



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. III NO. 93

THE HANSARD

Tuesday, 5th November 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, let us proceed. First Order.

MESSAGES

APPROVAL OF THE MEDIATED VERSION
OF THE SUGAR BILL, 2022

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the approval of the mediated version of the Sugar Bill, (National Assembly Bill No. 34 of 2022).

The Message conveys that on 24th October 2024, the Senate considered the Report of the Mediation Committee on the Sugar Bill, (National Assembly Bill No.34 of 2022), and approved its mediated version in the form developed by the Mediation Committee, pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate Standing Orders.

You may recall that the said Bill was committed to a Mediation Committee, pursuant to Article 112(1)(b) of the Constitution, following the National Assembly's rejection of part of the Senate amendments to the Bill on 1st August 2024.

You will further recall that on 18th October 2024, the National Assembly considered the Report of the Mediation Committee on the Sugar Bill, (National Assembly Bill No. 34 of 2022), and similarly approved the mediated version of the said Bill in the form that was developed by the Mediation Committee.

The approval of the mediated version of the Sugar Bill, 2022 by the two Houses of Parliament effectively concluded the bicameral consideration of the Bill in accordance with the provisions of Article 110 of the Constitution. Subsequently, it was presented for assent in accordance with the provisions of Article 110(5) of the Constitution. Indeed, His Excellency the President assented to it on 1st November 2024.

Thank you, Hon. Members.

(Several Hon. Members walked into the Chamber)

Hon. Members, you may sit down so that I can read the next Message.

APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEE
ON THE DIVISION OF REVENUE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 38 OF 2024)

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a notification from the Senate regarding the nomination of Senators to the Mediation Committee on the Division of Revenue (Amendment) Bill, (National Assembly Bill No. 38 of 2024).

You will recall that on Wednesday, 6th October 2024, this House negated a Motion on consideration of the Senate amendments to the Division of Revenue (Amendment) Bill, 2024, thereby committing it to a Mediation Committee, in accordance with the provisions of Article 112(2) (b) of the Constitution. Consequently, the names of the Members to constitute the team from the National Assembly were communicated to the House on Friday, 18th October 2024, and forwarded to the Senate for further action.

In this regard, the Speaker of the Senate has appointed the following Senators to the Mediation Committee on the Bill:

1. Sen. Roba Ali Ibrahim;
2. Sen. Edwin Sifuna;
3. Sen. Recha Julius Murgor;
4. Sen. Mohamed Mwinyihaji Faki;
5. Sen. Veronica Maina Nduati;
6. Sen. Richard Onyonka;
7. Sen. Wamatinga Wahome;
8. Sen. Eddy Oketch; and,
9. Sen. Mungatana Danson Buya.

Given the importance of this Bill in unlocking the funding to the counties, the Mediation Committee is urged to immediately convene its meetings to finalise its consideration of the Bill in the shortest time possible.

The House is hereby guided. Thank you, Hon. Members.

PAPERS

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

1. The 3rd annual Report on the State of Public-Private Partnerships for the Financial Year 2023/2024 from the National Treasury.
2. 2024 Budget Review and Outlook Paper from the National Treasury.
3. The Revised 2024 Medium-Term Debt Management Strategy (MTDS) from the National Treasury.
4. Strategic framework for implementation of reforms in the National Police Service, Kenya Prisons Service and National Youth Service (2024-2028) from the Ministry of Interior and National Administration.
5. Annual Report of the Victim Protection Board for the Financial Year 2023/2024 from the Office of the Attorney-General.
6. Auditor-General's Information Systems Audit Report on Public Debt Management Systems for October 2024 – National Treasury.
7. The Consolidated National Investment Report for the Financial Year 2023/2024 from the National Treasury.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Member for Emgwen, Hon. Josses Lelmengit, do you have a Paper to lay on the Table?

Hon. Josses Lelmengit (Emgwen, UDA): Yes. Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Mediation Committee on the National Rating Bill, (National Assembly Bill No. 55 of 2022).

Thank you.

Hon. Deputy Speaker: Before we go to the next Order, allow me to recognise the presence of the following schools in the Public Gallery: Queen of Peace Girls, Turkana Central Constituency, Turkana County; Legacy School Kitale, Kiminini Constituency, Trans-Nzoia County; Tebeswet Preparatory School, Kapseret Constituency, Uasin Gishu County and Precious Hope School, Kitutu Chache South Constituency, Kisii County.

(Applause)

On behalf of the National Assembly, I will allow the Member for Turkana Central to welcome the schools.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I welcome the school from my constituency and the others that have visited the National Assembly. I thank them for coming, particularly the Queen of Peace School from my constituency. I appreciate them for travelling more than 800 kilometres to be here. This is likely the only primary school in that area to have visited Parliament in the last ten years.

I want to acknowledge the Headteacher, Ms Agnes Chepkosgei and her staff for their excellent work. Students, I encourage you to keep it up. You are among the best schools in Turkana County. So, keep on shining. Many remarkable women here, including our Deputy Speaker, are doing great things. I urge you to excel in your studies and become like them.

I thank you all for coming. As you travel back home, please, take our greetings with you. We love you so much.

Thank you, Hon. Deputy Speaker.

(Applause)

Hon. Deputy Speaker: Thank you. The Chairperson of the Departmental Committee on Transport and Infrastructure is supposed to lay a Paper. Hon. TJ Kajwang', I have been informed that you are laying the Paper on behalf of the Committee.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Transport and Infrastructure on its consideration of:

1. The Kenya Roads (Amendment) Bill, (National Assembly Bill No 34 of 2023); and,
2. The Kenyan Roads Board (Amendment) Bill, (National Assembly Bill No 18 of 2024).

Thank you.

Hon. Deputy Speaker: I think we are done with that.

Next Order.

NOTICE OF MOTION

Member for Emgwen, move your notice of Motion.

APPROVAL OF THE MEDIATED VERSION OF THE NATIONAL RATING BILL
(National Assembly Bill No.55 of 2022)

Hon. Josses Lelmengit (Emgwen, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150 (3), this House adopts the Report of the Mediation Committee on the National Rating Bill, (National Assembly Bill No. 55 of 2022), laid on the Table of the House on Tuesday, 5th November 2024, and approves the mediated version of the National Rating Bill, (National Assembly Bill No. 55 of 2022).

Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

STATEMENT

DEMISE OF THE LATE HON. PETER OLOO ARINGO

We will start with the Statement by the Member for Alego Usonga, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Deputy Speaker, I rise to make a general Statement on the passing on of Hon. Peter Oloo Aringo.

Pursuant to Standing Order 259D (2), I rise with a heavy heart to pay a glowing tribute to the late Hon. Peter Oloo Aringo, former Member of Parliament for Alego Usonga Constituency, former Cabinet Minister, a distinguished statesman, patriot, legendary parliamentarian and father of the Parliamentary Service Commission (PSC).

The late Hon. Oloo Aringo, fondly known as Ochok wang'e Dongo, passed away at 83 years of age on Friday, 1st November 2024, at the Aga Khan Hospital, Nairobi, where he was undergoing treatment. His death is a profound loss to his family, the community, the entire nation and, particularly Parliament, where he served with unwavering dedication.

The late Hon. Oloo Aringo was born on 19th May 1941. He began his early education at Mbaga Primary School and later moved to St. Mary's School, Yala. He attained a Diploma in Education from Siriba Teachers College, now Maseno University, where he briefly taught before pursuing a degree in History, Economics and Politics from the University of Nairobi, where he graduated in 1969 with First-Class Honours. His spectacular performance earned him a Commonwealth Scholarship for a Master's Degree in International Comparative Education at the University of Toronto, Canada.

The late Hon. Oloo Aringo had the chequered distinction and honour of serving under the founding father of our nation, the late President Jomo Kenyatta, the late President Daniel Toroitich arap Moi as an Assistant Minister and later as Cabinet Minister in various ministerial portfolios, including Information and Broadcasting, Education, Environment and Manpower Development and Employment, for a period spanning 15 years. He also served as a Member of Parliament during the late President Mwai Kibaki's administration. His most remarkable accomplishment as the Minister for Education was successfully overseeing the transition of Kenya's education system from a 7-4-2-3 system to an 8-4-4 system, thus transforming Kenya's educational landscape from a primarily theoretical to a more practical approach. He is also credited with offering stewardship to the phenomenal expansion of technical and higher

education, including establishing Kenya Technical Trainers' and Kenya Science Teachers' colleges to address increasing learners' demands.

Hon. Deputy Speaker, the late Hon. Oloo Aringo served the people of Alego-Usonga for a record five terms, first from 1974 to 1992 on the Kenya African National Union (KANU) ticket. He was re-elected from 1997 to 2002 on a National Development Party (NDP) ticket. Subsequently, he served as a nominated Member of Parliament on a National Rainbow Coalition (NARC) ticket. His cumulative period of 25 years in Parliament, marked by an enduring passion for the well-being of his people and an unshakable commitment to parliamentary reforms, earned him the respect and admiration of his colleagues and constituents. His mastery and flair of parliamentary procedure, traditions, practices and precedents were, perhaps, only comparable to the late Hon. Martin Shikuku, the late Hon. George Anyona and Hon. Paul Muite. His contributions were always well-researched and laced with great wit and humour.

The late Hon. Oloo Aringo was a firm believer and advocate of parliamentary independence and democracy. The parliamentary reforms he initiated, in conjunction with his reform-minded colleagues through the Parliamentary Service Bill of 1999, which, among other things, established the Parliamentary Service Commission in 2001, cemented the independence of Parliament, which before then, used to be administered as a Department in the Office of the President. This historic role in the independence of Parliament stands out as the late Hon. Oloo Aringo's most memorable legacy and remarkable contribution to Kenya's parliamentary history. In recognition of his tireless, courageous and forthright leadership in reforming Parliament, fellow legislators elected him as the first Vice-Chairman of the PSC. His tenure on the Commission was marked by prudent policy-making that fostered a professional and efficient parliamentary service, laying the groundwork for the PSC's continued growth and modernisation that resonates to this day, reflecting his belief in the importance of supporting elected leaders.

Indeed, we owe today's competitive remuneration, benefits and dignified work environment to the visionary, gallant and focused efforts of the late Hon. Oloo Aringo. He also championed various legislative initiatives that laid a firm and solid foundation from which several futuristic and impactful institutional organs, such as the Parliamentary Budget Office and the Budget and Appropriations Committee, interrogate and guide the approval of the national budget.

It also merits mention that during the sessions of the National Constitution of Kenya Review Commission, also known as the Bomas Conference of 2003-2004, the late Hon. Oloo Aringo successfully moved the Affirmative Action Motion to recognise the sovereignty of the people in the Constitution to dismantle the powers of the imperial presidency. He also proposed the anchoring of the provisions for impeachment of the President, which are encapsulated in the Constitution of Kenya, 2010. Upon exiting Parliament, he represented Parliament in the Salaries and Remuneration Commission (SRC) for six years.

Beyond public service, the late Hon. Oloo Aringo utilised his impeccable educational credentials and wealth of public and parliamentary service experience as a consummate and accomplished consultant to 11 Parliaments in Africa.

Although his disposition projected him as an abrasive personality in the public sphere, the late Hon. Aringo exhibited profound calmness, resilience, generosity, love for humanity, humility and simplicity. He was never carried away with the trappings of power and decorations. However, he consistently demonstrated political maturity, brilliance, emotional resilience and exceptional humility. He was highly respected as a parliamentary luminary, an accomplished debater, an intellectual per excellence and an illustrious son of Kenya. His death has robbed the core family, the great people of Alego-Usonga, Siaya County and the entire nation of a principled, focused, selfless and compassionate leader.

As a renowned writer once averred, “We make a living by what we get; we make a life by what we give”. Going by the late Hon. Peter Oloo Aringo’s selfless duty to the nation, he made a great life. The best honour that all leaders at various levels can give him is to emulate his servant leadership by taking the baton and dedicating our lives to the service of the nation and humanity. That is the only way we can live up to the late Aringo’s legacy of integrity, resilience and selfless service that will remain woven into the very fabric of our nation. On behalf of this House, may I extend our deepest condolences to the family of the late Hon. Peter Oloo Aringo, his friends, the people of Siaya County and the nation at large. May we all find solace in the memories of his remarkable life and be inspired by his example. May the soul of the late Hon. Peter Oloo Aringo rest in eternal peace.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I would like to grant this opportunity to Hon. (Dr) Otiende Amollo.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Deputy Speaker, allow me to say something before I take my seat. Hon. Aringo served as a Member of Parliament for more than 25 years. When we decided to remove him from his position, I was a university student leader and actively involved in local politics. Several candidates sought to unseat him. I chaired the team that successfully campaigned to bring Hon. Sammy Weya into office in 2002.

What surprised me about Hon. Aringo is that, despite knowing I was a key player in championing his exit from Parliament, he still invited me for lunch after he left office. I had a three-hour meeting with him, during which he counselled me since I had returned to the university. At the time, I was a student at Egerton University and travelled to Nairobi to meet him. He wanted us to become friends.

During our conversation, I asked him how he survived the KANU dictatorship regime. As many would recall, when he served as a Cabinet Minister during KANU's rule, he was often regarded as one of the regime's mouthpieces. He had much to say, even describing President Moi as the "Prince of Peace." I engaged him over that particular subject, knowing very well that he had become reform-minded thereafter as he had participated in the formation of the 2010 Constitution.

Curious about his experiences, I inquired about Cabinet meetings during the KANU regime. He told me that, according to President Moi, Cabinet meetings were typically held between the President and just one Cabinet Minister. He recounted an instance where he championed a particular issue, which I will not mention, and the Cabinet approved it. However, later that night, the President called to inform him that they needed to change the Cabinet's decision. He asked the President what necessitated the change and yet, the Cabinet approved it.

He was told the Cabinet is the President and any other minister. That particular cabinet meeting was held between him and the President on the phone. The following day, he woke up, went to the office and changed the minutes.

Hon. Aringo's legacy has not been properly highlighted. I read what our columnist wrote when Hon. Aringo died. They were unable to capture his true legacy. That is why I made this Statement. Hon. Aringo has been judged wrongly because most people focus on his life as a KANU cabinet minister. But let it be known that Aringo's legacy is deeper and bigger than he did during the KANU regime. As the Member of Parliament for Alego Usonga, until I came back as a second term Member of Parliament, nobody had ever been elected for a second term other than Hon. Aringo. He served for five terms, while his successors only did one term and went home.

Hon. Aringo has left a towering legacy. I plead with the media and columnists to give him a fair judgement even when they write about his history. His history is larger than his short stint as a KANU cabinet minister.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will continue to indulge Members because I know that Hon. Oloo Aringo was a legend, particularly in his work for Parliament. Hon. (Dr) Otiende Amollo.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Deputy Speaker. I join my colleague, Hon. Atandi, in eulogising the late Hon. Oloo Aringo. He was known for many things. One of those things was the flair of language to the point that some people wrongly called him a court jester. His weakness was language. He was very eloquent, both in his mother tongue and in English. He was down to earth. As a young man when we were growing up and he was a Member of Parliament, he was known to mingle with his constituents carrying a big *rungu*, while eating and drinking whatever they were drinking. Those were the days when you would not need to use too much money to be elected.

Hon. Oloo Aringo was also a visionary leader. Two things come to mind. Firstly, the citizens are able to get the excellent benefit of the National Government Constituency Development Fund (NG-CDF) courtesy of him. He designed the whole thing, and now it has been helpful to the entire country.

Secondly, the idea of independence in Parliament's financial terms was actually the work of Hon. Oloo Aringo. Until then, Parliament was a mere appendage in financial terms to the Executive. But in his days, he also designed, importantly, what now we have done away with, the 8-4-4 system of education. For those of us who are the pioneers of the system, we thank him for many things. Indeed, if we look carefully at the education sector, we find that there was a lot of thinking that went into the 8-4-4 system and the design.

We, as the constituents of Siaya, mourn Hon. Oloo Aringo, even as we mourn yet another gallant son, Willis Onyango, who was brutally murdered, and we will bury him this weekend. We pray that his soul may know eternal peace.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. KJ, Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Deputy Speaker. It is on behalf of my family and the people of Dagoretti South constituency that I rise to pass a condolence message to the family, friends, relatives and constituents of Alego Usonga and the people of Siaya on the passing on of the late Hon. Peter Oloo Aringo. *Waziri* Oloo Aringo was a minister when I was in primary school. Not only was he a minister then, but he also served with my dad in this esteemed august House, when he was a Member of Parliament for Alego Usonga, and my dad was representing a constituency known as Kandara.

Hon. Oloo Aringo is famed to have been such a judicious and diligent Member of Parliament that back then, when we did not have mobile phones or the iPads that we have here, it is said that he was one of the few Members of Parliament who would go into his pigeonhole and get all the briefs and documents. He would comb them with a fine toothcomb. He was so diligent that he was well informed on any debate that came on the Floor of this House. The constituents tell of a man ready to mingle with the *hoi poloi* in the constituency to a point where he is famed to be a man who had seen this whole bottom-up economic model working as far back as the 1980s.

This Parliament owes him a lot, especially when he served as a Commissioner. It is because of those many actions that he served in many positions. I take this opportunity to say that it is a great tree that has fallen in the name of Hon. Peter Oloo Aringo. May his soul rest in peace, and may his family know comfort and peace that surpasses all human understanding as may be given by none other than the Creator.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, I know many of you want to give their tributes. For everybody to get an opportunity, let us keep it to three or two minutes so that everyone can eulogise the great man.

Hon. Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Deputy Speaker. On behalf of the people of Funyula Constituency and Busia County as a whole, allow me to send my sincere condolences to the friends, family, and former constituents of *Waziri Oloo Aringo*. When we talk about Siaya, we cannot talk about it and forget Busia. We are neighbours and so, whatever happens in Siaya also affects us in our way, just like whatever happens in Busia affects Siaya tremendously.

Hon. Deputy Speaker, those of us who are the first pioneer lot of 8-4-4 fondly remember *Waziri Oloo Aringo* for his tremendous work in ensuring the new system worked. Many of us did not know that we would not sit for Class 7 exams until the towering Oloo Aringo announced to us in January that there would not be any Class 7. We would all transit to Class 8. It is no mean achievement to be elected all those years in a volatile constituency like Alego Usonga.

We the people, join his family. Of course, as much as Hon. Atandi would want to tell us otherwise, it is difficult to remember the late Oloo Aringo without mentioning his stint as a KANU Member of Parliament. If there was any distinguished KANU Member of Parliament from the Nyanza region, it was none other than Oloo Aringo. His praise and dear friendship with the late President Daniel arap Moi epitomised loyalty to a party and a leader. It is what defines Oloo Aringo. Let all of us emulate his excellent work. What he did for us here in Parliament we will forever be indebted to him.

