my opponent by a very big margin. So, I did not want to go on about it. I have written in my book *Rig or be Rigged* that this is one of the things bedevilling our country and continent. Until we deal with it we can attend every conference and meeting but we will not solve our problems in Africa.

The other issue is I want to thank the Pan African Parliament for dealing with women's rights especially focussing on the Maputo Protocol. I know Kenya is a party to this protocol which talks very strongly on the issue of reproductive rights of women. Unfortunately, in this country when our religious sector hears the word 'reproduction' you would think it is worse than the case that happened in Kilifi. That it is more sin to talk about reproduction yet, people are reproducing including pastors. I do not know why reproduction is a sin? I want to encourage

the religious leaders to know that reproduction is not a sin. I will be bringing a Bill called Family Reproductive Health Care Bill. When you see it, do not be on the defensive.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, did you forget I am your uncle?

(Laughter)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you my uncle, Hon. Temporary Speaker. It is true, everybody reproduces including pastors. The only people I know who do not reproduce are in the Catholic Church because they have committed themselves to serve God, although, some reproduce because sin is all over the world. So, you find people who are committed to serving the Lord sometimes being swayed to reproduce. I want to encourage that when I finally bring the Family Reproductive Health Care Bill, let us look at it soberly because we are facing very many difficulties and challenges as women and men.

I have said it here before that we have men suffering infertility and erectile issues but we do not talk about them. In fact, my Kalenjin brothers have a term ‘*Kipkar*’ which means things people do not talk about. These are things said in the bedroom and dark yet, they are the ones that affect us the most.

So, I want to thank the Pan African Parliament for raising this issue. The only challenge I saw in the Pan African Parliament, and that is why I was not very persuaded to go back is I am a person who is very output or results oriented. The Pan African Parliament does not have legislative authority, so we have model laws or Reports of the Parliament. If you look at the one presented here, it has come as a Report of a conference or workshop. Yesterday, we were passing the three conventions relating to children and once we pass them, they become binding to the country. The Report of the Pan African Parliament is more persuasive and not binding. One of the things I raised when I was there is the need to give that Parliament legislative authority.

Let us see what the European Parliament does or other regional Parliaments. In Africa we keep saying we have problems because the African Union is still holding on to some residues of power. It does not want to let go of the legislative power to PAP. Let it let go that power to PAP, so that there is an executive arm sitting at the AU headquarters and a legislative arm sitting in Midrand. There is a suggestion to establish a criminal court in Africa that can deal with our issues in Africa. Let us establish it once we have given the legislative arm the teeth to bite.

Finally, I encourage Hon. Rahab Mukami. I presume you are the head of delegation. There are some challenges I have seen which I am not going to say. We can consult outside. You need to propose an amendment to the Standing Orders so that as a delegation you are recognised specifically and you can table your reports without the back and forth that I have seen before. I support. Thank you for doing even a better job than we did when we were at PAP.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Millie. Hon. Kamande Mwafrika.

Hon. Augustine Mwafrika (Roysambu, UDA): Thank you, Hon. Temporary Speaker, for this glorious opportunity to add my voice in support of this Report. When I was in school, we used to learn that in Africa there were only two developed countries: South Africa and Egypt. Today I am told there are about five. I wonder when there shall be 10 or 20 developed countries. We can grow to those numbers when African countries are stable and there is peace.

The PAP should be given teeth to bite. There is a difference between a watchman who watches thieves coming and calls the employer to inform him and the one who acts by enforcing

security. The PAP is supposed to be given more powers, probably even to summon political leaders creating conflict and violence in African countries.

We are sad right now as Africans and leaders. We are looking at what is happening in South Sudan. What has been gained for the last 10 years in South Sudan is now going to the drain. It is very sad. If PAP is given more power and we have confidence in it, it can stop all political conflicts within Africa as a continent.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mwafrika, do you need any information from the Whip of the Majority Party?

Hon. Kamande Mwafrika (Roysambu, UDA): I do not need if it is a point of order.

The Temporary Speaker (Hon. Peter Kaluma): It is not a point of order. For a point of information, if you do not need the information, it cannot be given. So, the question again is: Do you need information from the Whip of the Majority Party or not?