With those few remarks, Hon. Deputy Speaker, let his soul rest in eternal peace.

Hon. Deputy Speaker: Hon. Member for Suba North, Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. On my behalf and on behalf of the people of Suba North, I offer my condolences to the family, friends, relatives and the people of Alego Usonga on the demise of Hon. Oloo Aringo. Many people have spoken about his excellent work in this House. Unfortunately, people often do not recognise us for the work that we do in Parliament, which is our primary role.

Indeed, it is a good thing that he stood out while he was doing his work. The only thing that I would want to encourage the Members of Parliament is that we need to put a roll of honour for Members when they are still living. We are saying excellent things about Hon. Oloo Aringo. However, unless we are in the spiritual, he is not hearing us or understanding what we are saying. I wish he was alive to listen to us saying all these beautiful things about him. If we can also emulate what the Executive is doing in terms of giving their honours, could we provide all the Members who have done excellent work - perhaps not the Members who are still serving because sometimes we are biased - but the Members who have served and done outstanding work.

With those few remarks, I hope his soul rests in eternal peace. Thank you.

Hon. Deputy Speaker: Member for Rangwe, Hon. Lilian Gogo. I think he is your constituent.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you so much, Hon. Deputy Speaker, for giving me this time to mourn with the late Hon. Peter Oloo Aringo's family. The late Oloo Aringo was my Member of Parliament. I was in the battalion of school children who would dance for Oloo Aringo when he would come to Segere Primary School, where I went. I have fond memories of how he enjoyed dancing with school children. In Alego Usonga, we would call him *Ochok Wan'ge Dongo*. This was one man who was very down-to-earth and very humble. We would sing an adage to him;

Notim nade ngama n'gongo,

Wololo yaye...

That would make us want to grow, be leaders and emulate him. We have lost a gallant Kenyan who was determined to serve. We have lost one of the finest that Alego Usonga could offer.

May his soul rest in eternal peace. I thank you.

Hon. Deputy Speaker: The Hon. Member for Endebess, Hon. (Dr) Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. I join the Member for Alego Usonga, Hon. Atandi, in mourning the late Hon. Peter Oloo Aringo. I remember him as the KANU Chairman. He was also a Minister for Education and a very eloquent speaker. Some of us were in primary school when we heard of Oloo Aringo. May his soul rest in eternal peace.

Hon. Deputy Speaker: The Member for Kilifi North, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, thank you for allowing me to eulogise the former Minister for Education, the late Peter Oloo Aringo. I join my brother, Hon. Atandi, in mourning that great Kenyan.

The late Hon. Peter Oloo Aringo brought the Government to the grassroots. When he was in charge of the Ministry of Education, the Government was felt even at the lowest levels because of his enormous presence. Growing up in the village in the depths of Kilifi, we knew one Peter Oloo Aringo as a Minister who was in control of a ministry. Our Cabinet Secretaries need to learn from him. We have Cabinet Secretaries in this country whom even the people here in Nairobi do not know them. They do not know them for anything. Peter Oloo Aringo exhibited what a government minister was. He was not known because of what he said, but because of what he did in the Ministry of Education and the policies that were associated with him. Everything else was associated with him. We felt what the Government was at the lowest levels. This is a good lesson that we must learn from a giant of a hero like him.

Secondly, he taught us something called loyalty in politics. When you are given an opportunity to serve in the Government, you should do so with loyalty to the appointing authority and all Kenyans. Do not serve just a section of the country. This is one of the greatest leadership lessons we learn from him. He never championed the rights of a certain region but for every Kenyan child.

As I finish, I want to commend Hon. Millie Odhiambo. I know she is affected by his death. I want to tell her that she looks very smart. I do not know who is taking her out on a date. I wish I was the one.

May the soul of Hon. Peter Oloo Aringo rest in eternal peace.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next is the Member for Lang'ata, Hon. Phelix. Okay, he is not present. We will move to the Member for Githunguri, Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Deputy Speaker. I want to join my colleagues who have given us a very good story - a narration of the fallen hero, the late Minister. I used to watch him on television when I was a small girl. I saw him in the presidential entourage whenever there was a presidential event. He walked majestically like a handsome man.

Hon. Deputy Speaker, there are men who walk like they are not handsome even when they are. He walked like a man. I can remember when we were given *maziwa ya nyayo* milk in primary school, and we enjoyed every bit of it. Some of us who love milk never left the school compound until we got our serving for the day. It is very unfortunate that years later, we cannot afford to give our school-going children milk like the Government did then. Ministers who leave a profound legacy should be a lesson to us leaders. As we politicise and manage our economic wealth, let us look at the good deeds that have been done by our predecessors and borrow from them. As we speak, it is unfortunate that some children attend school without a single meal. We cannot afford to give them milk and yet, in some regions of the country, milk is being poured to waste because it is in excess.

I give my sincere condolences to the people of Alego Usonga. I pray that God gives them peace as they honour the fallen hero. Thank you.

Hon. Deputy Speaker: Hon. Members, before we proceed, allow me to recognise the presence of the following schools in the Public Gallery: AIC Hope School from Malindi Constituency, Kilifi County; Busy Bee School from Mvita Constituency, Mombasa County and Limo School from Ainabkoi Constituency, Uasin Gishu County. I wish to welcome these schools on my behalf and that of the entire National Assembly. I particularly welcome very warmly Limo School from Ainabkoi constituency, which is in my neighbourhood.

Next is the Member for Emuhaya, Hon. Omboko Milemba. Let us give our tributes in two minutes so that other Hon. Members can have an opportunity.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. I take this opportunity, on behalf of the people of Emuhaya, to join Hon. Atandi and the people of Alego Usonga in mourning the demise of the former *Waziri* Oloo Aringo. Hon. Atandi brought up two or three things about him very well. I want to add that he was a man who made decisions and followed them.

When he introduced the 8-4-4 system, it was unpopular. Those of us who had lived under the A-level system had much admonishment for the 8-4-4 system. After the MacKay Commission introduced a second university, Moi University, he launched and implemented the 8-4-4 system. As we can remember, he was behind the Kenya Science Teachers College (KSTC), which became the hallmark of science teaching in this country. In Parliament, he also moved Motions and Bills to create Maseno University, Egerton University and Moi University. He is the man behind this. At that time, the University of Nairobi was the only one. He expanded university education to what it is now.

Finally, I want to talk about his strategy, which people refer to as a court poet, which he was not. At that particular time, he simply changed the strategy because Luo Nyanza was in the Opposition. He noticed there was an opportunity to drive them into the Government. That is how he changed the strategy and became what he was. Remember, he even shaved his beard when he was appointed the Minister for Information and Broadcasting and dropped his name, Castro. We mourn the late Oloo Aringo.

Thank you, Hon. Deputy Speaker

Hon. Deputy Speaker: The Member for Ndhiwa, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Deputy Speaker. On behalf of my family and the people of Ndhiwa, I want to condole with the people of Alego Usonga and my friend, Hon. Atandi, on the passing on of Hon. Peter Oloo Aringo. Kenyans have lost a great man of repute. There are so many things that we can say about him. I think Hon. Atandi was right that we need to document his accomplishments. Allow me to say a few things that I learned from him, which I hope all Hon. Members can practice in this House. He was accountable to the whole nation, not just the region he came from. He was courageous, and his communication had clarity. That is why he is remembered by the Ministry of Education and the Ministry of Information and Broadcasting. He was focused and had a growth mindset. On behalf of the people of Ndhiwa, may God comfort the family, be with them in this trying moment and give courage to his entire friendship and family circle.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: As we finish, I think it will be unfair if I do not give the Member for Kilgoris, Hon. Julius Ole Sunkuli, an opportunity. He served in KANU with the legendary Oloo Aringo.

Hon. Julius Sunkuli (Kilgoris, KANU): Thank you very much, Hon. Deputy Speaker. I am really grateful for giving me this opportunity to give my tribute to the late Hon. Peter Oloo Aringo. I served with him in the Government and this Parliament. He was a very eloquent Kenyan who was committed to the party and the President. One thing that should not miss out in his obituary is his contributions to the development of Parliament, especially the improvement of terms of service for Members of Parliament. In those days, we earned a meagre

salary, there were no committees, and we had no powers. I served together with him on the Standing Orders Committee and other committees. We improved our salaries from Ksh13,000 to Ksh70,000 because of his courage and commitment.

He was a Kenyan per excellence. I know many eloquent Kenyans come from Nyanza and he was one of them. He used his oratory skills to unite the people of Kenya. It is unfortunate that people turn a piece of history into a story. When the pages of Hon. Oloo Aringo's history are written, the question of the court poet will only form one sentence. Indeed, the rest of his story is excellent and many Kenyans should emulate him. May he rest in peace.

Hon. Deputy Speaker: The last person to pay tribute is Hon. Adan Keynan, the Member for Eldas. He also worked with the late Hon. Oloo Aringo. This is absolutely the last person. He will be the last Member to pay tribute. Proceed Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Deputy Speaker. I remember when I was elected to the 8th Parliament as a young legislator, Members of Parliament were working as if Parliament was an extension of the Office of the President though constitutionally, it was one of the three arms of Government. Hon. Oloo Aringo, for those of us who have been around and worked with him, remember him as a courageous, foresighted parliamentarian who thought outside of the box. And for those of us who were there, we have nicknamed him the 'father' of the Parliamentary Service Commission.

When I was first elected, my gross salary was about Ksh33,000, with no office, car or bodyguard. Nothing at all. The structure at that particular time was that the House Business Committee was a club of the senior ministers. Bringing a private Member's Bill was the most difficult thing. Hon. Oloo Aringo, and I want colleagues here to remember, brought a private Member's Bill and it was difficult to have it go through the House Business Committee. That made us call a *Kamukunji* at 3.00 a.m., when even the late Mzee Kibaki, who was in hospital, was brought to come and participate. A *Kamukunji* at 3.00 a.m., where we normally have tea. Ultimately, we had to revolt. We had to refuse everything until the Government then gave consent to the private Member's Bill. That is what gave birth to the current Parliamentary Service Commission, and that is what removed us from the yoke of the Office of the President, and made us independent. That is what made Parliament an independent entity.

One thing that I always remember the late Hon. Aringo for is this: He was de-whipped because of moving that particular Bill by his party. But we as Members of Parliament again decided to say "no PSC without Aringo" and, therefore, affirmed Hon. Aringo as the first Vice-Chairman of the Commission. Is it possible today, colleagues? Do we have that teamwork? Do we have that comradeship? So, all the benefits that we enjoy today as Members of Parliament is because of him. Allow me to say this: Even the staff here, our Clerk was a special District Officer (DO). All our staff were from the Office of the President, Criminal Investigations Directorate (CID), Special Branch and everywhere else. The kind of quality staff that you have here, the facilities that we have here, and the benefits that we enjoy here are all the brainchild of the late Hon. Oloo Aringo. Let us remember him as a dignified, brilliant legislator and wherever he is, may God rest his soul in eternal peace.

Thank you.

Hon. Deputy Speaker: Hon. Members, let us all be upstanding for a minute of silence in honour of the late Hon. Peter Oloo Aringo.

(Members observed a minute of silence in honour of the late Hon. Oloo Aringo)

May God rest the soul of the late Hon. Oloo Aringo in eternal peace. Do we have another statement?

(Hon. Samuel Atandi spoke off the record)

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Just hold on! Okay, Hon. Atandi, you had a request for statement? Yes.

REQUEST FOR STATEMENT

CIRCUMSTANCES SURROUNDING THE DEATH OF MR WILLIS AYIEKO ONYANGO

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(C), I rise to request a statement from the Chairperson, Departmental Committee on Administration and Internal Affairs regarding the death of Mr Willis Ayieko Onyango of ID Number 11438772.

On 23rd October 2024, the body of Mr Willis Ayieko was found at Mungowere Stream in Yala, Siaya County, having been brutally murdered under unclear circumstances. At the time of his death, Mr Ayieko was a senior executive at Wells Fargo Limited, serving as the Director of Human Resources, where his role included overseeing investigations of high-profile cases involving loss of colossal amounts of money and undertaking administrative actions against senior staff who are found responsible for the disappearance of such funds.

It is alleged that the roles he played in his work may have significantly contributed to the circumstances leading to his death, which investigations are yet to be concluded. It is imperative that justice is served swiftly and transparently, as the family and friends are greatly burdened by the unresolved circumstances that are surrounding his tragic demise, thus exacerbating their grief.

It is against this background that I request for a statement from the Chairperson, Departmental Committee on Administration and Internal Affairs on the following:

1. A report on the circumstances that led to the death of Mr Willis Ayieko, whose body was found at Mungowere Stream in Yala, Siaya County.
2. Measures that have been put in place by the Ministry of Interior and National Administration to ensure that the family of the deceased gets justice following the murder of their kin.
3. Timelines in which investigations will be undertaken and when the findings will be made public to provide clarity and closure to the family.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Is the Chairman of the Departmental Committee on Administration and Internal Affairs present? Okay! On behalf of the Leader of the Majority Party, the Whip of the Majority Party? Hon. Dido, you are the Vice-Chairman. You can give assurances of when you can have this ready.

Hon. Ali Raso (Saku, UDA): We will respond in two weeks, Hon. Deputy Speaker.

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

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

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Deputy Speaker. On 15th October, I requested for a statement with regard to the road which crosses Nyandarua County and the Chairman of the Departmental Committee on Transport and Infrastructure was represented by the leadership. Until then, I have not heard anything from the Committee. There is no commitment and yet, the public is still suffering because of lack of bumps on the Kinangop-Kipipiri-Ol Kalou Road.

Hon. Deputy Speaker: Hon. TJ, do you have a response on behalf of your Chairman as to what Hon. Muhia has raised?

Hon. TJ Kajwang' (Ruaraka, ODM): Well, first of all, Hon. Deputy Speaker, we owe an apology — a serious apology — to the Hon. Member. The dates that she is speaking about

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are long overdue and we do not do business like that in the Committee. There must be some practical issues, either with the agency concerned or the report writing.

Allow me to return to this House tomorrow through the relevant Chairman to let this Member know exactly when she will have her statement. And again, apologies to that Hon. Member.

Thank you.

Hon. Deputy Speaker: Hon. TJ, you can inform your Committee that in case a Cabinet Secretary or State Department does not respond on time after you have requested for the response, you can then take the action of summoning them to your Committee rather than wait for their communication.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, that is exactly what we do. In a Committee where yours truly is a Member, we sometimes get very rough with the cabinet secretaries. So, it is not because we do not do our work diligently. I am sure there must be a mechanical problem that is holding that request for statement but tomorrow, the Chairman will let you know when you will have it.

Hon. Deputy Speaker: Thank you. Let us move to the next question by Hon. Gonzi Rai, Member for Kinango. These are also responses by Hon. TJ. Are you ready with that response?

Hon. TJ Kajwang' (Ruaraka, ODM): Yes, Hon. Deputy Speaker, we are always ready to respond as Members would wish us to.

Hon. Deputy Speaker: You may proceed.

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

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

RESPONSES TO REQUESTS FOR STATEMENTS

DETERIORATION OF THE MARERE BRIDGE IN KWALE COUNTY

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, this is a request for statement regarding the deterioration of Marere Bridge in Kwale County.

On Wednesday, 19th September 2024, the Member for Kinango Constituency, Hon. Gonzi Rai, requested for a statement from the Chairman of the Departmental Committee on Transport and Infrastructure regarding the deterioration of the Marere Bridge in Kwale County. In the request for statement, Hon. Rai sought to establish among other things:

1. The current status of the Marere Bridge, which is a critical infrastructure for residents in Kinango Sub-County.
2. The specific measures that are being put in place by the Government to reconstruct the Marere Bridge, including a detailed timeline of completion.
3. The immediate interventions that are being taken by the Ministry of Roads and Transport to ensure public safety and maintenance of the bridge upon its reconstruction.

The Committee received a response from the Ministry of Roads and Transport through the Clerk of the National Assembly, which I now wish to make before the Plenary. Regarding the current status of the Marere Bridge, which is a critical infrastructure for residents of Kinango Sub-County, the Ministry submitted that the existing Marere Bridge is located at Km 11+460 along Kwale - Kinango (B92) Road and is a single-lane structure with an overall span

of 80 metres, consisting of 8 spans each measuring 10 metres. The reinforced concrete bridge deck is four metres wide and without pedestrian walkways.

Secondly, the bridge has undergone structural deterioration thus prompting the need for replacement. However, the bridge is physically intact and is being monitored constantly to ensure it remains in sound condition. A new bridge which is planned for construction will be 120 metres long, comprising 6 spans each spanning 20 metres. The bridge deck will be 11 metres wide, accommodating two vehicular lanes, each 3.5 metres wide and 2-metre-wide pedestrian walkways on either side.

Regarding the specific measures that are being put in place by the Government to reconstruct the Marere Bridge, including a detailed timeline of completion, the Ministry submitted that Kenya National Highways Authority (KeNHA) awarded a contract for the construction and upgrading of the Kwale-Kinango (B92) Road to bitumen standard to M/s China Civil Engineering Construction Corporation in joint venture with Saxon Investments Ltd in 2021. The construction of the new Marere Bridge is included in the scope of the works under this contract. Work commenced on 4th August 2021 with a completion period of 36 months and a defect liability period of 24 months.

Currently the physical progress of the work is only at 8.4 per cent, whereas the elapsed time for completion is 97.2 per cent. The implementation of bridge works has not yet commenced. Notably, the project is financed under the Government of Kenya Development Vote and has experienced financial constraints, with only 7.5 per cent of the contract sum paid to date. Those funds were partially used to settle the 10 per cent advance payment. There is need for adequate budgetary allocation and timely disbursement of funds to fast-track the construction of the new bridge.

Regarding the immediate interventions that are being undertaken by the Ministry of Roads and Transport to ensure public safety and to further ensure the maintenance of the bridge upon its reconstruction, the Ministry submitted that despite delays on the project, the contractor on site is under instruction to continuously maintain the existing bridge. This is to guarantee that it remains in use by the current traffic.

Hon. Temporary Speaker, I submit.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gonzi Rai. Is he in the House?

Hon. Kuria Kimani (Molo, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Yes, Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, I rise under Standing Order 87(5) to raise a concern about the roles and the structure of the Senate and that of the National Assembly.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Kimani Kuria. We are not yet there. We are in the middle of another business. Hon. Gonzi Rai is not there and so, we will take it that the response by Hon. TJ Kajwang' is adequate. A copy of that response will be availed to him.

Who is responding to the request for statement by Hon. Joseph Lekuton? The Chairman of the Departmental Committee on Transport and Infrastructure as represented by Hon. TJ Kajwang.

EROSION OF SIRIMA-LOIYANGALANI ROAD

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, this is a response to a request for statement regarding the erosion of Sirima–Loiyangalani Road.

On Tuesday, 26th September 2024, the Member for Laisamis, Hon. Joseph Lekuton, requested for a statement from the Chairman of the Departmental Committee on Transport and

Infrastructure regarding the erosion of Sirima-Loiyangalani Road. In the request for statement, Hon. Joseph Lekuton sought to establish, among other things:

1. A detailed report on urgent measures that are being taken to ensure the Sirima-Loiyangalani Road is rehabilitated.
2. Urgent measures that are being put in place to ensure all affected residents receive food and basic amenities.
3. Steps being taken to ensure that water from Lake Turkana is re-usable for agriculture in the surrounding semi-arid areas.

The Committee received a response from the Ministry of Roads and Transport, through the Clerk of the National Assembly, on 20th September 2024, which I now wish to present before the Plenary.

Regarding the urgent measures that are being taken to ensure the rehabilitation of Sirima-Loiyangalani road; in order to reinstate the traffic flow, sections of the road totalling to 3.1 kilometres will be levelled by cutting in hard material under the Upper Eastern Region Framework Contract for Handling Emergencies. Another 2.4 kilometres between Km52 and Km 54 will be graded under the ongoing routine maintenance contract in order to ensure connectivity between Sarima and Loiyangalani towns. As part of a long-term solution, KeNHA is conducting a survey to identify and establish an alternative route between Sarima and Loiyangalani town.

Hon. Temporary Speaker, regarding the urgent measures that are being put in place to ensure that all affected residents receive food and basic amenities, the Ministry, through the Kenya Rural Roads Authority (KeRRA), is only able to assist in ensuring that the infrastructure is motorable and accessible for the teams which donate food and other basic amenities.

With regard to the steps that are being undertaken to ensure that the water from Lake Turkana is re-usable for agriculture and the surrounding semi-arid areas, the Ministry does not currently have a corporate social responsibility (CSR) programme that is aligned towards dealing with the issue of managing water for agricultural use around Lake Turkana.

I submit.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joseph Lekuton, are you satisfied?

Hon. Joseph Lekuton (Laisamis, UDM): Thank you, Hon. Temporary Speaker. I am satisfied.

The Temporary Speaker (Hon. Peter Kaluma): Hon. TJ Kajwang', you are the one responding to the request by Hon. David Kiplagat.

EXPANSION OF THE LESERU-KITALE-KORTUM HIGHWAY

Hon. TJ Kajwang' (Ruaraka, ODM): Thank you, Hon. Temporary Speaker. I am ready to respond to the request regarding the expansion of the Leseru-Kitale-Kortum Highway.

The distinguished Member, Hon. David Kiplagat, requested for a statement on 26th September regarding the expansion of the Leseru-Kitale-Kortum Highway. In the request for a statement, he asked for information on the measures that are being taken to address the safety concerns of the residents regarding the dilapidated and narrow state of the highway.

Secondly, he also sought information regarding the relief measures that the Government is putting in place to compensate the families of residents who lost their lives through accidents as a result of the narrow state of the road.

Lastly, he sought to find out the long-term plans that are being implemented to rehabilitate and expand the said critical road, including current plans, if any, to secure external funding for development of the main road.

The Ministry wishes to respond as follows:

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Through the Kenya National Highways Authority (KeNHA), the Ministry is currently undertaking project preparation for the rehabilitation of the highway, which seeks to address the heightened concerns. In the meantime, the Authority continues to carry out maintenance of road sections in order to ensure that safety concerns are addressed for continuous flow of goods, services and traffic.

Regarding the relief measures that the Government is putting in place to compensate families, KeNHA has carried out a detailed design of the road. It will be prudent to note that the procurement of works and rehabilitation of the highway, with financing support from the KfW German Development Bank, is at an advanced stage. We are awaiting for the clearance by the KfW Development Bank for the contract to commence.

Additionally, regarding the compensation of the families of victims of road accidents, the Ministry does not have any information on the accidents that have been caused by the narrow state of the highway, but will undertake to follow up the matter.

Lastly, concerning the long-term plans that are being implemented to rehabilitate and expand the highway, the Government is working to secure financing for the road sections between Leseru-Kitale-Morpus and Kortum.

We submit. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Kiplagat.

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Temporary Speaker. I would like to thank Hon. Kajwang'. I can see that the broad-based Government is now working and a Statement is being given by Hon. Kajwang'. That is in order.

The Statement does not provide basic answers to the questions that I asked. It is important to note that the Leseru-Kitale-Kortum Highway is the narrowest of roads, North of the Limpopo River and South of the Sahara Desert. I wish that the Committee could find time to visit the road, so that they can understand what we are talking about. I am not just talking about a highway. That road opens up to the corridor that links Kenya to South Sudan. Therefore, it is a very important "artery" that links this country to South Sudan and Egypt.

There have been quite a number of accidents on that road. Before I brought the request for a statement, my bodyguard had just lost a relative through an accident that occurred between the riverbed and Soy Centre. That road is on a steep hill which then proceeds to narrow down. Accidents occur in the process of vehicles overtaking each other. I will get the list of all the victims who have lost their lives on that road, which is in a pathetic condition, so that you can give us an answer on what will happen to their families.

The African Development Bank (AfDB) and the German Bank have been financing the expansion project. What is lacking is the speed of implementation. Therefore, you should tell us when the expansion of that road will start.

(Hon. Bisau Kakai consulted with Members along the gangways)

I can see Hon. Bisau, the Member for Kiminini. My constituency shares that road with his constituency, but I can see that he is engaged in other things and I do not know why. Hon. Bisau, you should listen to this because it affects both of us.

The Chairperson of the Departmental Committee on Transport and Infrastructure should inform us when the expansion of the road will start. That is fundamental because every year we are told that it will start and yet it does not while we continue to lose lives.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Johana Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. I wish to understand if the Departmental Committee on Transport and Infrastructure has ever thought of visiting the road that branches off from the Nairobi-Nakuru Highway to Mai Mahiu

to look at the traffic that normally builds up, leading to road users spending more than two to three days on the road when a lorry or a trailer blocks the road. I wish that the Committee could visit that road and think of expanding it into a dual carriageway. There is a very short distance between the highway and Mai Mahiu. Therefore, I wish that the Committee could re-look into that road so that they can propose its expansion into a dual carriageway in order to have three lanes on both sides. That is so that if a lorry causes an accident, other passengers and vehicles will still move on.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang', you can now respond to Hon. Kiplagat. You can also say something about what the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works has asked, if you have information.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I empathise with the distinguished Member, Hon. David Kiplagat. It seems the question did not arrest the heart of the issues that he wanted explanations on.

As a ranking Member, I would advise my distinguished junior that when you compose questions to the Cabinet Secretary, it is necessary to be specific. Cabinet Secretaries will use any small diversion to run away from the issues that are before the House. The Member is talking of measures which are being undertaken to address safety concerns of his constituents. He is talking about relief food being given to members of his constituency and plans for the implementation of road rehabilitation.

It would be nice if my learned junior...

(Hon. David Kiplagat consulted loudly)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kiplagat, I would have requested you to listen to Hon. Kajwang'. As for Hon. Kajwang', please avoid meandering over issues like a river. There is no Member who is junior here. We are all elected.

Hon. David Kiplagat (Soy, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kiplagat, what is out of order?

Hon. David Kiplagat (Soy, UDA): I do not know which statement Hon. Kajwang' is reading. Unless he has a statement from Arid and Semi-Arid Lands (ASALs), I was specifically talking of a road. What is the relationship between a road and relief food? To insinuate that Soy Constituency, a constituency that feeds the entire country is asking for relief food, is completely out of order and he should apologise.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang', do you know Soy Constituency? I was in Soy a while back. That is the bread basket of the country. Withdraw that, apologise and then continue with the response.

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

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang', do you want to be informed by Hon. Wanjala?

(Hon. TJ Kajwang' spoke off the record)

Hon. Raphael Wanjala (Budalangi, ODM): I want to inform the other Member.

The Temporary Speaker (Hon. Peter Kaluma): He is no longer on his feet and, therefore, you cannot inform him. Hon. Kajwang' does not want your information.

(Laughter)

Hon. Wanjala, take your seat. Hon. Kajwang' proceed.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, let Hon. Wanjala kindly inform me.

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Kajwang'.

Hon. Temporary Speaker, I want to inform the Member, in broad daylight, with glaring media all over the country that, in December, all the people in Soy assembled at the President's home in Sugoi. They were being given a loaf of bread, a kilogram of sugar and milk.

If they were the food basket of this country, why were they assembling to get relief food?

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanjala, who are you informing? Hon. Kajwang', you can now proceed.

Hon. TJ Kajwang' (Ruaraka, ODM): Thank you, Hon. Temporary Speaker. With that information, I undertake...

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Deputy Leader of the Majority Party, what is out of order in what Hon. Kajwang' is doing?

Hon. Owen Baya (Kilifi North, UDA): Relevance and using disparaging language in Parliament should not be entertained.

The people of Soy can never queue for a loaf of bread. They are decent hardworking worthy people. Even in Christmas season, they slaughter bulls and eat well. Probably, Hon. Wanjala was talking about soya beans or something else. The things that Hon. Wanjala take sometimes make him say such things. We need to gag him. He needs to apologise and withdraw that disparaging remark on the people of Soy.

The Temporary Speaker (Hon. Peter Kaluma): Is Hon. Wanjala attending to what is happening in the House? It is demanded that before Hon. Kajwang' concludes the business that he was engaged in, you should withdraw that statement you have made and apologise.

(Loud consultation)

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, why should I apologise for the obvious? Kenyans saw it. They were lining up to get food in December.

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Wanjala. You are saying the entire Kenya knows and yet, I did not see it? Do you want to apologise or not?

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, if you did not see it, we saw it on your behalf. It was on public television.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanjala, remember the provision on relevance. You may be required to substantiate or otherwise, there would be consequences.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): On a point of order, Hon. Temporary Speaker. I rise pursuant to Standing Order 91 on accurate of facts and information.

Hon. Wanjala is my good friend but it is unfortunate that he does not understand the geography of this country. Soy is not in Sugoi. It a different constituency. If he had taken the liberty to ask me where Sugoi is, I would have told him. However, it is not upon me to tell him where it is. More importantly, when people are celebrating Christmas, probably in Sugoi, it is not because they are poor. They are celebrating the birth of Christ. Hon. Wanjala's first name

is Raphael. I know him as a Christian. It would be in order if he withdraws and not impute improper motives on the son of God, Jesus Christ. That people who went to celebrate the birth of Christ in Sugoi are poor. We are all poor in terms of spirit. That is why we seek the Kingdom of God.

Matthew 6:33 says:

“Seek ye first the kingdom of God and all other things shall be granted unto you.”

This is one of the things that Hon. Wanjala needs to seek. He needs to seek the truth of God first and all other things, including those he is seeking for in his constituency, would be added unto him.

Generally, I am generous, and as the Bible says, give and it shall be given unto you. One is more blessed to give than to receive. I am willing to go to Hon. Wanjala’s Constituency with a whole lorry of goodies to celebrate Christmas with him. But on this one, he must withdraw.

(Hon. Raphael Wanjala stood up in his place)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Janet Sitienei. Hon. Wanjala just sit down for a minute and listen to the concerns of your colleagues.

Hon. Janet Sitienei (Turbo, UDA): Thank you very much, Hon. Temporary Speaker. I want to ask Hon. Wanjala to apologise just as Hon. Chepkong’a has said. It was a Christmas celebration and not because the people had no food.

Whatever you saw in Sugoi was because they had been invited to celebrate. The people of Budalangi are known to celebrate theirs along the lake. That is why you invite people on 26th during Boxing Day, a day for celebration. It is the same way the people are invited to celebrate Christmas. Hon. Wanjala, for your information, three quarter of the people who attend such celebrations are from Western Kenya. They come to celebrate with us.

(Laughter)

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Kiplagat.

Hon. David Kiplagat (Soy, UDA): Hon. Temporary Speaker, it is important...

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

(Loud consultations)

Hon. David Kiplagat (Soy, UDA): I think I need to be heard in silence. It is completely out of order for Hon. Raphael Wanjala – who comes from Budalangi where there are frequent floods and he is used to displaced people being given food - to insinuate that people go to beg when the President is meeting his people during Christmas. I think he is completely out of order.

He should apologise, or else, Hon. Temporary Speaker, allow us, as the Members from Uasin Gishu County that are here, to frog-march one Hon. Raphael Wanjala to go outside.

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kiplagat, you will withdraw that last statement and then we get a response. Two wrongs do not make a right. You have no power, as a Member, to frog-march a colleague. Withdraw that from *The Hansard* or we expunge it.

Hon. David Kiplagat (Soy, UDA): You know I am also a speaker emeritus. Allow me to withdraw after he has withdrawn.

The Temporary Speaker (Hon. Peter Kaluma): No. Just withdraw the last sentence or I will order it to be expunged from the records.

Hon. David Kiplagat (Soy, UDA): Okay. I withdraw the word 'frog-march'. However, I also want him to withdraw his statement.

The Temporary Speaker (Hon. Peter Kaluma): Yes. You may sit down.

(Loud consultations)

Just a minute, Hon. Wamboka. Hon. Bisau, just a minute. Hon. Wanjala, just get it that we have had a bit of deliberation on the matter. I want us to go back to the business we were transacting. Make it easy for the House to transact business. Just withdraw that statement so that we mainstream back to Hon. Kajwang'. Hon. Wamboka, I will hear you after Hon. Wanjala has withdrawn his remarks.

Hon. Raphael Wanjala (Budalangi, ODM): First, I want to agree with the Member that Budalangi is a floods-prone area. We expected the President, who is the President of the whole country, to bring food to the people of Budalangi when people were getting that food in Sugoi. The people of Budalangi are staying in camps. He should give that food to them instead of giving it to people who have more than enough as he claims. Why were they lining up to get that food if they had enough?

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanjala, I am still with you. I do not know whether you are listening to the Chair. Can you listen to the Chair?

Hon. Wanjala, I want you to withdraw the statement imputing that the people who are wherever you say they were went there because they are poor. The clarification being made, which I hear you agree with, is that those people were there celebrating Christmas. Therefore, the bread they were being given was not because of lack, but because they were celebrating. You may be right that the President could have extended it elsewhere. However, it is wrong to portray those Kenyans as people who lacked completely. You know, as we all know, that the people of Soy are within Uasin Gishu, which is the bread-basket of the country.

Just withdraw that statement so that we go back to the business of Parliament. Hon. Wanjala, do not compel the Temporary Speaker...

(Loud consultations)

Just a minute, Members. Hon. Wanjala, did I hear you withdraw?

Hon. Raphael Wanjala (Budalangi, ODM): On record, Hon. Temporary Speaker, exactly what you have directed. People with food should not be lining up at the President's home.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanjala, you withdraw unequivocally when you do so. Please, just say you withdraw the statement imputing the people of Soy were being given bread because they are poor. Just say you withdraw so that we transact business.

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, I withdraw. He should also withdraw. The Hon. Member should withdraw because he said that it is the Luhyas who are lining up there to get food.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanjala, do I hear you withdrawing the statement you made?

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Temporary Speaker, yes.

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

(Hon. Wanami Wamboka spoke off the record)

Hon. Wamboka, do you want to run the House when I am seated here? I have decided otherwise. Hon. Wamboka, let me hear you now.

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Temporary Speaker.

I have two points to make. In the same breath, you may also order Hon. Sitienei to withdraw because she was imputing improper motive on the whole Luhya community where I come from. It is not rocket science that Luhyas have food. No Luhya begs. Whereas you have asked Hon. Wanjala to withdraw, Hon. Sitienei must withdraw and apologise to the entire Western community.

Two, indeed, the President is the President of the Republic of Kenya. My big brother Hon. Wanjala is saying that it should be national when the President wants to call the people. He is a national President.

I would like to go back to the Member for Turbo. She must apologise to the entire Luhya nation.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wamboka, just a minute. We are already done. What I heard Hon. Janet Sitienei say is that those Christmas gifts were given to everybody and it is not because they were poor. That 'everybody' included the people from western Kenya. Unless I did not hear her right, I find no fault with that. I have not requested you to speak. There was nothing out of order in what Hon. Janet Sitienei mentioned.

Hon. Kajwang', can you take us back to business? Please, respond to the last statement.

Hon. TJ Kajwang' (Ruaraka, ODM): The Hon. Member for Budalangi, rising on a point of order, interrupted me.

The Temporary Speaker (Hon. Peter Kaluma): The Deputy Leader of the Majority Party insists on disrupting you again, Hon. Kajwang'.

Hon. Owen Baya (Kilifi North, UDA): You know we abide by the Standing Orders. The Standing Orders of this House are very clear. One cannot discuss the name of the President in this House without a substantive Motion. The Standing Orders say that.

When I hear Hon. Wamboka and Hon. Wanjala mention the name of the President and want to discuss him in whatever light in this House, it needs to be done through a substantive Motion, which they have not done. Therefore, I think the onus is on you to guide the House that they avoid that kind of discussion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Baya, the Temporary Speaker here is very keen. With the broad-based Government arrangement, I can tell you the Temporary Speaker seated here will not allow the name of the President to be discussed without a substantive Motion. If I heard them rightly, the request Hon. Wamboka and Hon. Wanjala made was that the President should spread nationally while giving Christmas gifts anywhere. That is a request. I do not find anything wrong with that. Hon. Wamboka and Hon. Wanjala, I know we also celebrate Christmas with people who are around us wherever we celebrate it. To expect the President as an individual to be everywhere at the same time may also be difficult.

I think we should move. Hon. Kajwang', we can proceed.

Hon. TJ Kajwang': Hon. Temporary Speaker, I was interrupted, gladly, when the Member for Budalangi sought to inform me. I can confirm that the Member for Budalangi

drinks nothing other than milk and honey. I accept the information that the Member is giving us.

I concede that the content of this response is inadequate. You should remember that this is not a response of the Chairman of the relevant Committee.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang', because time is so gone, if you agree there is inadequacy in the response in terms of addressing the other issues that have been mentioned by Hon. Kiplagat, why do you not just intervene in the manner we normally do so that we can transact the remaining business?

Hon. TJ Kajwang': Point noted. I retract those responses back to the Committee so that we can investigate and interrogate more on those issues, especially on the elucidation by the Member that he was going beyond the issues of relief preparedness to the questions of the state of that road. I wish to welcome the Member. We will properly invite him to appear before the Committee and, probably, invite the agencies too. We may even go there so that we really do justice to those responses.