Hon. Kamande Mwafrika (Roysambu, UDA): I do not need it.

The Temporary Speaker (Hon. Peter Kaluma): Proceed.

Hon. Kamande Mwafrika (Roysambu, UDA): Hon. Temporary Speaker, we have a lot of confidence in this court. Developed countries have been coming up with some conventions and treaties. For example, most developed countries are not members of the Rome Statute, but they tell Africans that it is good for us.

This afternoon, we dropped a Motion about conventions and treaties. I wish it had emanated from the Pan African Parliament because we know it could have considered African culture. I wish to reiterate that we have confidence in this Parliament and we recommend that it be given more power.

Thank you. I support.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute on this important Report. I thank the Committee Members for the very good job they have done. This is very important.

The Pan African Parliament needs a lot of support because this is a very good platform where, as Africans, we can take pride in our continent. We need to discuss the issues affecting our continent. What is happening in Africa needs a lot of coming together to discuss issues affecting our continent. For example, we are affected by climate change. It is high time we came together to discuss what we can do to contribute to our climate and what we can do to avoid global warming. These are some of the issues to be discussed by the Pan African Parliament. We need to support them.

The Ukraine war has affected Africa. We need to sit down as a continent and discuss how to come up with a solution and avoid some of the things happening in our continent. When there is war, the economy is affected. Africa feeds the West and other continents but because we do not have unity, we are sometimes misused by the West. It is high time we supported PAP.

If we come together, discuss and agree on the issue of travel, we will open our borders and allow our children to travel without visas to gain knowledge without hinderance. I remember, three years ago, I was approached by one of my constituents whose daughter wanted to go to South Africa to further her studies but getting a visa was a challenge to them. If we come together, as a continent and agree to work together and open our borders, it will help our youth and promote education in the continent.

Technology has made the world a global village. We have brains in Africa and good doctors come from Africa. It is high time we brought them together. We can discuss and pass a law in this House which can allow a Kenyan to go to South Africa without many documents to get employment. That will also contribute to the economy of Africa. I thank the Committee.

I support it. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joshua Mwalyo, the Member of Parliament for Masinga.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you very much, Hon. Temporary Speaker. I support the Report of the Committee and for the work well done.

As Africans, we need this Pan African Parliament because this is where we can air our views as a continent and be able to know how each country is fairing in terms of economy and peace. African countries are very rich in knowledge and resources. We need to pass laws that can protect these resources from being siphoned out of this continent by foreigners. If you go to gold mines, you will find that foreign countries and their big companies are the ones mining while we Africans are only employed there. We need to come together, bring our resources together, and form mining companies that can mine gas. Two or three countries can form a big bloc that can do big business rather than leave everything to be shipped to other countries. In Kwale, titanium is mined by Italians who are shipping everything to Italy and paying us whatever premium they feel like paying.

We need this PanAfrican Parliament to make laws that empower Africans so that we are able to trade. We also need to be talking together as African countries and people. We need this Parliament to pass laws that will enable our presidents to come together and speak in one voice as brothers and neighbours and stop quarrelling. By not doing that, we are taking back all the progress we have achieved. We need the Pan African Parliament to make good laws for our progress and prosperity. We need free cross-border movement. I should be able to move to Nigeria without a visa, buy goods and bring them here for sale. Currently, even doing business in our neighbouring Tanzania faces a lot of barriers. This Pan African Parliament should pass laws that are attractive and favourable to businesspeople. That is what I want us to do as Africans because we are one.

(Hon. Silvanus Osoro laughed)

Majority Whip, why are you laughing at me?

The laws passed by PAP should be respected by member states so that they can be fulfilled in the way they are passed. You can pass a law but then it is never implemented. We need implementation of the good laws while we leave out the bad laws.