Hon. Temporary Speaker, allow me to say something about the Mai Mahiu Road that was raised by Hon. Kipyegon Ngeno. I am a consummate user of that road every time I visit my relatives in the village. He has a point that needs to be investigated by this House, but he should compose a Question or seek a Statement under Standing Order 42(c) to give us the leverage and entry point to call those agencies.

I do not understand how Mai Mahiu Road is that narrow. I do not presume that there are no engineers that can design a bigger road to contain several lanes. The traffic between Mai Mahiu and the City should be opened for people who are traveling either to Nakuru or Narok. I invite Hon. Ng'eno or any other Member who is disposed to bring a request for statement under Standing Order 42(c) so that we can investigate those issues.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Kajwang'. You have become a Chairman who has spoken for the longest time while responding to statements that have been sought in the afternoon but, of course, on behalf of your substantive Chairman, Hon. Macharia.

Hon. David Kiplagat, I hope you are now satisfied. Hon. Kajwang' has promised that you will be invited to the Committee so that you explore those areas.

Hon. David Kiplagat (Soy, UDA): I am now happy that Hon. Kajwang' is seized of the magnitude of the matter. I take it up to ventilate further so that we can benefit from the expansion of that road.

Hon. Temporary Speaker, please, indulge Hon. Bisau because we are both victims. If he does not say something, his constituents might be on his neck.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kiplagat, you do not preside over the House.

Before we continue, let me recognise students from the following schools who are seated in the Public Gallery: Goldfields School from Suna East Constituency in Migori County. They are from the constituency of the Leader of the Minority Party, Hon. Junet Mohamed. We also have Migosi SDA School from Kisumu Central Constituency in Kisumu County. The students and teachers from those two schools are welcome to observe the proceedings of the National Assembly. Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, UDA): Thank you.

Hon. Bisau Kakai (Kimini, DAP-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Bisau? Hon. Kuria, just sit back.

Hon. Bisau Kakai (Kimini, DAP-K): Hon. Temporary Deputy Speaker, I have been trying to really catch your eye, but it has not been possible. That particular road that Hon. David

Kiplagat is talking about, Soy-Uasin Gishu, crosses into Trans Nzoia and the first constituency is Kiminini. We have had a lot of accidents because of the poor state of the road. It is so narrow. I am also informed of the funding from the African Development Bank that has been pending in the National Treasury for close to a year. So, I was trying to raise my hand because I also want to show the pain we have gone through as a constituency.

I also realise that the responses by the Committee are unsatisfactory. It will be very important to ensure that we get proper answers on issues of such magnitude, especially where we have lost lives and commercial opportunities. So, I do not agree with the response that the Committee will call the agencies. This is an issue that should be debated in this Chamber.

Hon. Temporary Speaker, I would like to request Hon. Kajwang' and the Departmental Committee on Transport and Infrastructure to give us satisfactory answers. They should move fast because that part of the road is about to be closed, and we might lose that funding.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Bisau. I am sorry because I did not recognise the fact that you were trying to 'catch my eye'. I thought you wanted to address the matter of western Kenya people and what Hon. Raphael Wanjala was dealing with.

Take note, Hon. TJ Kajwang'. Please, invite Hon. Kiplagat, Hon. Bisau and any Member who is affected by that road, to appear before the Committee.

Hon. Julius Rutto (Kesses, UDA): Hon. Temporary Speaker...

The Temporary Speaker (Hon. Peter Kaluma): What is the matter, Hon. Member?

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. Just allow me to ride on this one. It may not be directly related, but we are aware that under Kenya Power Company, there is a funding on rural electrification under the African Development Bank (AfDB) III. It stands out that the condition that is required for the National Treasury to sign on the financing...

The Temporary Speaker (Hon. Peter Kaluma): Could you, please, raise that matter later because it is a separate one?

Hon. Julius Rutto (Kesses, UDA): The information we are getting is that the time period lapses on Friday, and the National Treasury has done nothing on it. This means that we stand to lose out on that particular funding.

The Temporary Speaker (Hon. Peter Kaluma): This is a matter on rural electrification. Can you just sit down? Take your seat. I will give you a minute or two to raise it after we are done. Hon. Kimani Kuria, you were on the Floor, but I request you to sit for a minute so that we close this part of our parliamentary business.

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

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sarah Korere, why are you on a point of order?

Hon. Sarah Korere (Laikipia North, JP): Pursuant to the provision of Standing Order 44(2)(c), I wish to follow up on a request for statement that I sought on 26th September.

The Temporary Speaker (Hon. Peter Kaluma): I am told your microphone appears not to be working. You can now address the House.

Hon. Sarah Korere (Laikipia North, JP): Hon. Temporary Speaker, pursuant to the provision of Standing Order 44(2)(c), I wish to follow up on a request for statement that I sought on 26th September 2024 from the Chairperson of the Departmental Committee on Agriculture and Livestock Development regarding the leasing of Agricultural Development Corporation (ADC) land to a private investor.

You will recall that I was seeking the details of the private investor that the ADC leased 15,000 acres of land to in Rumuruti, Laikipia County; a report on the procedure followed by

ADC in leasing of the said property, including a report on public participation conducted, if any; and, the steps to be taken to reverse the lease if it is determined to have been pre-arranged.

I, therefore, seek your indulgence to ask the Chairperson to explain why the Committee has inordinately delayed the response to this request for statement that seeks the details of the private investor that the ADC leased 15,000 acres of land to in Rumuruti, Laikipia County, considering that the response period of 21 calendar days as stipulated in the Standing Order 44(2)(c) has lapsed.

I want to confess that, as I was seated here, I was called by a Clerk Assistant, who purports to be the Clerk of the Committee. Many Members will confess that, sometimes, we request for statements which take forever to be responded to. As I was seated here, they have even sent me a copy of the purported response which they claim they will bring tomorrow. But, if that is the kind of response they are bringing, I warn them in advance that what I have seen is hot air. I do not know whether even that is parliamentary. The rush, after knowing that I am protesting the delay of the response, is questionable. As I was seated here, they sent me a response through WhatsApp of a Statement which they claim they will bring tomorrow. Is it because I have protested? I also want to give them a warning that, if what I have seen is what they are going to bring to the Floor of this House tomorrow, they would rather re-think.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sarah, your request for statement, which Committee was it addressed to? Is the Chair of the Departmental Committee on Agriculture and Livestock in the House? Where is the Vice-Chairperson? Both of them are not here! Committee Chairs are encouraged and reminded to always be in the House, particularly when statements are being requested. Tomorrow, at a similar time, rise on the matter whether or not there will be a response, so that it can be addressed.

Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, I beg to rise under Standing Order 87(5) concerning a matter about the roles and the structure of the Senate and the National Assembly. To read verbatim, Standing Order 87(5) says:

“It shall be out of order for a Member to criticise or call to question the proceedings in the Senate or the Speaker’s Ruling in the Senate, but any debate may be allowed on the structures and roles of the Senate or Parliament.”

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang’, you know as a former assistant to the Speaker and a member of the Procedure and House Rules Committee, we may require a bit of your wisdom on the matter Hon. Kimani Kuria is raising.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. Article 96 of the Constitution provides for the role of the Senate to be as follows:

1. The Senate represents the counties and serves to protect the interests of the counties and their governments.
2. The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Article 109 to 113.
3. The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight of the national revenue allocated to the county governments.
4. The Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145.

(Loud consultations)

Hon. Temporary Speaker, there is so much loud consultations around me. I can barely express my thoughts!

The Temporary Speaker (Hon. Peter Kaluma): The Chairman of the Budget and Appropriations Committee, you can discuss in lower tones with the leadership on your side.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. On the converse, Article 95 of the Constitution mandates the National Assembly to do the following:

1. The National Assembly represents the people of the constituencies and special interests in the National Assembly.
2. The National Assembly deliberates on and resolves issues of concern to the people.
3. The National Assembly enacts legislation in accordance with Part 4 of this Chapter.
4. The National Assembly—
 - (a) determines the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve;
 - (b) appropriates funds for expenditure by the national government and other national State organs; and,
 - (c) exercises oversight over national revenue and its expenditure.
5. The National Assembly—
 - (a) reviews the conduct in office of the President, the Deputy President and other State officers and initiates the process of removing them from office; and,
 - (b) exercises oversight of State organs.
6. The National Assembly approves declarations of war and extensions of states of emergency.

When you read the provisions of Articles 95 and 96 of our Constitution, they clearly demarcate the different roles of the Senate and the National Assembly.

However, in the past two years, as Chairpersons of Departmental Committees - and I speak with authority as the Chair of the Departmental Committee on Finance and National Planning - we have found it difficult to carry out our oversight role with Ministries, Departments and Agencies (MDAs) and Semi-Autonomous Government Agencies (SAGAs) within our Ministries. The Senate committees are inviting and summoning and, to an extent, fining very senior officers in the Executive on matters that are not necessarily the mandate of the Senate. The Senate should be busy overseeing the use of funds by county governments and making sure that devolution works. This morning, we found all the senior officers of a key national agency sitting in a corridor at the Bunge Tower for more than two hours, waiting to be ushered into a meeting of the Information Communication Technology Committee of the Senate. The matter that the Senate Standing Committee on Information, Communication invited those officers on has nothing to do with the role of the Senate. We have continuously seen members of the Executive, including Cabinet Secretaries and Principal Secretaries, spend so much time before those Committees that they hardly have any time to carry out their roles as implementing agencies in their Ministries, or to attend to invitations that are done by the Departmental Committees of the National Assembly who are the overseers of those particular agencies.

Therefore, I invite your guidance and communication from the Chair on to what extent should Senate Committees invite officers from the national Government, how often, and on what matters. If, for example, they need the technical experience or expertise of some of those officers, then they should allow technical officers in those Ministries and State agencies to attend those meetings. To require the Cabinet Secretary or Principal Secretary for the National Treasury to attend a whole day's meeting on a matter that relates to an advisory on integration

of county revenue system with the Integrated Financial Management Information System (IFMIS), for example, that is a matter that can be competently answered by someone in the position of a director in the Ministry. When you require the Principal Secretary, the Cabinet Secretary, the Commissioner-General of Kenya Revenue Authority, the Governor of Central Bank and all those other officers, it is not prudent use of time by those officers. It is a breach of the mandate that is given by the Constitution, especially Articles 95 and 96 on the roles of the two Houses. I am seeking your ruling and communication on this particular matter because it is really affecting the functioning, especially of the Departmental Committees of the National Assembly.

I submit, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I will allow some comments on this particular matter before the Speaker makes a communication. Hon. Gitonga Murugara, do you want to speak to this one?

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. The request that has been made is actually timely. This House has been faced with problems, especially regarding its oversight roles. The problem we have is that...

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): The Chairman of the Budget and Appropriations Committee, you are walking with Members and they are very happy behind you. They are not even following one side of the aisle. Could you, please, leave the House in silence?

Hon. George Murugara (Tharaka, UDA): The good thing about the Chairman of the Budget and Appropriations Committee is that he is a very amiable man. So, I am sure the ladies have found it good to walk out with him.

But, that notwithstanding, it is vitally important that the Senate appreciates its constitutional role. The oversight of the national Government is given to the National Assembly. It becomes extremely difficult for the National Assembly to exercise the oversight role when the Senate performs the same role by inviting the same members of the Government.

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

The Temporary Speaker (Hon. Peter Kaluma): Yes, Whip of the Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I am wondering whether the Member is in order to make the comments that he has made about the Chairman of the Budget and Appropriations Committee, especially at a time when we have just seen a case from Equatorial Guinea of a man who is supposed to have gone around with 400 women. Is he encouraging such bad behaviour in this country?

(Laughter)

We cannot allow it because it is discriminatory against women, unless it is shown that they can also do the same thing. If we cannot do it, then he is completely out of order. He cannot say or do such things.

The Temporary Speaker (Hon. Peter Kaluma): Whip of the Minority Party, Hon. Murugara said that the Chairman of the Budget and Appropriations Committee is a very amiable man. So, anybody around him is expected to be happy the way the lady Members are. By coincidence, the Chairman of the Budget and Appropriations Committee was only in the company of lady Members of Parliament at the time. However, it was not targeted at women. He is an amiable person. Anybody around him will naturally be happy.

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Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Absolutely. Thank you for protecting me.

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Is this about the 400 women Hon. Naisula was talking about? What did you say about them?

(Laughter)

Hon. Murugara, let us proceed.

Hon. George Murugara (Tharaka, UDA): The trouble is that Hon. Wamboka is also seated next to the Hon. Members, including the Whip of the Minority Party, and the gracious lady from Samburu County. Therefore, you can see how excited he is. Next to them is Hon. John Makali. Those are all gentlemen from western Kenya, who are well-known for this... I do not want to attribute them to what was said from Equatorial Guinea. It was quite hilarious to read what that Cabinet Secretary was doing there, but the only common thing is the happiness.

The Temporary Speaker (Hon. Peter Kaluma): Did you say what the guy in Equatorial Guinea was doing was hilarious or despicable?

Hon. George Murugara (Tharaka, UDA): It is hilarious because I do not know whether it is true or false. I took it with a pinch of salt. I do not think it is true, but we are there.

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wamboka, we will not disrupt the main parliamentary business for points of order. So, you will allow Hon. Murugara to continue.

Hon. George Murugara (Tharaka, UDA): Let us continue with the problems we have with the Senate. This House must be allowed to do its oversight role on the Executive, which is the National Government. There is no way committees can summon senior members of the Executive for the purposes of ensuring that the Government is running properly, only to be told that the same members have been summoned by the Senate. We need a clarification as regards the constitutional roles of the Senate and the National Assembly.

The Senate must always know that its role is limited to matters relating to county governments. There is a lot to do there. They cannot say that there is so little to do in county governments. Therefore, they have to poke their noses into what the national Government does. Sometimes, they try to say that the roles are cross-cutting. We now need this to be clarified. There is no cross-cutting role between the national Government and county governments and so, the Senate can now find itself delving into matters of the national Government.

The request is timely. Kindly make a ruling, so that we all know that we need to meet the Executive when the time comes without any deviation from the Senate. Thank you very much.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, this is a very serious matter. I wish you could give it the attention we are now giving it. That is why I requested Hon. Kajwang' to sit back. Principal secretaries and cabinet secretaries are permanently in the Senate addressing matters of the national Government, but not county governments. We search for cabinet secretaries or principal secretaries to address the matters of national Government, but we barely find them. That is the stem of the matter.

Hon. Owen Baya. I have noticed you, Hon. Kirima.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, this is a very serious matter that needs to be canvassed in such a way that we get a solution at the end of the day.

The Constitution is supreme. Its supremacy must be respected not only by any other organ, but also the Judiciary. This is because the many things that the Senate is doing are because of court orders and rulings that are made by judges who have over-reached the Constitution. They want to give the powers that are vested in the National Assembly to the Senate. That is why the Senate always runs to court to get interpretations, rulings and judgements that give them authority.

The framers of the 2010 Constitution did not even put the position of Leader of the Majority Party in the Senate. If you look at the Constitution and the way the Senate is formed, there are certain things that they do not have, for example, some committees. However, they use the court system to create powers for themselves that are not envisaged in the Constitution. That is why we are where we are today. They use litigation in courts to say the Senate can summon principal secretaries who have nothing to do with devolution. The framers of the Constitution were very clear that the Senate's role is about the management and protection of county governments. We have a lot of issues there today, but the Senate does not address them. They look at work that is cut out for the National Assembly, which is very sad. I met an officer today from Ministries, Departments and Agencies (MDAs). He told me that he had spent a whole day in the Senate being asked questions which he had already answered in the National Assembly.

Remember the Ruaraka land case where Parliament acted out of character. This is because the National Assembly looked and studied it, and passed a resolution that the former Cabinet Secretary and all the people were culpable. That was the role of this House. However, a Senator moved the same case and requested to table something in the Senate. I was a Member of the Departmental Committee on Lands. We deliberated on that matter and passed certain resolutions which were adopted by this House. They took the issue to the Senate which absolved those people. So, there were two reports from the same Parliament. The National Assembly and the Senate gave conflicting resolutions. I felt like we were letting down Kenyans and this Constitution which we swore to defend.

It is important for the Senate to stick to its mandate. The day it will do that, county governments will work properly. They will be overseen properly. There will be no haemorrhage of money that is currently experienced because the Senate will be active in its role. But because of imperialism – and I do not know whether it is imperialism or the modern kind of imperialism - they ignore and ‘eat’ into the roles of the National Assembly every time.

Hon. Temporary Speaker, we must stop misusing the court. The President once said that when one House takes the other one to court, we are missing it. The Senate has taken the National Assembly to court very many times, so that they can get powers and infringe on their roles. The Constitution is very clear on the mandates under Articles 97, 98, 103 and 117.

The Speaker of the Senate is a lawyer of good standing. He needs to rein in senators and anything that comes to the Floor of that House. He should not approve something that infringes the mandate of the National Assembly. He is the one who approves the business of the House. It is then taken to the Floor of the Senate and discussed. He needs to rise above the sibling rivalry of these two Houses and say that a certain matter belongs to the National Assembly. When I bring a matter here that touches on county governments, even the Clerks-at-the-Table will tell me it has to be discussed in the Senate. So, the Senate should do the same thing. When a matter is taken by a Member to the Clerk or Hon. Speaker, he should have the moral authority and high standing to say it does not concern county governments thus, it should be taken to the National Assembly.

That is the ruling we will require so that we are seamlessly aligned and also to give national government officers time to work. We cannot have a cabinet secretary in the Senate throughout the day and the next day. They even summon principal secretaries. Here, we shy away from summoning principal secretaries. We summon cabinet secretaries. The Senate has

gone ahead to summon principal secretaries. Tomorrow, they will be summoning directors and other days they will be summoning county commissioners. Eventually, they will be summoning everybody just because, probably, they do not have work.

Hon. Temporary Speaker, this is a matter that we must deliberate, canvass and find a way forward in order to stop the duplication of roles between the National Assembly and the Senate.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Elachi, there was a time when I travelled out of the country and the ambassador was informed that the Senate Committee Members of Defence and Foreign Relations were waiting at the airport to be received by him. I was asking which foreign relations matters between counties in Kenya for which the Senate would have a committee in charge of defence and foreign relations. Make your contribution.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I always thank God that I have been a Senator and a Speaker and I see where the weakness in the Senate is. It is just one. Their roles are so limited that they always want to eat into the roles of the National Assembly. That is the truth of the matter.

I was in the first Senate and I know they went to court where some interpretations were made. The key issue is for the two Speakers to sit and agree that when a matter is very grave and touches on both functions of the Senate and the National Assembly, then a joint committee should be established to deal with the matter once and for all. We agreed here to bring cabinet secretaries on the Floor of the House. That is all the Senate needed to have done. It is unfair and unethical for them to call the Cabinet Secretary for the National Treasury, disregard him and even chase him out. That is very wrong. Yet, they know very well that the function for which they have called him is not on the Division of Revenue Bill and not on county monies. They call him on issues they have read in newspapers and all over and require the Cabinet Secretary to substantiate whether it is true or not. That is unfortunate and very wrong.

One thing I would wish to tell the Senate - and that I told a Senator I was with somewhere - is that, as a country, we agreed to have a presidential system. I have not seen anywhere in the United States of America where the Senate interferes in any matter of Congress. None! I also told the Senator that it is unfortunate that the Senate interferes in all the matters of the National Assembly and completely disregarding their role. That is why we have a challenge right now with governors.

If the Senate was functioning, it would enact a law saying that a county secretary should be recruited by a county public service board so that we know very well we have a substantive county secretary. It should not be done the way governors remove them every six months and hire new ones in acting roles. They have disregarded their role.

We need a very clear communication to the effect that if a matter for which the Senate has called a principal secretary or a cabinet secretary does not deal with counties, the cabinet secretary can write a letter telling them that the matter does not concern counties at all. That way, we will have some decorum and stop bashing each other in the media and in meetings.

That is why they are just joking with NG-CDF. Today, I told a Senator that he has no business saying that the National Government Constituencies Development Fund (NG-CDF) is a county function. It is not. We were about to go into some serious conflict, but I just told him I want the Senate to respect the National Assembly the way it respects the Senate.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Moses Kirima, then Hon. Tom Kajwang' and Hon. David Ochieng' in that order.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker. Junior or not, we are all Hon. Members of Parliament here. Thank you, Hon. Temporary Speaker for giving me this opportunity to address this issue.

(Hon. Millie Odhiambo-Mabona consulted loudly)

Can I be given a chance? This is a very serious matter, Hon. Millie, which requires a lot of attention from all of us. Before I came to this august House, I used to practice constitutional law as a lawyer in the corridors of courts. I used to study the Constitution and the Standing Orders of Parliament. I knew that there was a difference between the roles of the National Assembly and the roles of the Senate. I knew very well that the Senate was meant to participate, supervise, oversee and protect county governments and all issues that are relevant to counties.

At the same time, I knew very well that the National Assembly's major mandate was to legislate, oversee the national government and do anything which pertains to the public as it relates to matters concerning the Executive. Those are the things I knew before I came to this House.

When I came here, I realised that from the year 2013, when we came up with a bicameral house, the Executive, in one way or another, decided to cajole with the Senate to an extent that it allowed or it started cohabiting with the Senate to subtract the strength of the National Assembly by allowing it to form committees which is not allowed by the Constitution. The Senate summons the Cabinet Secretary in charge of Education and anybody concerned with university matters or higher learning institutions matters. At the same time, the Senate goes ahead and summons the Cabinet Secretary for Foreign and Diaspora Affairs and the one for Defence. One wonders which county matters relate to the defence of this country and one wonders how county matters relate to university matters.

The other day, as we were handling Kenyatta University Teaching and Referral Hospital matters, the Senate was doing the same and yet, it had nothing to do with the Senate. When we were handling matters to do with defence, the British Army Training Unit in Kenya (BATUK) issues, the Senate was also handling the same matters. So, the Senate and the National Assembly, end up giving contradictory rulings and opinions. The National Assembly and the Senate are respectable Houses, which should be coming up with answers that do not contradict because the public expects to be protected by these two Houses. One does that at the county and the other at the national level. It is high time the three arms of Government sat down, not just the two Speakers, to iron out their issues and avoid duplication of work by the two Houses.

If I am not wrong, I will say as it has been said before that the Senate has very little work to do. It should be meeting only when it is dealing with county issues. If we interpret the Constitution well as it is, the Senate should not even be sitting daily because it has no work to do. The Senate should be meeting on quarterly basis or once per year. This way, it will get work from county governments. It has failed to play its role of protecting the national resources that we allocate to county governments. Therefore, governors have gone all the way...

The Temporary Speaker (Hon. Peter Kalama): Hon. Moses Kirima, you have 30 seconds remaining.

Hon. Moses Kirima (Central Imenti, UDA): I pray that the Senate plays its role of protecting taxpayers' money from being squandered by governors. It has abandoned its work and decided to interfere with the work of this House. What should be done? The Arms of Government should meet - that is the Executive, Parliament and Judiciary - and iron out these matters. This House has to protect the Constitution.

Hon. Temporary Speaker, please allow me just two seconds to conclude. If you can remember, two weeks ago, we protected the Constitution and it bore fruits. This matter should be handled as per Article 96 of the Constitution. Why should we allow the Constitution to be abused by the same House which is supposed to protect it?

Thank you, Hon. Temporary Speaker. I hereby lay my case.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Moses Kirima. Next is Hon. TJ Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Thank you, Hon. Temporary Speaker. I will be very brief on this matter. I do not want to lament because we are reducing this House to lamentations. I do not know whether the senators or the people concerned are watching us. Perhaps, we are talking to ourselves. First of all, I have an issue with the Deputy Leader of Majority Party. He is buttressed by the able Deputy Majority Whip, who is seated on his right. Those are enviable positions and they should not lament. Let those of us in the Backbench lament and spew everything that we want. The leadership should give us solutions.

We are now adding you a bad girl in your arsenals. You are leaders and must take your positions seriously. First of all, I wish the Chairperson of the Departmental Committee on Finance and National Planning raised this issue when the substantive Speaker was present.

But, that notwithstanding, the Temporary Deputy Speaker will take the role of giving us a reasonable response. This is a very big issue that is touching on constitutional law and inter-relationship between the two Houses.

We need a more diplomatic approach. Probably, we should think of having ranking Hon. Members of both Houses advising the two Speakers. An issue that we had in the last Parliament was the discord which was apparent between the leadership of the Senate and the National Assembly. It was very difficult to handle even a simple issue, such as which Bill should go to which House. Yet, the Constitution is very clear on how this should be handled.

I think we need a committee of ranking Hon. Members to advise the Speaker of the National Assembly and the Speaker of the Senate who was once in this House and knows it inside out. We should come up with a common position that we need to help devolution and Parliament, to stand on its own. We need to come with some bicameral rules on how the cabinet secretaries or the Executive should interface with the Senate and the National Assembly.

When you think about it, who helps cabinet secretaries to process issues in the Senate? It is the Clerk of the Senate. He is the one who processes the committee meetings, gives venues and processes summons. If there was political goodwill, he would respectfully tell the senators that a certain matter is not within the purview of the Senate and is in the domain of the National Assembly.

So, if you think about it, this goes beyond the membership of the Houses. It is also an institutional problem of Parliament because the Clerk of the Senate seems to be antagonistic or ambivalent to the Clerk of the National Assembly. You can think that these are two different institutions. This is one Parliament which is in two different Houses. So, before we reconcile Members, first of all, let us reconcile the institutional arrangement.

I am a member of a Mediation Committee which never took place concerning the Mung Beans Bill. This was a money Bill that was processed through the Senate. I wonder how it landed on the Floor of the Senate and yet, it was processed by the Clerk of the Senate. The Clerks of the two Houses approve Bills. If I were to bring a Bill which is not within the purview of the National Assembly, the Clerk will turn it down. In fact, not him, but the staff will politely tell me that this cannot be handled here because the Constitution or the law refuses.

In that Mediation Committee, first of all, I sought to summon the Clerk of the Senate on why that Bill was processed in the Senate. That was the end of that Mediation Committee. I have never been asked to attend a meeting because the Clerks of the two Houses are the ones

who advise on the formation of the mediation committees. As I sit down, the leadership of both divides of the House must start that conversation.

They should not lament and must find a way of getting the Speaker of the National Assembly and the Speaker of the Senate to agree that we have an institutional problem. So, we must have legislative or regulatory mechanisms. If this is by way of regulations, they should let us know which cabinet secretary appeared before a committee instead of lamenting. This might be useful to the public, but not useful for the integration of Parliament.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Samuel Chepkong'a, I saw the Senate summon the Cabinet Secretary, National Treasury and Economic Planning. They were very livid in the media dealing with national Government matters. Please, comment in three minutes. Hon. Members, we should end with Hon. Samuel Chepkong'a so that the Speaker can give a communication.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): Thank you...

The Temporary Speaker (Hon. Peter Kaluma): Be as brief as possible.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): I will be as succinct as I can. I want to thank my good friend, Hon. Kuria Kimani for bringing this matter up. Article 93(2) of the Constitution is absolutely very clear. It states:

“(2) The National Assembly and the Senate shall perform their respective functions in accordance with this Constitution”.

The drafters of this Constitution were very clear. They knew which House will perform what function. Those functions were, therefore, divided in the Fourth Schedule, which provides for what the National Assembly will oversee and what the Senate will oversee. It leaves no confusion nor contradiction or challenges to any of the Houses. The law is very clear.

Article 96(4) of the Constitution is on the role of Parliament, particularly the Senate. It says that the Senate participates in the oversight of State officers, then restricts those State officers whom the Senate oversees to the President and the Deputy President. The question that we would like to ask is: When they invite State officers who are approved by this House – and not the Senate - how do they intend to oversee those State officers? We need a ruling that State officers should uphold the Constitution as required by Article 2(1) and (2) of the Constitution. For the avoidance of doubt, I would like to read it for those who may not be conversant. It states very clearly that:

“(1) This Constitution is the supreme law of the Republic and binds all persons and all State organs at both levels of government.

(2) No person may claim or exercise State authority except as authorised under this Constitution.”

If the Senate purports to exercise some State authority which is not delineated to it, they are in breach of the Constitution. The Constitution goes further to state that every State officer is obligated to protect and uphold this Constitution. This includes the Senate and the National Assembly.

The reason why we do not invite the governors to come to this House is because we are very clear in our mind that it is not our role. We know at some point in our functions in our constituencies, we are aware where the governors have infiltrated into the functions of the national Government. I will give you one example. If you go to the primary schools, you will find that Early Childhood Development Centres (ECDCs) are located in primary schools. We have never said that those ECDCs must be removed because it is a county function. We have left them there and we have not caused any confusion. We have not invited them. In fact, most of the time, they come and put up buildings wherever they want in plots or parcels of land that we have purchased using the National Government-Constituencies Development Fund (NG-CDF). That is not a county function, but we do not complain. We are not inviting the governors

to appear before the Departmental Committee on Education, claiming that they are interfering with the education of our children in the primary schools, or interfering with the management of the primary schools. We are very clear in our minds.

Hon. Temporary Speaker, we are inviting you to rule that State officers, particularly the cabinet secretaries and principal secretaries, when a matter is not relevant as provided in the Constitution, should not appear before the Senate. You have even seen one which, unfortunately, Hon. Murugara has just walked out. That was in fact very hilarious. If you look at the question of Shakahola, there was a committee which was investigating the criminality which obtained in that particular region. The Directorate of Public Prosecutions (DPP) is not a devolved function, neither is it a county function. Why would you waste so much precious money? In fact, it is just that we do not want to say this but, it is akin to misuse of public resources to inquire into a function in which they are alien to.

We, therefore, want a ruling that obligates the State officers not to go to the Senate. And if they go, we are obligated in this House to commence proceedings for their removal under our role and mandate that is given to us under Article 94 of the Constitution, to oversee State officers, including removing them.

(Applause)

We approved them in this House and they should not go there just wandering and looking for work to do. The work to do is found in the National Assembly. We want a very clear ruling to the State officers. It is not to the Senate. It should not be directed to the Senate. It should be directed to State officers. In the event of conflict between the National Assembly and the Senate with regard to one particular matter, like for instance the question of Adani Group, although the airports are in counties, they are in Kenya. It is a national function. I saw some senators using big words. We are not lacking, neither are we bereft of those words. If they appear before us, we will also use big words. If they want us to use big words, we are here.

I, therefore, urge you to give a reasoned ruling that must be directed to the cabinet secretaries, that they should not keep wandering. When they appeared before this House during vetting, they swore that they will uphold the Constitution, and they must continue to uphold the Constitution. If they are in breach of the Constitution, we will commence sanctions against them.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Ochieng'. Hon. Members, not more than two minutes. We want to transact substantive business.

Hon. David Ochieng' (Ugenya, MDG): Hon. Temporary Speaker, I could not agree more with the Hon. Senior Mr. Samuel Chepkong'a. But I want us to look at it from a different angle as you deliver the ruling. That the Senate, in their thirst and hunger for fame, *bonga* points and to look good, have been on a smear campaign against the National Assembly. This happens almost every single day and we have kept quiet. Personally, every time this debate has come up on this Floor, I have sided with the Senate.

For the last 10 to 11 years, I have always sided with the Senate because I believe they have a role to play. But where this is going, we are losing the Senate. It is not the National Assembly. We are losing the Senate because the counties lack laws to guide them on healthcare, agriculture, water, sports, culture and youth development. Additionally, they lack laws to guide them on trade and commerce. That is an issue. The issue is not even about the wars between us. It is about the Senate shacking its responsibility so that the counties are running on water, not on oil. That is the issue. But because of the Senate misunderstanding and refusing to understand its role, the counties are running amok.

It is not just corruption. I do not believe corruption is the issue in the counties. When we went for the *majimbo* system, there are reasons why we decided to go to counties. In 5, 10, and 11 years, we should not be talking about the counties...

The other day, I was appointed a member of a Mediation Committee. We cannot be having counties crying for money every year and yet, the Senate has not made a law to ensure that there is discipline on how those counties collect their own source revenue and use them. We must hold the Senate to account on its role regarding what the law says - that they must protect the counties. They are not doing it.

For example, I remember in June this year, the Senate called people here to discuss what happened with regard to the young people who stormed Parliament. The Shakahola issue. Oh, the exchange rates going down to 140. What is their business with that? People are dying in the counties. We need to have the Senate doing its job. We need the counties to work. People want to grow in this country. The Senate should be told in unequivocal words to go back to its work as indicated in Article 96 of the Constitution. It is not about sibling rivalry; it is about the leadership of the Senate and taking the job. The only time we see the Senate talking about counties is if they are impeaching a governor. The only time we hear the Senate talking about something is when there is a governor coming on audit issues and, I dare say, extortion. If there is no money that is being exchanged, you do not see any seriousness in them.

The reason they even go to calling principal secretaries and cabinet secretaries is not because they want the best for the country. It is not because there is something they will do for us. It is because they want a chance for rent-seeking. It has to stop, and this House has to stop it!

Hon. Temporary Speaker, it is us who must put our feet down as Hon. Chepkong' a has said. If you cannot vet, you should not oversee and hold people accountable. They do not vet cabinet secretaries and principal secretaries. What will they do if they do not go back there? What will the Senate do if the cabinet secretaries refused to go there? What can they do? Even the impeaching of the President and the Deputy President must start from here. They cannot even settle their own problems. It is the lower house! It has always been and it must be.

This must be communicated to them in unequivocal terms. If we do not do it, we will continue with this confusion. The courts are as guilty as charged in causing this mess and the confusion. Every time we have a matter, they run to court and the court stands with them. Devolution was meant to work and the board is set up. This was supposed to be a specialised institution to help guide, nurture and direct how counties work. This is not a small matter, and I hope our Hon. Speaker, will take this with the weight it deserves.

As I finish, I also want to give a rider...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ochieng' how can you say counties are not being overseen when in addition to their salary, you passed a budget here for something called the Senate Oversight Fund from which each Senator is already receiving over Ksh1.5 million each month?

Hon. David Ochieng' (Ugenya, MDG): That is the position, Hon. Temporary Speaker. We have said this before. That the senators are misguided in believing that the National Government-Constituencies Development Fund (NG-CDF) belongs to Members of Parliament. It belongs to *wananchi*. No single Member of Parliament is allowed to sign a single document or receive a single cent from the NG-CDF. God knows that. In fact, this so-called Senate Oversight Fund is illegal. Someone must go to court to strike it out. It cannot keep going on. It is a wrong thing despite the fact that we approved it. We cannot keep bribing senators to do their work. That, if you do not give it to them, they will not pass certain motions. If NG-CDF is abolished, Hon. David Ochieng' will not die. However, someone's child will not go to school. I have said this before and I would like to say it again: We should stop equating NG-CDF to Members allowances. It is not our money and we do not touch it.

Hon. Temporary Speaker, we must stop pussy-footing on this issue of Senate. It must be dealt with once and for all.

(Laughter)

As I finalise, I want to advise...

(Hon. TJ Kajwang' spoke off record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kajwang,' the Temporary Speaker, heard Hon. David Ochieng' very clearly. I can confirm to you that the word is very parliamentary.

(Laughter)

Hon. David Ochieng' (Ugenya, MDG): As I sit down, Hon. Temporary Speaker, I also want us to ask ourselves a question as the National Assembly. I am doing this with deep respect for fellow Hon. Members. That, when the Senate is discussing Shakahola and what happened here on 25th June and when it goes about discussing the exchange rate of the country, where are our chairpersons of committees? Where our committees and what are they doing? Our committee members are very busy chasing principal secretaries for tenders and deals. Our chairpersons of committees must work for this House. Bring business. The Senate is getting a room because we take too long to summon.

When an issue happens today, we wait for the Hon. Speaker, to give direction. It is not the Hon. Speaker's responsibility to direct, but it is up to the committee members and chairpersons to take up those issues and bring them to the Floor. They are sleeping and we must wake them up. Every day the Senate looks good because they pick hot matters of the day while our chairpersons are waiting for the Hon. Speaker to help them on what to do. It is not the Hon. Speaker's job. We all must wake up and do what the National Assembly was set up to do.

I support the Motion and I hope that we will get a proper ruling. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Mabona, Whip of the Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker.

I am actually glad that one of the Members has talked about the framers of this Constitution. They are still alive and I am one of them. One of the things that we need to do is to go back to the legislative history of that Constitution.

One of the institutions that is creating a lot of confusion is the Supreme Court. When a matter has been taken to court for interpretation about the role of the Senate, they have interpreted it very broadly to say the Senate can deal with virtually anything. Within that framework, Hon. Ochieng,' has removed words from my mouth. As the National Assembly, we like lamenting when we have the powers. Let us also do exactly what the Senate is doing; expand our powers. Let us call and summon governors here. If it is a free for all and we all want to do it, we can also ask governors to appear before us.