Let me stop there so that other Members can contribute. Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Member for Kisumu East, Hon. Shakeel Shabbir.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. I acknowledge and note the Report on PAP. It raises a lot of concerns and good points. I am not a black African. I am a brown African, as my friend says. Since the early 20th Century, African countries have had the vision to become the Pan-African States of Africa. Gaddafi tried. The Egyptian leader Abdel Nasser tried. Lumumba tried. Nkrumah tried. The vision is excellent. The implementation is not. Vision without implementation is hallucination. There is the AU organ in Addis Ababa, there is PAP, there is ECOWAS and there are very many others. I have been to PAP, not as a participant but as an observer. I wonder whether it is a talk shop. Members do not make laws, as my colleague said. It is more of a conference where people talk. The biggest problem they have is the difference between Francophone, Anglophone and Spanish. If Africans are going to be split between Anglophone, Francophone and Spanish, that is irrelevant. They are all Africans and we were all colonised.

The aim of AU and PAP is to bring parliamentarians together so that they can form a body of understanding. They should understand what Kenya, Uganda, Botswana, Mauritania and South Sudan are about. The fact that we have not seen a comment from PAP on South

Sudan and yet the country is falling into disarray is sad. Now the Republic of Sudan and Ethiopia are warring. Arab States and Israel are watching how Sudan is disintegrating. I have not seen one comment from PAP or the AU. It is sad. The PAP should get its act together. It should no longer be a group of parliamentarians, each with sovereignty, who go to South Africa and sit for two weeks every set period. We want to see results. We want to see PAP helping in certain areas such as advancing pan-africanism and resolving issues of sea boundaries. Why do we have to go to other people when we have PAP that should tell us where the boundary of Kenya and Somalia is? Why can we not discuss that? Why can we not discuss other issues, whether it is about Sudan or the Nile Treaty?

We did not draw up the Nile Treaty but it was done by Europeans. My constituency is flooded at this moment because we are unable to desilt our rivers. We are unable to construct channels and dams because it is against the Nile Treaty. Those are the issues that the Pan African Parliament must look at. I was shocked and horrified one time. There was a group of people who called themselves African chiefs who went to meet Mr. Gaddafi. Among them was the biggest crook that we have ever seen called Mr. Pattni. When did he become an African chief?

The Temporary Speaker (Hon. Peter Kaluma): Hon. Shabbir

Hon. Shakeel Shabbir (Kisumu East, Independent): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Standing Orders do not allow you to mention a person who cannot defend himself before this House.

Hon. Shakeel Shabbir (Kisumu East, Independent): Okay. I withdraw and apologise. However, we had somebody who definitely was not an African chief.

The point that I am making is that we must not trivialise the fact that Africans want to get together. We must not trivialise the fact that common African unity is going to be the strength of Africa. If, we, Africans, get together, we are a force to reckon with. We must not trivialise the fact that we have invisible boundaries. Why can I not fly from here to Morocco or somewhere else without a visa? We must also not trivialise the fact that we do not have a common currency in Kenya, Uganda and other countries in Africa. These are the sort of things that we must look at. Look at the European Union. The United Kingdom (UK) left the EU and you can see its economic state of affairs. These are the facts. We must try our best not to extenuate the positive, in respect of the PAP and African unity.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr.) Lilian Gogo, Member for Rangwe.

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker. I rise to support this Report which has been debated and ventilated upon by Members. I also rise to move that the Mover be now called upon to reply.

The Temporary Speaker (Hon. Peter Kaluma): Is it the mood of the House that the Mover should be called upon to reply?

Hon. Members: Yes.

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

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Temporary Speaker. I thank all the Members who have contributed to this Motion. I assure them that I have heard their sentiments and they are well represented in PAP. I confirm to the Member for Machakos County that visas are free in South Africa. You can go to South Africa without any visa. I urge the House to adopt the Report of the proceedings of the First Ordinary Session of the Sixth PAP.

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

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. For good reasons, the Question on the Motion will be put when the House sits next and when the matter will be scheduled by the House Business Committee. I am very pleased with the debates made. I wish we could pick this, particularly the relevant committees and the Mover for some firm resolutions, in terms of how we can improve the operations of PAP.

(Putting of the Question deferred)

Order, Hon. Members.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Tuesday, 2nd May 2023 at 2.30 p.m.

The House rose at 7.00 p.m.

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