Hon. Temporary Speaker, when matters relating to NG-CDF are taken to court, the argument is, in the Constitution, there are very strict issues that we are supposed to do as a national Government and all that. Nobody speaks about the fact that counties give bursaries when it is very clear in the Schedule of the Constitution that the mandate of counties in education is Early Childhood Education (ECD). Therefore, unless they are giving bursaries to

nursery school children, it is unconstitutional. However, because we understand that the bursaries that they are giving are helpful, we choose to keep quiet. From the way we are being pushed as the National Assembly, we need to take action.

Hon. Temporary Speaker, I want to agree with Hon. Ochieng,' because this is what I wanted to talk about. I have said it elsewhere in different meetings and I want to repeat it here.

That, there are those of us who want to be chairpersons of committees, but we do not want the work that comes with it. Why does the Senate go ahead of us? They may not have anything to do, but we can equally ask the same question of our own committees. Where are we? I get perturbed for instance, like when I saw the Senate dealing with something that involves classrooms the other day. They were asking about the preparedness of classrooms, which is okay. The Cabinet Secretary can respond, but who can allocate money in the budget? It is not the Senate, but the Budget and Appropriations Committee in the National Assembly. What happens then is that it becomes a mere public relations exercise at the Senate. However, we can make a decision here by saying that in the next budget, a certain amount should be allocated.

Hon. Temporary Speaker, I want to encourage this Parliament that it is unfortunate that the National Assembly and the Senate have this negative relation. I want to encourage some form of diplomacy as has been suggested by Hon. TJ Kajwang'. We need to improve our working relations because we will be more effective when we work and focus on our various mandates to the betterment of the country. One of the ways that we need to do that, since there is already a legislative framework in terms of the relations between the two Houses, is to have some subsidiary legislations or some rules and regulations in relation to how we work.

I sometimes empathise with cabinet secretaries. The cabinet secretary is summoned in the Senate and again the National Assembly, that has that mandate, summons the same Cabinet Secretary. What time do you think the Cabinet Secretaries have to do their work?

I recently invited my good brother, Hon. Mbadi, to my book launch. I wanted to interview him for a documentary. My people went there and sat from morning until midnight because he was still at work. He neither managed to do the documentary nor come to the launch. I understood since he is extremely busy and his calendar keeps changing. We now want to add our own confusion on top of that.

Hon. Temporary Speaker, it is unfortunate that because of that negative relation, you will find that you may pass an excellent Bill here like I did last time. I passed the Assisted Reproduction Technology Bill- even though I know you have issues with it. However, after we overwhelmingly passed it here, it went to the Senate and they sat on it. When I asked the Senate, I was told it is because of the poor working relation between the Senate and the National Assembly. The women who need to give birth will not wait.

The Temporary Speaker (Hon. Peter Kaluma): Yet, Hon. Millie, Whip of the Minority Party, you give priority to every Bill that is coming from the Senate.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Exactly, Hon. Temporary Speaker! We give priority to all the Bills that come from the Senate and forget our own Bills. That is why I urge us to move from the "Book of Lamentations" to the "Book of Exodus". Yes, it is in the "Book of Exodus" where we will start the implementation of our Bills. So, let us stop lamenting as the National Assembly. I encourage the Chairperson of the Departmental Committee on Finance and National Planning to go to the House Business Committee to seek the help of the leadership of Parliament. We do not need to engage in some things before the cameras. There are suggestions of how we can ensure that each House fulfils its mandate.

We will ensure that the cabinet secretaries in charge of agriculture, early childhood development or fisheries go to the Senate in respect of their roles. However, let us not over-reach our mandate with regard to the matters that the National Assembly handles.

With those few remarks, I support the request for a statement. However, I plead with the National Assembly. We have talked about the issue of money for oversight. Why are we complaining and yet, we are the ones who approved the Senate Oversight Fund? Let us stop lamenting when we have powers under the Constitution. This House has powers. Let us stop lamenting.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, you are saying something which is very important. Public officers or State officers are paid salaries to perform their work. The work of a Member of Parliament, whether in the National Assembly or in the Senate, is representation, legislation and oversight. How does the National Assembly give Members of Parliament in the Senate, who are already earning salaries to perform their roles, including oversight, something called the Senate Oversight Fund? What would happen if they now demand a legislation fund or a representation fund? We must look into such things. I agree with you that we should not lament.

Hon. Oluoch, you will be the last person to speak on this. Allow Hon. Oluoch to explain to us whether the Civil Division of the High Court can sue the Criminal Division of the High Court, and whether the courts would entertain such a suit. Why are the courts entertaining lawsuits between the two Houses of one Parliament? Do they not see any problem with that? We were recently dealing with the matter of the NG-CDF and what we saw shocked us. We had agreed on the diplomacy that we are currently talking about. When we were ready to proceed on that very last day of submissions, the Senate sent a lawyer from our own Directorate of Litigation and Compliance to say that they are opposed to the NG-CDF, and that it is unconstitutional. Even the judges were asking what the problem with Parliament was. The National Assembly sent Mr Mwendwa, the Director of Litigation and Compliance, and the Senate also sent their lawyer. All those people sit on the 5th Floor. Sometimes, you may lament about the courts, but what do you expect from the courts when one House of Parliament says that the law that Parliament passed is unconstitutional, and the other House says that it is not? Do you get what I am talking about? This is a very serious matter.

Hon. Oluoch, address that issue in two minutes, and then Hon. Mboni. After that, we will be done.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Speaker. The difference between us and the Senate is that, while we know very well that what the Senate is doing is unconstitutional because they act on things on which they want to claim expansive space, we do nothing about it. We have a Departmental Committee on Justice and Legal Affairs which has representation of very senior Members of our House. You have mentioned bursaries, oversight and school feeding programmes. Why have we not gone to court? We need to think about that and act on the unconstitutional things that they do.

The court recently pronounced itself on an impeachment matter before it and said that the jurisdiction is something that you either have or do not have. You cannot do it by the craft of interpretation. If I were to extrapolate to the courts, and in this instance, the Supreme Court, that very same logic, there is either jurisdiction for the Senate to do things under Article 96 of the Constitution, or there is not. You cannot, by craft of interpretation, take or arrogate to yourself the role that the Senate can do this or that because everything falls under national security. This is something on which we must bring the Supreme Court and the courts to account. Hon. Millie has mentioned that the Supreme Court was never created in order to over-reach its mandate or to engage in activism.

Lastly, the Attorney-General exists in order to give advice to the Government. I have heard two Members saying that we should also start summoning governors. The reason that governors cannot appear before us is simple. They know that the National Assembly has nothing to do with devolution. Why then would members of the Executive, knowing very well that the Senate has nothing to do with those roles, nevertheless accept to appear before the

Senate? We must call them and ask them, through the Attorney-General, why they have not developed a cabinet paper or policy that states that if a cabinet secretary appears before the Senate on a matter that has nothing to do with his or her portfolio, he or she will be sacked.

I submit.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Mboni, then lastly, Hon. Wilberforce Oundo.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker. This discussion is very important because the Senate has forgotten its mandate. One of its mandates is to oversee the county governments. The functions of the county governments are well spelt out in the Constitution.

The Chairperson of the Departmental Committee on Finance and National Planning sought the statement because when we were coming from a meeting, we found the Commissioner-General of the Kenya Revenue Authority (KRA) with his team waiting to see the Senate Standing Committee on Information, Communication and Technology. They were supposed to answer how they will integrate the Integrated Financial Management System (IFMIS) with the KRA revenue system and the county financial system. That is not the work of the KRA. That is a policy issue. They should have summoned the National Treasury on that matter. The KRA operates under the National Treasury on issues to do with finances.

The Senate has forgotten its mandate. The only thing that they are doing correctly, and what we know them for, is impeachment. They do nothing else. The counties have very many problems which need to be overseen by the Senate. We need a ruling. The Senate should stop wasting the time of cabinet secretaries and heads of departments. They keep the KRA Commissioner-General for two hours and yet, we are crying for funds. They should let him go and strategise on how he will raise revenue.

Hon. Temporary Speaker, your ruling on this matter, as a Speaker, is very important so that the Senate and the National Assembly can do their work. I know that the Senate does not like the National Assembly, which is why they go to court to nullify any laws that we pass here.

With those few remarks, I support the request for a statement.

The Temporary Speaker (Hon. Peter Kaluma): Member for Funyula, you have two minutes.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. We have had this debate severally, but we seem to be making no progress.

I concur with my colleagues that it is time we either act or live with this mess forever. We have the advantage because the substantive Speaker came from the Senate and he understands the mandate of the Senate *vis-a-vis* the National Assembly. It is upon him, in his exalted position, being such a senior lawyer and legislator – and probably being one of the ‘shareholders’ in the current Government, if I was to paraphrase – to literally take up the mandate and have a sitting with the Speaker of the Senate. He should tell him to his face that the drafters of the Constitution, many of whom are alive, intended this function to be carried out like this, so as to avoid the kind of confusion and embarrassment we go through. It is very embarrassing to have the Senate taking the National Assembly to a court of law, and then we have an advocate from the National Assembly in an adversarial situation with an advocate who is representing Senate.

Honestly...

The Temporary Speaker (Hon. Peter Kaluma): Yet, all of them are from Parliament.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, all of them are employees of the Parliamentary Service Commission (PSC). We end up with a theatre of absurdity. The Speakers’ Panels, the senior Members and leadership of the two Houses, and the PSC, must resolve this matter once and for all.

I do not agree with the notion that the senators are idle or do not have enough work. The role of overseeing the county governments definitely gives them a lot of work. I wonder how they even wake up at 5.00 a.m. or 4.00 a.m. to spend all their day hopping from one television station to another talking about things that do not even affect the counties. There are no medicines in the county hospitals. The entire health system is not working. There are no agricultural practices that are taking place. The county governments do not support agriculture. Feeder roads in the counties are impassable. In order to accommodate Early Childhood Development (ECD) in the country, the boys and girls have to partition the classrooms that are built by the National Government Constituency Development Fund (NG-CDF). There is so much to be done in the counties in terms of oversight. Issues of cess and duplication in taxation need to be addressed.

The Report of the Auditor-General, which flags out corruption matters, show that the county governments are currently leading in loss of public funds. This problem is no longer limited to the national level. How would you explain a scenario where 90 per cent of taxes that are collected by county governments go to payment of salaries and other emoluments? The county governments have now become employment bureaus rather than service delivery centres. The senators have abdicated their duty of overseeing the county governments, and they have the audacity of encroaching on matters that do not concern them.

If the senators have not read the Constitution to understand that they are the lower house, the best thing for them to do is to resign from the Senate and seeking ways of getting elected to the National Assembly so that they can enjoy the powers that the Constitution has given to the National Assembly.

Finally, this is a call upon our Hon. Speaker, being the Chairman of the PSC, and to the Clerks of the two Houses, to sit down and resolve this matter before we seek other ways of embarrassing each other so that the public can see who are the fools among the membership of the two Houses.

The Temporary Speaker (Hon. Peter Kaluma): Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Speaker, much has been said about this matter. Let us drain the swamp. It is us who are giving the Senate a lot of power by giving them money. We passed the law here and gave them money for oversight, bursary and whatever else they do. Let us stand for our rights and defend them. The Constitution is clear. It did not envisage confusion in Parliament.

Worse still, what is happening here is costly. There is an incident where they visited some Level VI Hospitals. I am in the Departmental Committee on Health. The Senate has nothing to do with Level VI Hospitals. They summoned the chief executive officers (CEOs) and the Principal Secretary. Action must start with the chairmen of the departmental committees.

If I am a chairman of a committee and they jump, I will not let them. In fact, why are we lamenting when the Constitution is clear? The issue is duplication of services. The Senate does what the National Assembly do. It is not that they have no work to do. Their behaviour is definite and deliberate. In fact, it is corruption at work. Why should they neglect their turf and come here? It is questionable. We have duplication, which is costly and leads to wastage. We also have confusion, which is deliberate and costly.

The dignity of the Houses of Parliament is at its lowest ebb in the eyes of those we oversee. We should remember that, as the National Assembly, we get quarterly reports from the entities we oversee – every three months – while the Senate summons the same entities without receiving any reports from them.

Lastly, if we know our rights as a House, why do we step aside and start lamenting? That is very serious. Why can we not stand and defend our rights? It comes to one thing: We should drain the swamp.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. Members, we should now be going to the substantive business of the day. I will allow Hon. Yusuf on account of rank and then we leave it at that. We are approaching 6.00 p.m. and we have not gone into the substantive business.

(Several Members spoke off the record)

The matter we are talking about is straightforward. Let the chairpersons of the relevant departmental committees tell their cabinet secretaries not to appear before the Senate on any matter that does not touch on devolution.

Proceed.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker. I stand to support this very important request for statement. I sympathise with the Executive, and specifically principal secretaries and cabinet secretaries, because they are always in Parliament. They are now being forced to do their work in the evenings and during late hours because they are always within Parliament Buildings responding to matters that are raised by the committees of the National Assembly or the Senate.

Unfortunately, through my observation, I have realised that they give priority to the Senate committees. It has happened to me. I summoned an institution which had, at the same time, been summoned by the Senate. The head of that institution told me that they were going to the Senate and, therefore, they would not heed to my invitation. I asked him to look at what the Constitution says. Whose mandate is this? Is it that of the National Assembly or the Senate? You know, the senators say many things and so, they have over-powered us. Therefore, on this matter, we have nobody to blame but ourselves.

We need to take our roles correctly and have a serious discussion between the two Speakers and Clerks. Everybody should hold their line. Otherwise, there will be collision, overlapping and repetition of activities. There will also be wastage. That is not acceptable in our current constitutional dispensation.

Thank you so much.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Yusuf, did you allow the Cabinet Secretary – or did you say Principal Secretary – to ignore you and go to the Senate on a matter that is domiciled in the national Government?

(Hon. Yusuf Adan spoke off the record)

I am happy he did. If he refused, remove him to remind the cabinet secretaries and principal secretaries that you are the ones with powers over them, and not the Senate.

Hon. Members, let us leave this debate at that.

(Hon. Njuguna Kwanjiku spoke off the record)

Hon. Kwanjiku, let us go to the next Order. Let me communicate before the next Order is called. You have raised serious issues regarding the particular matter that has been brought to the House through a point of order by Hon. Kimani Kuria. The substantive Speaker will give a well-considered opinion on it by way of a communication when it is ready.

Next Order.

BILL

*Second Reading*THE KENYA ROADS (AMENDMENT) BILL
(National Assembly Bill No.18 of 2024)

The Temporary Speaker (Hon. Peter Kaluma): Where is the Mover? Let us proceed to the next Order.

(Bill deferred)

An Hon. Member: On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, be notified that repeating points of order unnecessarily is in itself disorderly conduct. It can cost you very heavily. I do not want to go in that direction. Let us keep to the business of the House.

MOTIONSADOPTION OF FIRST REPORT ON IMPLEMENTATION STATUS OF
REPORTS ON PETITIONS AND RESOLUTIONS OF THE HOUSE

THAT, this House adopts the First Report of the Committee on Implementation on the implementation status of Reports on Petitions and Resolutions passed by the House, laid on the Table of the House on 26th October 2023.

(Moved by Hon. Raphael Wanjala on 19.9.2024)

(Resumption of debate interrupted on 19.9.2024)

The Temporary Speaker (Hon. Peter Kaluma): This one is for resumption of debate. The balance of time is 2 hours and 12 minutes. Who is speaking to this one? Hon. Adan Haji, do you want to speak to the matter under Order No. 9?

Hon. Yusuf Adan (Mandera West, UDM): No, I do not want to speak on this Motion, Hon. Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Yes, Hon. Ferdinand Wanyonyi. Whip of the Minority Party, we are on the matter under Order No. 9. I see your request here. Do you want to speak to this one?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. Give me an opportunity after the next person because I am still consulting Hon. Kajwang'. I thought we were still on the issue of the Senate and the National Assembly. You know, we traditionally come from the same area. We are consulting on something to do with the 10th of this month – something I am sure you are also familiar with. Give me a chance after the next person has spoken.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Whip of the Minority Party. Please, anybody who wants to speak to this matter should go to the intervention button. There being no more interest in the matter, I order that the Mover replies to the debate. Where is the Mover? The Mover of this Motion is the Chairperson of the Committee on Implementation. Hon. Raphael Wanjala has been in the House but he is not here now.

The Mover will be replying the next time the House Business Committee schedules this Motion on the Order Paper.

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(Motion deferred)

Next Order.

ADOPTION OF REPORT ON INQUIRY INTO ALLEGED UNFAIR TRADE
PRACTICES BY FOREIGN INVESTORS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Co-operatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

The Temporary Speaker (Hon. Peter Kaluma): Chairperson, Departmental Committee on Trade, Industry and Co-operatives. He has not been in the House the whole of today. I have not seen the Chairperson of the relevant Departmental Committee. Therefore, the Motion will be deferred to a future date.

(Motion deferred)

Next Order.

BILL

Second Reading

THE UNIVERSITIES (AMENDMENT) BILL
(National Assembly Bill No. 38 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Chairperson of Public Investments Committee on Governance and Education, are you ready to move?

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I request that we defer this Order because the Departmental Committee on Education has not given us the Report to know how we will move forward.

The Temporary Speaker (Hon. Peter Kaluma): When will the Report be ready?

Hon. Wanami Wamboka (Bumula, DAP-K): This is Hon. Melly's Report. He is the Chairperson of the Departmental Committee on Education.

The Temporary Speaker (Hon. Peter Kaluma): Are you saying that the Departmental Committee on Education should process this Bill in Second Reading?

Hon. Wanami Wamboka (Bumula, DAP-K): I am the Mover of the Bill, but the Departmental Committee on Education needs to table a report in this House.

The Temporary Speaker (Hon. Peter Kaluma): Yes. The Departmental Committee on Education should do so. With that information, you are right on your request. The matter under Order No. 11 is deferred to a future date, when the House Business Committee will reschedule it on the Order Paper.

(Bill deferred)

Next Order.

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

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The Temporary Speaker (Hon. Peter Kaluma): Yes, Whip of Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. Actually, we were speaking about this matter earlier on. I, especially, encourage the Majority side to take this matter seriously. The chairs of committees are not doing their work and they are the ones that are making the National Assembly look bad. They are enabling the Senate to take over our work and then we come here to complain. We have just gone through three Orders that relate to committees. The Chairs to those Committees are not there. This is totally unacceptable. We need to deal with this matter. We know that, as Members, we have many roles. When committee chairs know that they will not be here to prosecute matters that are due, they must arrange for other members of the committee to step in. Other members of committees can perform those tasks. This is not taking the work seriously. I encourage the Majority side to look into this matter. We have very many Members on our side who are willing to take up those roles if their Members are tired of doing their work.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Both Hon. Oundo and Hon. Bisau can lead committees. Hon. TJ Kajwang' represented the Chairperson of the Departmental Committee on Transport and Infrastructure very well. I cannot agree with you more, Hon. Millie.

Let us proceed to the next Order, which is by Hon. Owen Baya, the Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I want to say something, after taking cue from what Hon. Millie Odhiambo and other Members have said. I want to address chairpersons and vice-chairpersons of committees. We do not lack Members in this House to chair committees. We expect you to be diligent and be in the House to do your work when we have given you the responsibility of leading a committee. We agreed in Naivasha a week ago that chairpersons would be in this House. I want to send a strong warning to chairs that we will not continue to condone their absence in the House. We will take action. The action means being removed from the position of a chairperson. It is not because we do not want you or your political arithmetic at home. No. We will not look at that. We will look at the performance of the House. If this house must perform, we will make it perform without them.

(Applause)

I want to tell whoever has been given the responsibility to chair a committee the decision of the leadership of this House going forward. It is not from Owen Baya. It is from the leadership of the Majority Party. We will take action against chairpersons who abscond from duty. Today is Tuesday. We have just come from a recess. The recess was supposed to allow them to rest, do their other work and all that. We expect them to be in the House, as we resume, to diligently discharge their duties of chairpersons as well as the duties that their constituents brought them to do in this House.

Hon. Temporary Speaker, it is very sad that we have chairpersons with privileges above other Members, but they do not want to take their roles seriously. I want chairs to take it from the Majority Bench that we will take action against anyone who is absconding from duty.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Let us proceed to the next Order now. Is the Chairperson of the Committee on National Cohesion and Equal Opportunities here?

Hon. Yusuf Adan (Mandera West, UDM): Yes, I am, Hon. Temporary Speaker. At least, we should also recognise the fact that some chairpersons are present.

The Temporary Speaker (Hon. Peter Kaluma): The Temporary Speaker appreciates that you have been sitting in the House from 2.30 p.m. up to this moment. It is good to be a ranking Member. You appreciate the business of the House and your position. So, you are commended.

MOTION

ADOPTION OF SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker. I beg to move the following Motion.

THAT, this House adopts the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 21st March 2024.

Hon. Temporary Speaker, the Committee resolved to carry out an inquiry into employment diversity in public institutions. Diversity encompasses differences in age, gender, ethnicity, race, religion, disability and socio-economic background. It is crucial for public institutions to reflect the diversity of this nation. This is critical because they play a very important role in shaping policies, delivering services and implementing development activities.

For the second phase of the Report, the Committee sampled 20 public institutions and invited them for meetings on various dates to deliberate on their compliance with the policy on employment diversity. They included the Coast Water Works Development Agency, the National Environment Management Authority (NEMA), the National Irrigation Authority (NIA), the Local Authorities Provident Fund (LAPF), Office of the Data Protection Commissioner, the National Transport and Safety Authority (NTSA), the Independent Electoral and Boundaries Commission (IEBC), the Kenya Ports Authority (KPA), the Kenya Institute for Public Policy Research and Analysis (KIPPRA), the Kenya Airports Authority (KAA), the Kenya Railways Corporation (KRC), the Rural Electrification and Renewable Energy Corporation (REREC), the National Police Service Commission (NPSC), Rivatex (East Africa) Limited; Kenya Seed Company Limited, Masinde Muliro University of Science and Technology, Maseno University, Kibabii University, Kenya Export Promotion and Branding Agency and Kenya Industrial Property Institute. This was covered in the second phase of the Report.

The main objective of the inquiry was guided by four parameters; namely, ethnicity, gender balance, age and persons with disabilities. The Committee asked specific questions in terms of compliance with the Constitution as far as those organisations were concerned. In examining the activities and administration of all the State departments and statutory bodies in as far as the related rights and welfare of persons that are marginalised based on gender, age, disability, health status, ethnic, cultural or religious background, the Committee was guided by the Constitution of Kenya, the relevant statutes and regulations.

Article 54(2) of the Constitution provides that the State shall ensure the progressive implementation of the principle that, at least, 5 per cent of members of the public in elective or appointive bodies are disabled persons. Article 55(b) provides that the State shall take measures, including affirmative action programmes, to ensure that the youth have equal opportunity to associate, to be represented and to participate in national politics, social, economic and other spheres of life.

Article 56(c) provides that the State shall put in place affirmative action programmes that are designed to ensure that minorities and marginalised groups are provided special

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opportunities for access to employment. Article 232 (1)(a) provides that the values and principles of public service include affordable, adequate and equal opportunity for appointments, training and advancement at all levels of Public Service, of men and women and members of different ethnic groups and persons with disabilities.

The Committee was further guided by Section 7 of the National Cohesion and Integration Act No.12 of 2008. However, the Committee is now looking into repealing that Act.

Regarding ethnic community representation in public institutions, the Committee noted the following:

Kibabii University has the highest representation of one ethnic community – the Luhya community – at 76.2 per cent. We also noted that 12 institutions are dominated by the Kikuyu community. They include NEMA, NIA, Office of the Data Protection Commissioner, NTSA, IEBC, KIPPRA, KAA, KRC, REREC, NPSC, Kenya Export Promotion and Branding Agency, and Kenya Industrial Property Institute. Those 12 institutions are dominated by the Kikuyu community. Three institutions; namely, the Local Authorities Provident Fund, Rivatex East Africa Limited and Kenya Seed Company, are dominated by the Kalenjin community. Two institutions, namely the Coast Water Works Development Agency and the Kenya Port Authority are dominated by the Mijikenda community. Two institutions, namely Masinde Muliro University of Science and Technology and Maseno University are dominated by the Luo community.

Looking at the compliance with the two-thirds gender rule, the Committee noted that out of the 20 institutions, 17 have adhered to the two-thirds gender rule. We congratulate them. But the Coast Water Works Development Agency, Kenya Ports Authority and Kenya Railways Corporation have a problem. The Coast Water Works Development Agency has a female representation of 19.2 per cent against a male representation of 80.8 per cent. This is totally unacceptable. The Kenya Ports Authority has a female representation of 21.9 per cent instead of a minimum of 30 per cent. The male gender has a percentage of 78.3. The Kenya Railways Corporation has 20 per cent female and 80 per cent male representation. This is unacceptable in Kenya, 14 years after having our current Constitution. Those institutions have had 14 years to rectify some of those anomalies.

On compliance with Article 55 of the Constitution, the Committee observed that only eight out of the 20 institutions sampled had equal opportunity in employment of the youth. The Kenya Seed Company had the least representation in youth at 11.13 per cent.

In light of the foregoing, the Committee made some serious observations and recommendations. Section 7 of the National Cohesion and Integration Act, 2008 obligates all establishments to ensure representation of Kenya's diversity by having not more than one-third of their staff from the same ethnic group. That provision has been seriously violated. It is worth noting that the Kikuyu ethnic community has the highest representation in the country at 17 per cent in terms of population. The Committee is in the process of repealing the Act. A Bill has already been tabled and will be debated in this House in the near future. The Bill proposes to reduce the limit to one-fifth, if the House passes it.

There are significant ethnic imbalances in the composition of staff at various levels. Some ethnic groups are over-represented while others are under-represented. As per Article 232(1)(h), the Constitution expressly provides that the Public Service should be representative of Kenyan communities, which it is not so at present. There are noticeable age disparities also.

When it comes to Board members of public institutions, they are not recruited in the same manner as employees. They are mostly nominees or representatives of various interest groups. However, it is worth noting that the composition of Boards is from the highly represented communities in the country. There is little diversity in Board membership in terms of both ethnic representation and gender balancing.

The findings of the Audit Report demonstrate that historical injustices and lack of cohesion in Kenya is a major issue in addressing inequality in the Civil Service, and requires strong political will, commitment and demand for recognition of Kenya as a nation as far as the important issue of employment is concerned.

The recommendation is that within six months of adopting this Report, the Public Service Commission and the National Cohesion and Integration Commission (NCIC) should implement comprehensive diversity and inclusion policies with clear objectives, action plans and accountability measures and submit annual reports on the same to monitor progress. The National Gender and Equality Commission (NGEC) should co-operate with public institutions to enhance women representation, particularly in leadership roles. The National Youth Council (NYC) should promote youth engagement in decision-making by creating opportunity, providing training and establishing mentorship programmes. The Public Service Commission should enforce policies that ensure diversity representation in boards of public institutions that adhere to constitutional requirements.

Hon. Temporary Speaker, this Report sheds light on critical issues of employment diversity in our public institutions. By fostering an inclusive and diverse workforce, public institutions can help to address the needs of the citizens, contribute positive and social change, and ensure a more equitable future for all. Let us all work together to make this vision a reality. As a Committee, we look forward to more legislative actions to assist in this course.

Finally, having noted the proceedings of the Committee on National Cohesion and Equal Opportunity on employment diversity audit in public institutions, I beg to move and urge the House to adopt the Report. I request Hon. Toroitich to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Timothy Toroitich, the great Member for the great people of Marakwet West, to second.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. I rise to second the Motion as moved by Hon. Yusuf.

Before I speak on a few issues that are contained in this Report, I wish to associate myself with what Hon. Millie Odhiambo has said. The reason as to why I am seconding this Motion is because there is no member of the Committee in the House to second the Motion. It is unfortunate.

The Temporary Speaker (Hon. Peter Kaluma): Whip of the Minority Party, did you hear Hon. Timothy Toroitich?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I said I associate myself with the sentiments of Hon. Millie Odhiambo, who said that chairpersons of committees must be in the House. I have been chosen to second this Motion even though I am not a member of the Committee. I have just been pinpointed because there is no one from the Committee to second the Motion. When we were impeaching the Deputy President of the Republic of Kenya, this House was full. This is a fundamental Report that speaks to issues of regional balance in employment, and issues of ethnicity in this country, that we must deal with, as a House, with finality. I have read the Constitution. I have also read this Report.

The Temporary Speaker (Hon. Peter Kaluma): Hon Adan, what Hon. Timothy is saying is very serious. Who are your Committee members? What has happened such that none of them is in the House?

Hon. Yusuf Adan (Mandera West, UDM): It is unfortunate, Hon. Temporary Speaker. I have evidence of having circulated a communication to all the Committee Members that our important Report would be discussed today. I requested them to be present.

Hon. Temporary Speaker (Hon. Peter Kaluma): Who are the Members of the Committee?

Hon. Yusuf Adan (Mandera West, UDM): My Deputy is Hon. Liza Chelule. The Members are 20 now. They were 21. One of them lost an election petition. I can provide the list.

The Temporary Speaker (Hon. Peter Kaluma): A Committee of 20 Members with nobody from the Committee to second a Motion on such an important matter that is touching on Article 232 of the Constitution?

Hon. Yusuf Adan (Mandera West, UDM): It is very unfortunate, indeed.

The Temporary Speaker (Hon. Peter Kaluma): It is, indeed, unfortunate. Let us reflect on the meeting of the House leadership in Naivasha, as we transact our business. Hon. Timothy Toroitich, thank you for intervening.

May you second this important Motion.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, as you reflect on the committees in this House, I have information that some of us who voted otherwise are likely to be removed from some committees. I pray that even as you deliberate on those to be removed from committees, you take into account those who have been attending the sessions in this House and contributing to matters that are touching on substantive issues in this House. But be it as it may, I rise to second the Motion.

Hon. Temporary Speaker, if you read the Constitution of Kenya 2010 in its entirety, you will appreciate that the words ‘regional’ and ‘ethnicity’ have been used from the Preamble to the very end. The usage of those words is not a mere decoration. While moving the Report, Hon. Yusuf clearly pointed out that the National Police Service Commission (NPSC) is constituted of majorly one ethnic community. Article 246(4) of the Constitution states that:

“(4) The composition of the National Police Service shall reflect the regional and ethnic diversity of the people of Kenya.”

Read together with Article 130(2) of the Constitution which states that:

“(2) The composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya.”

Those are fundamental provisions in the Constitution of this Republic. Therefore, as a House, we must sit down and look at this Report in its entirety so that the Members can make decisions for the best interest of regions and ethnic communities in this country.

If you read further, Article 250(4) of the Constitution talks about the appointment to commissions and independent offices. It says very clearly that this shall consider the national values and principles. That, the composition of those commissions and offices taken as a whole shall reflect the regional and ethnic diversity of the people of Kenya.

As we debate this Report, let us look at how we can enforce and make it work so that whatever appears in the Constitution is not a mere decoration. This House must take decisive steps to ensure our public institutions, commissions, legislature and executive are regionally balanced. The issue of ethnicity should be considered so that we can have a fair country.

I am very sure that the drafters of the Constitution were not blind. Hon. Millie Odhiambo is one of them. There was a reason why the words ‘regional’ and ‘ethnicity’ were chosen. So, we can have a country that is balanced from Turkana, North Eastern, Nyanza and Mombasa for fair and equal representation of ethnic communities to serve in our Government. It is unfair that certain offices or agencies have almost 70 per cent of their employees from one community. This is a very important issue that this House must deliberate and make decisive actions so that this matter is resolved once and for all.

Thank you, Hon. Temporary Speaker.

I beg to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Timothy, before you sit down, the Kalenjin ethnic community is which one?

Hon. Timothy Kipchumba (Marakwet West, Independent): Pardon.

The Temporary Speaker (Hon. Peter Kaluma): The Kalenjin ethnic community is which one?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, the Kalenjin ethnic community...

The Temporary Speaker (Hon. Peter Kaluma): Even the Mijikenda in your Report are targeted. As you rightly said, Article 232 of the Constitution speaks to the integration of all ethnic communities in the Public Service. So, we should be clear on ethnic communities like Mijikenda and the Kalenjin.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. The Chairperson is here. He can give a substantive response to that question.

(Hon. Yusuf Haji stood up in his place)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairperson, just take your seat. So, did you second?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): I request everyone who wants to speak to press the intervention button. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I support the Report. Firstly, when you bring a report which says that a majority of the people employed at Maseno University are Luos, you should state which levels. Otherwise, what do you expect if a university is situated deep in Luo Nyanza? Majority of the sweepers and cleaners are likely to be from that region and not from any other place.

The Report is citing that Maseno University has 76 per cent Luos and I would like to know their job grades. Are they at the bottom, middle or top? It is important to have correct facts because they might be sweepers, cooks and watchmen in that institution. This is not a true representation. Where do you expect the sweepers to come from, if not from the immediate surrounding?

For example, you can do a survey of Pwani University and find out that a majority of the low-income earners are the Mijikenda. What of the people in the management level? What ethnicity are they? This will give us a clear indication. Secondly, when it comes to disadvantaged communities, we bash them together. For example, you say at...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya, you are making a very important constitutional point. Article 232(1)(i) of the Constitution, which the able Chairperson of the Committee quoted, is affording adequate and equal opportunities for employment, training and advancement at all levels of public service.

Hon. Owen Baya (Kilifi North, UDA): Yes! It is at all levels. I was giving an example of Pwani University, which is in my area. When you look at the top and middle level employees, you may find one or two people are from the Giriama community. The rest are from other ethnic communities and are recruited by the Public Service Commission (PSC). Those are the people we need to hold to account when we are checking for regional balance and integration.

At the Kenya Ports Authority, most casuals that are doing low level jobs like carrying heavy loads, luggage, sweeping and cleaning the train are from the Mijikenda community. There is no tribe in this country that is called Mijikenda. I do not know where they get that

statistic. Mijikenda is a conglomerate of tribes just like Luhya and Kalenjin. Thus, saying that the majority are Mijikenda is incorrect.

Secondly, also look at the hierarchy of leadership in this House from the top to middle management. What ethnic community do they come from? You should whittle down and winnow those statistics so that the true picture is reflected. I always lament that the Mijikenda do not manage the Port or have a say in top management. They only do manual work.

So, is this Report on cohesion and ethnic diversity a true reflection? For example, if there was a university in Hon. Millie Odhiambo's constituency – which is Suba North - you will expect a majority of the employees like cleaners and sweepers to come from that community. What matters most is the people who are recruited by the national board.

Let me also speak about national organisations which are the parastatals at the national level. The KRA, for example, is based here in Nairobi. What is the ethnic diversity? Do we see the ethnic diversity in KRA as similar to that of Nairobi? Nairobi is a very diverse area. The point I am making is this: Who are the majority in an organisation like KRA, which is based here in Nairobi and has an Office in Mombasa? Who are the majority of those people? Look at national organisations like the Kenya National Examinations Council (KNEC) in Nairobi. How is it diversified? Those national organisations are where we have a problem. You find that one or two ethnic communities are the majority. Who are the members of the Public Service Commission who recruit? Who is the chairperson? When you look at the CEO of that organisation, does their name and tribe reflect in the membership of the staff?

I have heard one person saying that there are several organisations that are dominated by one community and yet, they are national. It does not reflect the national diversity. Those are things that we must speak about. This is where we talk about real cohesion in our country. Those are things that we must look into. I want you to tell me what the ethnic diversity of staff and managers in this Parliament is. Thereafter, you can point out where there is an issue.

The Temporary Speaker (Hon. Peter Kaluma): Chairman, when are you doing an audit of Parliament?

Hon. Owen Baya (Kilifi North, UDA): Yes, we would like to see that.

The Temporary Speaker (Hon. Peter Kaluma): I was being told that some communities, you know the ones I am talking about and who are too loud, are nowhere in the management level of this Parliament.

Hon. Owen Baya (Kilifi North, UDA): Yes! That is what we want to see. Additionally, Hon. Temporary Speaker, I want to...

(Hon. Yusuf Adan stood up in his place)

The Temporary Speaker (Hon. Peter Kaluma): Sit down. I am just telling you that you should go beyond the scope of what you have already done.

Hon. Owen Baya (Kilifi North, UDA): I want to finish by saying this. When you present this Report and give it two or three years to correct the imbalance, what are you saying? Are you saying that you are going to correct the imbalance by sacking people or by adding people? How will you achieve this? Do you want to sack people of a certain tribe and replace them to create diversity or are you going to add the people to create a balance? I would like to see and hear how you will do that, so that we know how to move forward after the presentation of this Report. But it will just be like any other report if it does not show us how. Hon. Chairman, how do you want us to correct the imbalance? We speak about certain things here, but I want to see the Port management and everybody who is represented in management so that we have the face of Kenya. When the Kenya Ports Authority Board of Management sits, I want to see a balance. I want to come to this Parliament and I see the face of Kenya in the staff of Parliament. I want to see the face of Kenya in KNEC. I want to see the face of Kenya in

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everything. When you say you want it corrected with a certain type, how do you do it? Is it by sacking or adding more people?

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you for that frank contribution. Next is Hon. Wamboka. Minority Whip, I know you take priority over Hon. Wamboka. As a person who made the Constitution, we want to give you the best time.

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Temporary Speaker. I want to support the Chairman, but just like what other Hon. Members have said, it is indeed disheartening that a Committee of 20 people cannot have one another person present to support the Chairman on the Floor of the House. There is a problem. We leave it to our leaders to guide us well because this Parliament must function properly.

Hon. Temporary Speaker, I want to speak from the bottom of my heart. We have talked about institutions but, for me, we can start from the top. What is at the top? The Cabinet. I want to plead with this administration. The Kenya Kwanza Administration or now the broad-based administration, please, every Kenyan has a right to feel part and parcel of this country.

If you look at the history of why revolutions started, it is about resources. It is about one feeling they do not have their person at the table. It is not only immoral, but amoral, to have a Cabinet of Kenya with more than 50 per cent from two communities and yet, we have more than 43 communities in this country. We want the spirit of the Constitution to cascade from the top to the ministries and to the Public Service. That, when a cabinet secretary is making appointments, he must look at Kenya. It would worry no one. Kenyans will not fight after every election if, indeed, the leaders adhere to that constitutional requirement. It does not matter who sits at the top, but we will get resources as taxpayers - our share. It does not matter who sits there. What is due to my community will come to my community. It starts at the top.

You raised a very important point, Hon. Temporary Speaker, even about Parliament. That we create those laws but, at the end of the day, what does Parliament look like? Does it look like Kenya? Does it represent the mosaic of that fabric that Kenya is made of? No!

I will be bringing an issue to this Floor, about the Kenya Revenue Authority. We spoke about the appointments that were done at the Kenya Revenue Authority in this House. A matter was taken to court where almost 70 per cent of the people who were recruited at the Kenya Revenue Authority came from two communities. The matter went to court. The court stopped the appointment of those people. But what worries me most is that, as we speak, those people are still working. They are in office. That is the impunity of the highest order. If the administration cannot listen to this House and the courts, then what country are we breeding?

I support my brother and say that we must come up with more punitive laws to support this Constitution. However, if an appointing officer does not adhere or does not do that which the spirit of this Constitution envisioned, what must be done to that officer? Those are people who are appointed by the people. We come here and make noise that they have appointed through obscure ways but, at the end of the day, nothing happens.

For us in the Committee of this House that I chair, we are growing towards very punitive measures. If you are the head of an institution and appointing authority and you do not adhere to the law, we will recommend to this House that you are not fit to sit in that position. I am happy with the tone and the spirit of my good brother. I am happy that it is coming from the Government side, and this is what we are talking about. When we were in the leadership retreat the other day, we spoke about the allocation of resources. That is why people fight. That, if Raila Odinga is not the President, I will not have my fair share. If William Ruto is not the President, I will not have my fair share. We must stop that and begin with us and this House. I urge the House to develop a non-partisan approach to these issues. At the end of the day, we are Members of Parliament, whether we are seated on the Majority or the Minority side. For

once, let us have an approach that carries the *mwananchi* and satisfies the spirit of this Constitution. I support the Report, but much must be done from the top to the bottom.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. John Kwanjiku, Member for Kiambaa.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this debate. I want to echo the words of my Deputy Leader of the Majority Party that the Report from the National Cohesion and Equal Opportunity Committee is good, but not comprehensive. They are supposed to offer solutions and a way forward. Just mentioning that one ethnic community holds 17 per cent of the jobs is not enough. They must also calculate that community's percentage in terms of the population. You cannot give equal opportunities to a community that holds 0.001 per cent of the population and one that holds almost 40 per cent of the population. Therefore, that Report is not comprehensive. It is not proper to state that one community holds 17 per cent of opportunities and yet, you do not substantiate which positions they hold, or whether they were employed between 1965 and 1980, or two days ago. This Report is not weighty and, therefore, we cannot pass it.

My colleague here says that there is no single Member of the Committee who supports the Report. We were not even sure whether it is the Chairperson's or the Committee's Report. It seems like the Chairperson has also left.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): For the avoidance of doubt, the Chairperson is behind here in the consultation room. He is a very courteous Chairperson because he informed me that he was going to the consultation room. The Chairperson is a Muslim and a time comes when they need to pray. So, he is just behind here. Do not worry.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Hon. Temporary Speaker, I agree with you. But the lack of Members in the House to support the Report suggests that something is missing. I would like to inform the Chairperson that even if he wants us to pass the Report as it is, there are many things that are missing in it. However, I agree that it is a good Report that promotes the unity of this country.

Hon. Wamboka, I appreciate that we have a broad-based Government. Previously, you were still in the Opposition but now, you talk like someone who is in the Government. We appreciate that, but you also need to understand the genesis of this Government. As you said, we must continue fighting for equity in terms of distribution of resources, which I totally agree with. But Hon. Wamboka, we must also understand where this Government came from. We must also understand the communities that cover almost 40 per cent of the population. Therefore, you cannot equate a community that holds 1 per cent of the population to one that holds 40 per cent of the population. I stand to be guided. If we are to push an agenda of ensuring that all communities are represented, that agenda must also focus on the percentage of the population in those communities. This is because a population of about seven million people will definitely have a bigger share. I agree that the number of opportunities that a community receives must be commensurate with the percentage of the population of the community.

The issue that the Chairperson has talked about...

Hon. Naomi Waqo (Marsabit County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Deputy Whip of the Majority Party, what is out of order?

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I do not want to disturb my good friend, our *Mheshimiwa*, but is he in order to keep on talking about shares when he knows very well that, that word has costed someone his job? If he continues that way, we will impeach him.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kawanjiku, when you talk about ethnic percentages, is it in relation to the national ethnic proportions or the manner in which communities voted in the last election?

Hon. Njuguna Kawanjiku (Kiambaa, UDA): It is in terms of national ethnic population.

The Temporary Speaker (Hon. Peter Kaluma): On that, you are right.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): If the community is big, we expect them to have a larger share of the employment opportunities in the national cake because of their population.

I concur with the Chairman in making sure that a certain percentage of our young people get employed by the Public Service Commission. Sometimes, it becomes difficult for them to get jobs. They are told that for them to get certain positions, they need to have an experience of ten to 15 years. How can a young person have an experience of 15 years? Are we expecting them to perform better?

We must conquer and make sure that we come up with better laws as the Chairman has said, in order for us to create those opportunities deliberately. This will ensure that there are equal number of positions for women and young people when they are getting employment opportunities. We also need to put to task the Public Service Commission so that they can be producing annual reports of how many jobs have been created for the young people and women.

They also need to put a capping in terms of employment of the old people. At times, it seems like we are moving backwards instead of going forward. Someone who is 65 or 70 years is the same one who is getting appointed as a board chairman of a certain parastatal and yet, we have young, energetic and able Kenyans. We must be deliberate to create employment opportunities for our young people. As we move forward, I will propose to the Chairman that next time, although I cannot remember the related Article, there is a certain percentage of employment that is meant for the local people. It may not be 70, but about 30 per cent.

In counties like Kiambu, Nairobi or probably a company that is based in Coast Province, 30 per cent of the employment opportunities should go to the local people. They have provided infrastructure and an area for the company to operate on. Therefore, asking for 30 per cent and making sure that they get it is not much. Even if we want to be national, we must also protect the local interests. Politics is all about local interests.

Therefore, if you are not able to take care of your local interests, getting an opportunity to even come to the National Assembly would be a disaster. We must protect the local interests and ensure that, as we bring people from other regions to come and work in a certain place, for example, Kibabii University or Coastal Water Development, there is a certain percentage for the local people. There is no way you will get someone from Kiambu County to go and start working as a sweeper or a secretary there. There are jobs that are meant for the local people.

The only thing we need to define is the 30 per cent that is meant for the local people. Is it in terms of the top management, middle management or the subordinate staff? We must create that content. The Chairman should go back and do due diligence of that Report in order to have proper representation of it. When they tell us one community is holding 17 per cent or that it should not hold 1.7 per cent of the total employment, they should also tell us the percentage of that population in our Republic.

I support.

The Temporary Speaker (Hon. Peter Kaluma): The Whip of the Minority Party will take her due place in precedence.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I wish to support the Report. However, I will be commenting on areas that I think the Committee could have done better.

I grew up in a very small, but fairly cosmopolitan town. The majority of people in the town I grew up in were Luos. It also had a very sizeable number of Kisiis, Luhyas, Subas, Kurias, Kikuyus, Kambas, Somalis, Arabs, whites, and mixed races. In fact, I was discovering that the current Cabinet Secretary for Education went to the same primary school with me. I did not even know because we were so diverse. Sometimes, you did not even know who was there. I discovered he was my neighbour in Homa Bay after the death of General Ogola. It was a very small town, but fairly cosmopolitan.

The Temporary Speaker (Hon. Peter Kaluma): Whip of the Minority Party, why not just say it is Homa Bay Primary in my constituency?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes. It is Homa Bay Primary School.

I am very grateful because of that and I do not suffer some very limited ethnic thoughts and inferiority complex. I have grown up with very diverse people. I could as well have grown up in the City. I know you will also identify that Hon. TJ Kajwang' also went to the same school with me. A number of people here were with me in the same school. Yes, it was a serious school. It has very senior and serious people in this country. I consider myself really a Kenyan because of that. I am very ethnically liberated. I celebrate my ethnicity as a half Luo and a half Suba who is married to a Ndebele. I celebrate that with a Botswanan daughter. I am actually global. I am not limited in many ways.

I have also worked a lot in the human rights sector. By working a lot in the human rights sector, I am an expert on issues of equality and equity. Not only am I honoured to have been one of the founders or the founding fathers and mothers of the Constitution, I am also a founder of the National Cohesion and Integration Act. When Hon. Martha Karua brought that piece of legislation in the House when we had just come from a period where we lost over 1,200 Kenyans to ethnic clashes, I remember even the title or the name that was given to the Bill had something to do with ethnicity. I brought an amendment even to the title. When Hon. Duale attended the launch of my book recently, he was actually saying that I could amend even the title. In his words, he said that Millie can be very cantankerous.

For people who do not understand me, sometimes, I look like I just bring amendments for the sake of it. I mainstream certain issues in Bills. In fact, in this Parliament, I do not think I have done as well as others. No Bill would pass me in past Parliaments because I mainstream issues of human rights, gender, equity and equality. That means you will see me talking to issues of youth, women, children, minorities, the marginalised, and older persons. I also talk about the issues of persons affected by HIV and AIDS for a long time. We now have different groups that have come in. I have 'kind of' stepped down a little because Woman Representatives and the others are nominated to speak to those issues a lot.

I just want to clarify to the Committee. The original Bill did not have one-third when it came. I am the one who proposed an amendment to increase one-third. The idea is that we understand Kikuyus are the most populous. However, can you imagine of going into an office where 100 per cent are Kikuyus? It does not reflect the nation and the spirit of the Constitution that says that our appointment should reflect the face of Kenya. In fact, it does not just talk of the face. It talks about the face and ethnic representation of the country. Therefore, I want Hon. Baya to listen to this. It is true when you say that the local community should, at least, be the majority. 70 per cent is actually a majority.

However, it is wrong when it goes beyond 70 per cent. Even if it is a coastal community or a Homa Bay based institution, 70 per cent should be the local community while 30 per cent are people from other communities. That is how we even develop our children as truly global and Kenyan communities. Right now, because of devolution, it is unfortunate that I can go to counties where they speak only one language. I do not know why counties think they are exempt, but they are not. Even counties must follow the one-third rule.

It is in law that if the nature of work requires that it may go beyond, then it is understandable. We do not expect the people slashing grass in Kiambu to come from Suba North. It is not possible. So, there may be deviations around that.

However, on the whole, if they are professional jobs, then there must be diversity. Otherwise, why are we called Kenya? Why do we not form different countries? Homa Bay country, Kiambu country, and not counties. We should then be countries.

I heard the Chairman lump up certain communities while moving this Report. I want to state that if you look at the Constitution, we were very clear that we name communities by tribe. For the first time, we have Suba as a community. Everybody knows me as a Luo. I am a Luo because my mother is a Luo. But my father is Suba. Suba is a Bantu community. If I speak Suba here, the people who are likely to understand me are the Kikuyus, Kisiis, Luhyas, and especially the Maragoli, and Taitas. The Luos will not understand me.

I have had situations where people come to my constituency, especially in Mfangano Island where Suba is still very well spoken, and they do not understand it. But because we do not want our smaller communities to be extinct, we have acknowledged them as such.

When you are doing this Report, and I hope the Chairman can listen, do not say the Luo and include Suba as part of them. Identify what the Luo and the Suba have, respectively. When you are doing the Coastal region, do not tell us about the Mijikenda, but indicate who is constituted in that group. If you do not do so, then that is also a way of marginalising smaller communities further.

I also heard the Chairman saying that the Mijikenda were the majority. Majority is not a figure. There is nothing wrong with communities being majority in their locality, as long as they are up to 70 per cent. So, if they are majority at 70 per cent by law, then that is okay. So, do not use the word 'majority'. Please give us figures. We should hold institutions accountable because we need an inclusive country.

The Generation Zoomers (Gen Zs) told us that they are tribeless and leaderless. I wish we do not contaminate the Gen Zs because we need a country where your tribe is important just as much as mine is.

This is an issue that I am so passionate about. Unfortunately, because of time, I can see that I am limited. But I just want to say that the Committee needs to be giving such a report regularly for purposes of cohesion. That is why I amended the name to National Cohesion and Integration. It is supposed to bring cohesion and integration because people fight over resources. However, when we divide those resources equally, then we become united.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. I want to pick from where Hon. Millie Odhiambo has left. I was looking at an institution where the majority is up to 70 per cent, but the law requires that you do not go beyond that.

I asked myself: How objectively do you balance the remaining 30 per cent? I was drawn to a few researches that have been done in the academic world about balancing of meritocracy and diversity and how that reflects in our governance. One John Rawls, in *A Theory of Justice*, says that a fair justice is where positions of authority are open to all and where merit-based rewards do not compromise equality. That scholar talks about merit-based appointments. What does that mean? If you conducted an interview for 15 people and you need 10, and the best 10

belong to one ethnic community, then if you follow that theory, you would hire the 10 irrespective of their ethnic community. Go further to the person we refer to as the father of governance, one Prof. Mervyn King, who says inclusive governance, corporate social responsibility and stakeholder diversity are crucial in good governance. He says that diversity brings a broader perspective to decision-making and aligns the concept of Ubuntu, or what we call human inter-connectedness. Therefore, we have research that shows that if you were to follow merit-based appointment, you would hire the most merited people. There is research to show that if you endeavoured to go further and tried to ensure that you have a diversified workforce, that diversified workforce increases inclusivity, corporate social responsibility, efficiency and effectiveness in that organisation. Robert Maas, in *A Theory of the Critical Mass*, says that corporate boards that govern structures become more effective and innovative...

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

The Temporary Speaker (Hon. Peter Kaluma): Whip of the Minority Party, what is out of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Apologies to the Chair of the Departmental Committee on Finance and National Planning. Please take your seat. That is the Standing Order.

Hon. Temporary Speaker, my apologies. I have heard him repeat a mistake that I am the one who misled him, which I want to correct. It is not more than 30 per cent that should be from the same community. My apologies. I am actually the one who gave the wrong figure. It is no more than 30 per cent.

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

Hon. Kuria Kimani (Molo, UDA): It is no more than 30 percent, but the argument still surfaces. What happens when you have more than 30 per cent of people from the same community who are qualified for a position and the rest do not? That is why I was talking about the tricky balance between meritocracy and diversity.

We were talking about critical mass theory. The author says that corporate boards that govern structures become more effective and innovative when they are diverse enough to allow for a valid perspective. This shows that there is merit in ensuring deliberate action on diversity in our workforce. Even though research has shown that merit is what drives an institution, there is merit in making sure that there is diversity in that workforce. That brings us to a more effective organisation. Meritocracy promotes efficiency by selecting qualified individuals based on skills and achievements, but diversity fosters representation, equity, inclusivity and constitutes innovation and robust decision-making. In this case, research has shown that, in as much as we want to appoint based on merit, there is merit in ensuring diversity in a particular workforce.

Therefore, this gives us a balance between the argument that was raised by my colleague, Hon. Kwanjiku, on the population data and how that should reflect in those particular institutions.

At the same time, academicians also ask about merit. If I conduct an interview and the person who scores 80 per cent and becomes number one is from a majority community and the person who comes second scores 60 per cent, both of them are qualified. However, the second one is from a minority community. Then, inclusivity and diversity tell us that we should give the opportunity to the person who is number two, although the marks are lower than the first one. This is where we need a lot of wisdom in navigating this complexity. How do we ensure that we reward meritocracy and, at the same time, ensure there is diversity? Once we achieve this thin line, we should ensure that we have efficient workforce, inclusivity in our workforce, and there is ownership by decisions that are made by those institutions. There is nobody who will feel left behind, whether he or she is from majority or minority communities.

With those remarks, I submit, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kakai Bisau.

Hon. Bisau Kakai (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker. This is a very important Motion. It is something that we have encountered severally in the Public Investments Committee on Governance and Education, especially in our education institutions. However, the problem starts in this House and the Executive.

When you look at the way appointments are being done, take an example of a vice-chancellor in a certain county, he or she comes from that particular community. We have seen situations where even Members from this House literally chase away some of the workers because they are not from their ethnic backgrounds. The problem is in this House. We are preaching water and taking wine. I have a simple question, but Hon. Kawanjiku has left the Chamber. We will start with ourselves. I know there are many Luhyas and Luos in his constituency who pick tea. In his National Government Constituencies Development Fund (NG-CDF) Office, how many Luos and Luhyas does he have? The Deputy Leader of the Majority Party in Kilifi North and Hon. Mwashako in Wundanyi Constituency, how many Luhyas, Kikuyus and other different communities do they have in their offices? It starts with us.

Secondly, I know my colleagues mentioned that charity begins at home. The Report should have started by stating the situation in the Parliamentary Service Commission. As we step out there, we should know exactly what is happening here. It starts with us.

Picking from where I worked before I came here, the United Nations, we had the quota system. You pick the population based on the argument of Hon. Kawanjiku. For example, you say this is the population of Kenya and the Kikuyu community should be 17 per cent. When you are distributing jobs and it reaches that level, you freeze it. That way, you accommodate people so that every Kenyan feels as part of Kenya. I know Hon. Yusuf talked about the Canadian Association and the Employment Act. While I support this Report, it would have been important for us to have an action plan where we can say that this is how it should go.

Hon. Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. Hon. Kakai Bisau, you will have six minutes to speak to this matter when it will be scheduled next by the House Business Committee.

ADJOURNMENT

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.04 p.m., this House stands adjourned until Wednesday, 6th November 2024 at 9.30 a.m.

The House rose at 7.04 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi