

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 14<sup>th</sup> February 2018

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

### PRAYERS

**Hon. Speaker:** We may start, we have quorum.

### PETITION

#### MISAPPROPRIATION OF ASSETS BELONGING TO NEW KIENI COFFEE FARMERS SOCIETY

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House that my office is in receipt of a petition signed by four petitioners, namely; Mr. Richard Kanyua, Mr. George Nyaga, Mr. Weru Kiruntha and Mr. Erastus Nthiga, on behalf of New Kieni Farmers' Cooperative Society. The petitioners alleged that there is misappropriation of assets and loss of coffee proceeds belonging to New Kieni Coffee Farmers Society.

Hon. Members, the petitioners contend that New Kieni Farmers' Cooperative Society Limited was established in 1985 with the main objective of promoting and marketing coffee produce, on behalf of Kieni Coffee Farmers in Embu County. The petitioners allege that the society's management has in the recent past misappropriated and mismanaged the society's assets, leading to loss of coffee proceeds.

Hon. Members, the petitioners pray that the National Assembly establishes a select committee to enquire into misappropriation and mismanagement of New Kieni Farmers' Cooperative Society assets and the alleged loss of coffee proceeds belonging to the society.

Hon. Members, you may wish to note that the matter falls under the purview of the Departmental Committee on Trade, Industry and Cooperatives, whose mandate, amongst others, "is to investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as they may be referred to them by the House," where the subject matter is cooperatives.

Hon. Members, the petitioners have prayed that a select committee be established. Nevertheless, pursuant to the provisions of Standing Order 227, I refer this petition to the Departmental Committee on Trade, Industry and Cooperatives for consideration. This is because the matters herein fall within the mandate specified above. I urge the Committee to engage the petitioners, address the petitioners' prayers and submit a report to the House within 60 days, in accordance with Standing Order 227 (2).

I thank you.

**Hon. Ng'ongo:** On a point of order, Hon. Speaker.

**Hon. Speaker:** Member for Suba South, what is your point of order?

**Hon. Ng'ongo:** Thank you, Hon. Speaker. I rise under Standing Order No.226, which states that the Speaker may allow comments, observations or clarifications in relation to a petition presented or reported and such total time shall not exceed 30 minutes.

Hon. Speaker, my issue is a clarification. I agree that the National Assembly, under Article 95 of the Constitution, is required to deal with matters that are of importance to the country and its people. I agree that the petitioners are Kenyans and we can deal with the matter, but sometimes Kenyans need to be educated about the functions that are now devolved to the counties. There is another level of legislation at the county level. They can present their petitions there so that the Members of Nyeri County Assembly can deal with the matter – investigate and find out what is happening. Otherwise, we will be overburdened by issues that could be sorted out at the local level. Is there a possibility that the Speaker of the National Assembly could have referred this matter back to the Nyeri County Assembly to deal with it? I know that issues of corruption are fundamental but if we allowed every small issue, including issues from Segla village, where I come from; to be brought here, we may not transact any other business.

Thank you, Hon. Speaker

**Hon. Speaker:** Hon. Mbadi, you have a point but, of course, the Constitution is supreme to the Standing Orders. The particular article that gives Kenyans the right to petition Parliament indicates that any Kenyan can petition Parliament on any matter. It is for the House, once properly seized with a petition to make whatever determination they think, particularly the committee concerned to make whatever recommendations they may find appropriate. We cannot use our Standing Orders to deny Kenyans this chance. Article 95(1) of the Constitution states: “(1) The National Assembly represents the people of the constituencies and special interests in the National Assembly.”

In any event, looking at the organisation of Government, there is a Ministry of Cooperatives. It may well be that the matters might not be resolved in the village and even if they went to the county assembly, recommendations would be required which would have to be addressed by the National Government at the level of the Ministry.

Whereas I agree with you that we do not want to be mandated with all manner of village concerns, but nevertheless we gave ourselves the Constitution and we provided that any Kenyan may petition on any matter, including petitioning Parliament, and particularly this House, to do away with the Constitution. If a petition is forwarded to us requiring this, all we need to do is to see whether it meets the thresholds. Then, the Committee will go and advise that person to go and collect the requisite number of signatures. That may be the only avenue available. Hon.

Mbadi, this may be communicated to the petitioners once the Committee finds that the matter does not fall within the national level. The resolution of the Committee might be communicated directly through administrative channels.

Next Order!

Hon. Members, before we proceed, I normally see Members coming here to check whether their names are showing on the screen. Let me remind you again that the screen can only capture the first 10 names. By the time I sat down, there were already four names in the intervention compartment. Is it that the Members who have put their names there want to make some intervention? Do they want to make comments on the petition?

**Hon. Members:** Yes.

**Hon. Speaker:** That is perfect. I can see the Member for Makueni.

**Hon. Maanzo:** Thank you, Hon. Speaker for giving me an opportunity to comment on the petition. I agree with your comments and those of Hon. Mbadi. I wish to state that as of now the Act of Parliament in relation to co-operatives is still in force and there are no systems in the counties allowing them to pass their own laws to deal with matters concerning co-operatives at that level.

Although this matter is devolved, under Schedule Four of the Constitution, as one of the matters to be handled by county governments, some co-operatives are at the county level while others are at the national level. To date, those co-operatives are still registered under the Ministry which is undertaking its national mandate. I believe the petition has been sent to the right Committee. As a Member of that Committee and an expert on co-operatives, I am sure I will assist.

**Hon. Speaker:** Indeed, Article 119 of the Constitution reads:

“Right to Petition Parliament

(1) Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

(2) Parliament shall make provision for the procedure for the exercise of this right.”

That is why we provided this in the Standing Orders. Is there anybody else desirous of making comments on this petition? The Member for Kiminini.

Hon. Maanzo, your name appears in the intervention compartment. Is it that you have forgotten how to use your card? I can also see the following names on the intervention compartment: Member for South Imenti and Member for Mbeere North. Do they want to comment on the petition?

Very well proceed.

**Hon. Wakhungu:** Thank you, Hon. Speaker. During the last Session, I remember you gave a grace period of 60 days to a Committee to table its report on a petition. However, there are so many petitions which have never been tabled well after the expiry of 60 days. My humble request is that we need to have a mechanism to enforce this. This is because many petitions come and disappear. Maybe the Committee on Implementation should follow up on petitions so that they are implemented. We cannot be discussing issues here in vain.

Looking at today’s Order Paper, I am very impressed particularly with regard to Order No.15, which is about the extension of the period for consideration of statutory instruments. It is true that during the last Session there were petitions pertaining to these instruments. The Committee on Delegated Legislation, through the current Chairperson... From the look of things, it seems she might do better. I just want to encourage her to keep it up and follow up on this matter. We may find that some of the regulations have already been implemented and yet Parliament has not discussed them.

Thank you, Hon. Speaker.

**Hon. Speaker:** Again, I just want to point out like I did last evening that the Statutory Instruments Act provides *inter alia* that any statutory-making body or authority is at liberty to do so and table this within seven days in the House. The provisions of those Statutory Instruments may be implemented, but should the House make findings which may debar their implementation, again, that is catered for in the Statutory Instruments Act. I think early this morning, I heard the Chairperson of the Committee give notice of Motion. I am sure she will be giving some explanation and reasons as to why this Motion is here today.

I am aware that there were very many statutory instruments which were brought to the Office of the Clerk and I saw them when the House was on recess. There may be need for more time to be given to the Committee so that it scrutinises them. The Committee is at liberty to make whatever recommendations it may find appropriate.

Member for Runyenjes, this co-operative society is in your constituency, that is what they say.

**Hon. Eric Njiru:** Thank you, Hon. Speaker, for giving me an opportunity to comment on this issue regarding the petition. It is true that the petitioners are from my constituency. Indeed, Kieni Farmers Co-operative Society is well known to me. I wish to confess that the said petitioners sought help from my office and I referred them to the county government but they were not helped. They came here because they thought that the Department Committee on Trade, Industry and Co-operatives can handle their matter better than the county government. I support your direction that the matter should be heard by the Departmental Committee on Trade, Industry and Co-operatives.

Thank you.

**Hon. Speaker:** Very well. The Member for South Imenti.

**Hon. Murungi:** Thank you, Hon. Speaker for giving me this opportunity to comment on this petition and I will be very brief. Many farmers have lost their property through co-operative societies. Where I come from, this is actually what has brought down the coffee sector. When the farmers from Kieni Farmers Co-operative Society seek the indulgence of this House for support... I think no Member should belittle what has been brought before this House. I heard the Leader of the Minority Party saying clearly that very simple matters are brought to this House. I think wherever the petitioners are, they are not happy because they feel the House cannot sort out their problems. The best thing is, maybe, to say it can be taken back to the county assembly. However, it is not a small matter because this is a farmer who cannot even afford a meal or school fees for his kid. He brings a petition to this House and then we belittle it. These are assets valued at millions of shillings. It is important to give them a hearing. I am happy because you quoted Article 95 (1), which says that the people of Kenya can petition this House. The word "people" is very much in Hon. Mbadi's vocabulary more than any other word because he talks of people every day he speaks out there. Therefore, the people have the capacity to petition us in order for us to help them sort out their problems. I am happy that they have also talked to the area MP. For sure, I am a Member of the Committee and we will help these farmers get back their property.

**Hon. Speaker:** No more comments. It is not debate. It is just comments.

Next Order

## PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The 2018 Budget Policy Statement from the National Treasury.

Hon. Speaker, the Cabinet Secretary (CS) has forwarded the Budget Policy Statement and the medium-term debt management together with the draft Division of Revenue Bill and the County Allocation of Revenue Bill to comply with the statutory timelines. However, the two Bills are being dealt with administratively and are before the Budget Office.

The Medium-Term Debt Management Strategy for Financial Year 2018/2019 to 2020/2021 from the National Treasury.

Legal Notice Nos. 44 and 45 of 8<sup>th</sup> February 2018 relating to the Income Tax Act, Cap. 470 from the National Treasury.

The First Quarterly National Government Budget Implementation Review Report for the Financial Year 2017/2018 by the Office of the Controller of Budget.

The Quarterly Economic and Budgetary Review Report by the National Treasury for the period ending 31<sup>st</sup> December 2017.

The Treasury Memorandum on the Public Accounts Committee Report for the Financial Year 2013/2014 by the National Treasury.

The East African Community Protocol on Cooperation in Meteorological Services.

The 2017 Assumption of the Office of President Committee Report to Parliament in accordance with Section 19 of the Assumption of the Office of President Act 2012.

The State of the Judiciary and Administration of Justice Annual Report from the Judiciary for the Financial Year 2016/2017.

The Report of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2016 and the certificate therein—

- (i) Belgut Constituency.
- (ii) Wajir North Constituency.
- (iii) Wajir West Constituency.
- (iv) Mwingi North Constituency.
- (v) Kamukunji Constituency.
- (vi) Ijara Constituency.
- (vii) Laisamis Constituency
- (viii) Yatta Constituency
- (ix) Embakasi East Constituency
- (x) Westlands Constituency

Thank you, Hon. Speaker.

**Hon. Speaker:** Legal Notice Nos. 44 and 45 of 8<sup>th</sup> February 2018 relating to the Income Tax Act from the National Treasury is to be referred to the Committee on Delegated Legislation. The East African Community Protocol on Cooperation in Meteorological Services is to be referred to the Committee on Regional Integration. I have received a request from the chair of the Budget and Appropriations Committee.

**Hon. Ichung'wah:** Thank you, Hon. Speaker. In as much as there is nothing out of order with the Papers laid by the Leader of the Majority Party, I just wanted to take this opportunity, in line with Standing Order No.232(5), to remind, especially the chairs of all departmental committees, that they have only seven days from this afternoon to consider and make recommendations to the Budget and Appropriations Committee. Therefore, we expect, as a Committee, that probably by Thursday next week they will have completed that job. Therefore, it

is imperative that all chairs of committees note so that they can have any engagements with the relevant departments and ministries to engage them within the next days. This is because the Budget and Appropriations Committee will only have another seven days after that to table a report here on the same.

Hon. Speaker, if you also allow me, the Leader of the Majority Party has also tabled the Report from the Judiciary. I am sure the chair of the Justice and Legal Affairs Committee, Hon. Cheptumo, is here. It is only that Hon. Gladys Shollei happened to have served in the Judiciary as a Registrar. She was whispering behind me.

Hon. Speaker, you remember in the 11<sup>th</sup> Parliament, the Justice and Legal Affairs Committee never had an opportunity to table a report based on the reports that have been submitted on the state of the Judiciary. To many observers in the public, it is not news to the people of Kenya that indeed the state of our Judiciary today is wanting. I have seen very good measures by the Chief Justice to try and transfer a few of the judicial officers around the country but there are pertinent issues within the Judiciary that need to be addressed. I hope the Justice and Legal Affairs Committee, with this first report in the 12<sup>th</sup> Parliament, will be able to table a report that members can interrogate the actual state of our judicial process in this country.

I see Hon. Olago Aluoch is the only Member donning the ribbons people were donning yesterday. Maybe others may have forgotten. It points to issues that many Kenyans are concerned about the state of our judicial system. I hope Hon. Cheptumo and his committee will not only consider this Report from the Judiciary but also allow members to interrogate the actual state of that Judiciary by tabling a report here that Members can debate. We can even invite members of the public to give their views in line with the constitutional provision of public participation on the state of the Judiciary, which I have a big problem with.

Thank you.

**Hon. Speaker:** I think it is important that chairs of departmental committees take cognisance of the issue raised relating to the Budget Policy Statement. As you know, in our own rules, particularly in our Standing Orders, the CS for the National Treasury is required by law to table that Report not later than 15<sup>th</sup> February every year. Again, what has just been said is the true position. So, the committees and the chairs have only seven days within which to consider the broad policy issues that may be contained in that statement and, if need be, to be able to appear before the Budget and Appropriations Committee to make representations as they deem appropriate. So, chairs of committees take note. You do not have the luxury of a lot of time before you conclude your consideration of the BPS.

Of course, with regard to the state of the Judiciary and Administration of Justice, my own remarks when I received that Report was that I would want the Justice and Legal Affairs Committee to now scrutinise it so as to make a report that the House can debate. That is the Judiciary's own version of what they are doing or what they think is the state of the Judiciary and the administration of justice in the Republic. The Departmental Committee on Justice and Legal Affairs has its work cut out for them. We want to get a report. The Report is voluminous so you also have to burn the midnight oil to make sure that we get some reports.

The other point that has been raised is with regard to petitions. In the last Parliament, some of the Committees to which petitions were referred to took in excess of the mandatory 60 days without coming back to the House to seek extension. It is, therefore, directed that whenever a petition is referred to a Committee, the Committee complies with the provisions of our Standing Orders to table a report within 60 days. If for one reason or another you are not able to, come and report to the House so that the House can decide whether or not to give you an

extension to continue considering those petitions. This is so that even those who petition the House do not think that their petitions have been ignored by the House. We will make strict follow-ups and we will dedicate staff to do the same.

Let us move to the next Order.

Just a minute, I see the Member for Murang'a has an intervention. That is the problem I have when Members place their cards in the intervention compartment.

Let us move to the next Order.

## BILLS

### *First Readings*

THE KENYA COAST GUARD SERVICE BILL  
THE IRRIGATION BILL

THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL  
THE ENERGY BILL

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL

THE SACCO SOCIETIES (AMENDMENT) BILL

*(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)*

**Hon. Speaker:** In keeping with our rules, once a Bill is read for the First Time, it stands committed to the relevant Departmental Committee without Question put. It is for that reason that no Question was put. The relevant Committees are now deemed to be seized of those Bills.

Hon. Members, before we proceed let me recognise the presence in the Speaker's Gallery of pupils from Kariobangi South Primary School in Embakasi West Constituency, Nairobi County; students from Kakiini Secondary School in Mbooni Constituency, Makueni County; and those from Tangaza University in Lang'ata Constituency, Nairobi County. They are all welcome to observe the proceedings in the National Assembly.

*(Applause)*

Let us move to the next Order.

## MOTION

EXTENSION OF THE PERIOD FOR CONSIDERATION  
OF STATUTORY INSTRUMENTS

**Hon. Speaker:** Let us have the Chairperson of the Committee on Delegated Legislation.

**Hon. (Ms.) Shollei:** Hon. Speaker, I beg to move the following Motion:

THAT, in furtherance to the provisions of Standing Order 210(3) relating to the mandate of the Committee on Delegated Legislation, and notwithstanding the provisions of Section 15(2) of the Statutory Instruments Act, 2013 relating to the period of consideration of Statutory Instruments by the Committee, this House resolves to extend the period for consideration of the following twenty nine (29) Statutory Instruments submitted to the House between September 25, 2017 and December 13, 2017 when the Committee on Delegated Legislation had not been constituted by a further period of ninety (90) days from 14<sup>th</sup> February, 2018 –

- (1) The Competition Tribunal (Procedure) Rules, 2017;
  - (2) The Kenya Defence Forces (Commissioning of Officers) Regulations, 2017;
  - (3) The Kenya Defence Forces (Active Service Punishment) Regulations, 2017;
  - (4) The Kenya Defence Forces (Internal Grievance Mechanism) Regulations, 2017;
  - (5) The Kenya Defence Forces (Retired Officers and Service Members) Regulations, 2017;
  - (6) The Kenya Defence Forces (Constabulary) Regulations, 2017;
  - (7) The Kenya Defence Forces (Missing Persons) Regulations, 2017;
  - (8) The Kenya Defence Forces (Board of Inquiry) Regulations, 2017;
  - (9) The Kenya Defence Forces (General) Regulations, 2017;
  - (10) The Kenya Defence Forces (Execution of Sentence of Death) Regulations, 2017;
  - (11) The Kenya Defence Forces (Imprisonment) Regulations, 2017;
  - (12) The Kenya Defence Forces (Pensions and Gratuities) Regulations, 2017;
  - (13) The Kenya Defence Forces (Rules of Procedure) Regulations, 2017;
  - (14) The National Land Commission (Investigation of Historical Injustices) Regulations, 2017;
  - (15) The Capital Markets Authority (Online Foreign Exchange) Regulations, 2017;
  - (16) The Civil Aviation (Remote Piloted Aircraft Systems) Regulations, 2017;
  - (17) The Land (Extension and Renewal of Leases) Rules, 2017;
  - (18) The Land (Conversion of Land) Rules, 2017;
  - (19) The Land (Assessment of Just Compensation) Rules, 2017;
  - (20) The Land (Allocation of Public Land) Regulation, 2017;
  - (21) The Land Registration (General) Regulations, 2017;
  - (22) The Land Registration (Registration Units) Order, 2017;
  - (23) The Land Regulations, 2017;
  - (24) The Community Land Regulations, 2017;
  - (25) The Wildlife Conservation Management (Implementation of Treaties) Regulations, 2017;
  - (26) The Wildlife Conservation Management (Protection of Endangered and Threatened Ecosystems, Habitats and Species) Regulations, 2017;
  - (27) The Wildlife Conservation Management (Joint Management and Protection of Water Towers) Regulations, 2017;
  - (28) The Wildlife Conservation Management (Compensation) Regulations, 2017;
- and

(29) The Wildlife Conservation Management (Government Trophies) Regulations, 2017.

Hon. Speaker, I beg to move that this House grants the Committee on Delegated Legislation the extension of time to consider these regulations pending before it. As you are aware and for the knowledge of the members of the public at large, the legislative authority is vested and exercised by Parliament in accordance to Article 95, 94 and 109 of the Constitution. However, the Constitution also confers authority to the Executive to pass delegated legislation provided they are within the scope of the Constitution.

The Select Committee on Delegated Legislation is established pursuant to the provisions of Standing Order No.210 with the power to scrutinise all statutory instruments that are submitted to the House to ensure that they are within the Constitution and comply with all applicable laws. The Statutory Instruments Act No.23 of 2013 provides that every instrument should be tabled before the respective House of Parliament and shall stand referred to the Committee on Delegated Legislation, so that it can scrutinise it in accordance to the consideration contained in Section 13 of the Statutory Instruments Act. Further, it provides that the Committee shall make a report to Parliament within 28 days after the date of referral or such other period as the House may by resolution approve. The import of this section is that the House may by resolution vary the period of 28 days. Today, we seek that the House varies the amount of time that we have by a further 90 days.

You may recall that on 14<sup>th</sup> December which was the last day of the previous Session, you indicated that the Committee on Delegated Legislation should look at all the pending instruments before it that had not yet been considered before the end of the term of the last Parliament. The Committee on Delegated legislation scrutinised, considered and deliberated on the various pieces of legislation on 17<sup>th</sup> January. In the cases that had been isolated, it was found that there was need for further consultation with the regulating bodies, in order to ensure that all errors and untidiness that were in the pieces of legislation can be corrected.

You may also recall that the Committee also identified that there was need to amend some of the statutory instruments, including the need to provide for the extension of time for consideration in order that we may comprehensively deliberate and uphold them since many of them had been a subject of litigation before our courts. The Committee noticed that some of the regulations had been gazetted without titles and reference to the parent statute. Others did not have the correct referred to definitions. For that reason, the Committee saw it fit that there is need to consult further with the regulation-making authorities in order to streamline all these.

With those remarks, I beg to move that the House grants the Committee on Delegated Legislation extension of time to consider these regulations which are pending before it. Allow me to call upon Hon. Shamalla Jennifer to second the Motion. I thank you, Hon. Speaker.

**Hon. Speaker:** Is there somebody who will second the Motion? Hon. Shamalla Jennifer.

**Hon. (Ms.) Shamalla Jennifer:** Hon. Speaker, I rise to second the Motion for extension of the period for consideration of statutory instruments. The regulations came before the Committee. In some of the regulations, critical elements of public participation as anchored in Article 10 of the Constitution of Kenya had not been complied with. Indeed, in the High Court judgement of 19<sup>th</sup> December 2016, a declaration was issued with regard to the land regulations on registration of forms, titles, leases and other documents. It was determined that the same had been made without the necessary public participation. Other regulations referred only to wives but not spouses. This was with regard to regulations which touched on pensions and gratuities. The assumption was that it is only men who are employed in that particular sector.

In view of the above, it is important that the regulation-making authority appears before the Committee on Delegation Legislation for further consultations in order for these anomalies to be relayed to these particular bodies, and for compliance with the parent legislation, and more importantly with the supreme law of the land which is the Constitution of Kenya.

Hon. Speaker, I second the Motion.

**Hon. Speaker:** Hon. Members, I think it is important to appreciate that this Motion is merely for extension of time. Some of the reasons which were given by both the Mover and the Secunder have some very huge implications. Maybe not very many Members are aware that regulations listed as No. 17, The Land (Extension and Renewal of Leases) Rules, 2017 are so critical that just on 31<sup>st</sup> of last month, the court gave a further extension of only six months. The implication is that if this is not done, it might as well result in many of the leases that have been extended since 2013 being rendered null and void. Indeed, what Hon. Jennifer Shamalla has said about this is a matter well known to me but that has happened.

Hon. Members take seats. Hon. Members, I wish to dispose of this matter in the following manner. I will read the first part of the Motion which is listed as Order No. 15 but not all the regulations. As you respond, you will know that the regulations are captured.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Members, the reason was that there are many Members who are naturally very migratory and were almost desirous of moving.

*(Question put and agreed to)*

**Hon. Wakhungu:** On a point of order, Hon. Speaker.

**Hon. Speaker:** Member for Kiminini, what is your point of order? You do not have to shout. These days when a Members shouts, they will not get a chance. Just press your intervention button. You do not have problems doing that.

**Hon. Wakhungu:** Thank you, Hon. Speaker. I rise to seek your direction pertaining to the Motion on statutory instruments whose period for consideration we have just extended.

I had indicated that we have always believed that the statutory instruments must be discussed in Parliament first before they are implemented. However, you have indicated that there is a leeway - They can be implemented and incase they are brought to the Floor and are defeated or annulled, they could then be recalled. There are some statutory instruments that infringe on public rights. We have seen many ministries come up with statutory instruments and implement them. In a situation where they are implemented and afterwards annulled, there is an opportunity cost to that. How are we going to handle such a situation? This is something that has made some Members go to court and it is very common. Some statutory instruments have been implemented while some did not go through the proper public participation. We are getting confused. I seek your clarification particularly on that one. When it comes to public participation, we do not have a statute to operationalise it. I am working on one which I humbly request you to expedite so that we can have one we can refer to.

I need your direction because I am concerned that people have suffered a lot. If a statute is annulled, what happens to it afterwards in terms of compensation?

**Hon. Speaker:** Indeed, it was in the wisdom of this House, in the 10<sup>th</sup> Parliament, that the Statutory Instruments Act was debated and passed by that House as then comprised, and some Members are still in this House. You can check between Sections 8 to 15 of that Act which provide that any regulation-making body or authority is only required, after publishing and gazetting within seven days, to table those regulations or whatever form of subsidiary legislation or statutory instrument it may bring before the House. The House is then required to consider them within the timeframes which are provided for there. But, of course, should the House not be sitting, that same law provides that the body that proposes to make those regulations is still at liberty to implement them and, indeed, specifically says that nothing done on those statutory instruments is illegal or unlawful until such a time as the House would have annulled them.

So, it is too bad that the law has exempted them. The reason is that the House, at times, may not be sitting or the Committee itself may be having too much work at hand and may not have pronounced itself on those regulations or instruments. So, it is within the law. I have not heard anybody challenge those particular provisions of the Act. So, it is unfortunate if anybody suffers before the House has expressed itself in one way or another in any of the proposed statutory instruments. There is that exception provided for in the Act. If you read it you will realize that it has those clauses. The House is within its rights to resolve to extend the period within which the Committee is to consider them. As you can see, these regulations are quite many and it means that the Committee will be interacting with the many stakeholders some of them being the ones proposing the regulations and others being the general public. There is a lot that needs to be done by the Committee.

Hon. Gladys Shollei, and your Committee, we cannot be far from the truth to say that you have your work cut out in the next 90 days. Many others, obviously, are going to be brought before your Committee.

Let us move to the next Order.

## SPECIAL MOTION

### APPROVAL OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

**Hon. Speaker:** Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the First Report of the Committee on Appointments on the Vetting of Nine Cabinet Secretary nominees (Volumes I and II) for appointment to the position of Cabinet Secretary, laid on the Table of the House on Tuesday, 13<sup>th</sup> February 2018, and pursuant to Article 152(2) of the Constitution and the provisions of

Standing Order No.204(4), approves the appointment of the following persons as Cabinet Secretaries in the respective Ministries:

- |        |                           |  |
|--------|---------------------------|--|
| (i)    | Prof. Margaret Kobia      | Public Service, Youth and Gender Affairs                 |
| (ii)   | Hon. John Munyes          | Petroleum and Mining                                     |
| (iii)  | Amb. (Dr.) Monica Juma    | Foreign Affairs and International Trade                  |
| (iv)   | Ms. Farida Karoney        | Lands and Physical Planning                              |
| (v)    | Hon. Peter Munya          | East African Community and Northern Corridor Development |
| (vi)   | Mr. Keriako Tobiko        | Environment and Forestry                                 |
| (vii)  | Mr. Simon Chelugui        | Water and Sanitation                                     |
| (viii) | Hon. Ukur Yatani          | Labour and Social Protection                             |
| (ix)   | Mr. Rashid Echesa Muhamed | Sports and Heritage                                      |

On 29<sup>th</sup> January 2018 the President of the Republic of Kenya forwarded to the National Assembly for consideration and approval the notification of nomination of nine individuals nominated for appointment as Cabinet Secretaries. This was in accordance to Article 152(2) and Section 5 of the Public Appointments (Parliamentary Approval) Act 2011. I have just read out the names of the nine nominees and their respective ministries.

Pursuant to Standing Order 42(1) and subsequently following the Procedural Motion moved on 14<sup>th</sup> December 2017 to exempt the business from the provisions of Standing Order 42(1), the House resolved that notwithstanding the provisions of Standing Order 42 relating to reading and laying of messages from the President, and in furtherance to the provisions of Articles 152(2) and 156(2) of the Constitution, during the period before commencement of the Second Session of the 12<sup>th</sup> Parliament – which started yesterday – upon receipt of names of persons nominated for appointment to State offices from the President, the Speaker would submit them to the committees.

On Wednesday 31<sup>st</sup> January 2018, again pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act 2011, the writing invited each of the nominees for vetting hearings indicating the time and place of holding the approval hearing.

On Wednesday 31<sup>st</sup> January, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Registrar of Political Parties requesting for reports with respect to the nominees on the following: Matters touching on their integrity, their tax compliance status, their political affiliation and whether they have repaid their university loans. I want to confirm to the House and the nation that we have received clearance for all the nominees from the KRA on tax compliance, reports from the DCI, the HELB and the Registrar of Political Parties. However, the EACC indicated that they have received allegations against Hon. Peter Munya and Hon. Ukur Yatani but further indicated that the investigations so far on those two nominees had not implicated or found them culpable. So, in principle, the EACC have given the nine nominees a clean bill of health.

The Committee held 14 sittings. The nominees appeared before the Committee that the Speaker chairs on 8<sup>th</sup> and 9<sup>th</sup> of February 2018 and they were vetted in accordance with the

provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act 2011 and the National Assembly Standing Orders on their suitability or otherwise for appointment as Cabinet Secretaries (CSs). Pursuant to Section 7 of the Act, 2011, the Committee considered various issues during the approval hearing.

The Committee considered the procedure used by the appointing authority to arrive at the nominees. The Committee observed that Article 152(2) of the Constitution provides that the nomination of CSs is a constitutional prerogative of the President and for this matter- I mean the President not the people's president - there is no further procedure prescribed in the Constitution or the statute law. So, Article 152(2) gives powers to the President to nominate individuals who will serve in his Cabinet.

In addition, the Constitution sets out certain requirements regarding the appointment of persons to public office. Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the Members of elective or appointive bodies shall be of the same gender. Based on the nine nominees that the President has sent to the National Assembly, six were men and three were women. The list forwarded has met the two-thirds threshold as set out under Article 27(8) of the Constitution.

Article 130(2) provides that the composition of the national executive shall reflect the regional and ethnic diversity of Kenya. The Committee observed that the nominees hail from different regions of the country and were from diverse ethnic groups. The Constitution contemplates a maximum of 22 CSs whereas the country is composed of 47 counties. In view of the limited number of persons who can be appointed to the Cabinet, it will not be possible to have CSs who hail from every county.

Article 232(1) and (i) provides that the values and principles of public service include affording, adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women, the members of all ethnic groups and persons with disabilities. The Committee looked at that Article. Further, Article 54(2) of the Constitution mandates the State to ensure that there is a progressive realisation of the principle that at least 5 per cent of members of the public in appointing bodies are persons with disability. Hon. Sankok was a Member of our Committee and we realised that progressively. We will attain the 5 per cent for people with disabilities. That is why we have one person at the Principal Secretary level. Article 55 of the Constitution mandates the State to take measures, including affirmative action, to ensure that youth have opportunities to associate, to be represented and participate in the political, social and economic spheres of life.

Article 260 of the Constitution defines youth as a person who has attained the age of 18 years but has not attained the age of 35 years. Hon. Rashid Echesa Muhamed falls within that category. He is the youngest among the nine nominees. He was the most dynamic. Further, the Constitution requires the State to take affirmative action to ensure that the youth have opportunities – something I am sure this Government is doing.

The Committee, in deciding on the suitability of the nominees, took into consideration the various provisions of the leadership and integrity as outlined under Chapter Six of the Constitution. Further, the Committee observed that the suitability of a nominee should be evaluated holistically, taking into account the nominee's academic credentials, professional training, experience, background, personal qualities as well as the performance of the nominee during the approval hearings.

Pursuant to the provisions of action 9 of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed advertisements in the print media on Wednesday 31<sup>st</sup> January 2018 and Thursday 1<sup>st</sup> February 2018 inviting the public to submit memorandum by way of written statements on oath, affidavits on the suitability or otherwise of the nominees. The advertisement indicated that the submissions were to be received by Wednesday 7<sup>th</sup> January 2018 at 5 p.m.

The Committee received several memoranda and other submissions from members of the public and organisations, some of which did not meet the threshold of Section 6(9) of the Act as advised in the Press statement.

By close of business on Wednesday 7<sup>th</sup> January 2018 at 5 p.m.,...

*(Hon. Jonah Mwangi crossed the Floor without bowing)*

**Hon. Speaker:** Order, hon. Member! Go to the door!

*(Hon. Jonah Mwangi bowed to Chair)*

The Member is behaving as if he is in Lari Constituency.

**Hon. A.B. Duale:** Hon. Speaker, by close of business on Wednesday, 7<sup>th</sup> January 2018, the Committee on Appointments had not received any written statements on oath in respect of the following nominees: Prof. Margaret Kobia, Hon. John Munyes, Hon. Ukur Yatani, Ms. Farida Karoney and Amb. (Dr.) Monica Juma. There were no sworn affidavits on their suitability.

Out of the memoranda and submissions received, only five were written statements on oath as required under 6(9) of the Public Appointments (Parliamentary Approval) Act. These were against the appointment of Hon. Peter Munya, Mr. Keriako Tobiko, Mr. Simon Chelugui and Mr. Rashid Echesa Muhamed.

Having vetted all the nominees, the Committee made the following general observations which are very important:

- (1) That, in accordance with Article 78(1) and (2) of the Constitution, all nominees were of Kenyan citizenship and do not hold dual citizenship therefore fit to hold office as Cabinet Secretaries. The element of dual citizenship is well documented in the Constitution. After the enactment of the Constitution of Kenya 2010, you had as a Kenyan with dual citizenship to come and apply afresh. If you just stayed like my friend Miguna Miguna, you will end up in the country that gave you the second citizenship because you are not a Kenyan citizen.
- (2) All the nominees have satisfied the statutory requirements on leadership and integrity having been cleared by the Director of Criminal Investigation (DCI), the Kenya Revenue Authority (KRA) on tax compliance and, the Higher Education Loans Board (HELB).
- (3) The Committee did not receive any adverse information on any of the nominees from the Ethics and Anti-Corruption Commission (EACC) which is the constitutional body mandated to ensure compliance with and to enforce the provisions of Chapter Six of the Constitution.
- (4) None of the nominees has been convicted in a court of law for a criminal offence in the past three years.

- (5) As stipulated in Article 75(1) of the Constitution, all the nominees indicated that they have no potential conflict of interest.
- (6) All the nominees satisfied the requirements of Article 77(1) of the Constitution in that they do not to participate in any other gainful employment.
- (7) All the nominees do not hold office in any political party hence satisfied the provisions of Article 77(2) of the Constitution. Hon. Munya has resigned as the party leader of the Party of National Unity (PNU). Hon. Ukur Yatani has resigned as the party leader of the Frontier Party of Kenya. The rest did not have any political affiliation.
- (8) None of the nominees have been dismissed from office under Article 75 of the Constitution for contravening Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction on activities of State officers, Article 78(2) on dual citizenship by the Constitution. They are therefore, in the honest opinion of the Committee chaired by the Speaker, fit to hold office as the CSs.
- (9) Finally, the Committee found all the nominees have exhibited impressive knowledge and understanding of issues relating to the dockets they have been nominated for appointment.

Those were the observations. In accordance with the Standing Orders, under your leadership, all the provisions of law in the Constitution, in the Public Appointments (Parliamentary Approval) Act and, in the Standing Orders were fulfilled; timelines were respected. That is why we asked for an extension of two days yesterday. I am sure the Report which was tabled before this House has been considered within law. All the nominees have complied the two-thirds gender rule and tax compliance law. In as far as the law is concerned, they have no criminal record. They have exhibited all the knowledge and understating.

I am wondering why some of our colleagues are not here. You know the people of Kenya have been good to us as the Jubilee Party; they have been good to us because they have elected our President and Deputy President. They have given us the numbers in both Houses and I am sure we are up to the task to comply with Standing Orders.

In conclusion and recommendations, I urge Members to read the comprehensive Report of the Committee on Appointments in order to fully appreciate and enrich the debate. I further urge the Members to approve the appointment of the following persons as CSs in their respective ministries: Prof. Margaret Kobia, Hon. John Munyes, Amb. (Dr.) Monica Juma, Ms. Farida Karoney, Hon. Peter Munya, Mr. Keriako Tobiko, Mr. Simon Chelugui, Hon. Ukur Yatani and, finally, the great man of the day – Rashid Echesa Muhamed.

*(Applause)*

When we gave that cabinet nominee an opportunity and asked him what his parting shot was, he made a number of members of our Committee shed tears. He said: “I want to thank the President and the Deputy President for giving the son of a peasant opportunity to serve in their Cabinet.”

So, he represents many of us who are from peasantry, farming. In this country, you have the chance to be the son of Jaramogi Odinga Oginga. You have the chance to become the son of Mzee Jomo Kenyatta or the son of Moi. Hon. Speaker, there are some of us whose fathers have no Post Office Box. They have never owned a rental postal address. Because of such great

leaders like President Uhuru Kenyatta, Rashid Echesa is going to represent the face of the poor of the poor and young in our country.

*(Applause)*

It is not how many PhD you have. It is not how many prestigious universities and schools you have gone to. It is not whether you went to Alliance or St. Mary's. It is the man and the woman that you are that will.... As Hon. Cecily Mbarire put it to that nominee, at least, he has confirmed that dreams are achievable. Rashid Echesa, a very vibrant youth leader is now in the Cabinet. I ask my colleagues that we approve and we give the President an opportunity to swear in these men and women so that we complete his Cabinet and implement through legislation and budgetary provision the four key legacy projects of President Uhuru Kenyatta and our manifesto and Jubilee will live longer; Jubilee will be like the African National Congress (ANC); Jubilee will be like the Republican Party and the Conservative Party. The rest can remain as tribal or ethnic outfits scrambling and spreading hatred and ethnic division.

I beg to move and ask the great woman from Murang'a County, the Chairlady of Departmental Committee on Health to second.

**Hon. Speaker:** Hon. Sabina Chege?

**Hon. (Ms.) Chege:** Thank you, Hon. Speaker.

I want to, at the outset, say I second the Motion to approve the nominees for appointment as CSs. I was lucky to be in the vetting Committee. I would also like to congratulate the entire team for putting in long hours to ensure that the vetting went on well.

Hon. Speaker, part of our mandate as a Committee was to look at the academic qualifications, employment records, professionalism, potential conflict of interest, knowledge of relevant subject, integrity, amongst other things, of the nominees.

At the outset, I want to congratulate the President and the Deputy President for giving us a good team. I would like to applaud the ladies who were part of the team, that is, Prof. Kobia, Monica Juma and Farida Karoney. These are ladies of substance. A lot of publications have been done by these great ladies, especially Monica Juma and Prof. Kobia. Farida Karoney also presented herself very well before the Committee. Even though she is not an expert on land issues, she told the Committee that she believes in teamwork and that she was going to work with people who are experts in that field to ensure that land issues are sorted out. I am very sure that once you trust a woman... We know women are not selfish and so land issues are going to be settled once and for all.

I was a bit disappointed to see Members from the other side of the coalition walking out. This is a very important exercise where we are going to approve the same people they will be sitting at their reception areas begging for favours. It is an embarrassment because they earn a salary from this House for supposedly representing their people but they have chosen otherwise.

We had nine members appearing before us; three of them were ladies and the other six were gentlemen. I want to congratulate His Excellency the President and the Deputy President for giving us gender balance. Rashid Muhamed represents the youth. Despite Rashid coming from a poor background and being a young person, he has proven that dreams are valid. We know very many people who have served this nation, including Njenga Karume who did not have a formal education but served well. It was, therefore, a good opportunity to interact with Rashid Muhamed, who impressed the Committee.

When we engaged the nominees, it is important to note, we realized that politics can also pay. We also saw the consequence of some of the political parties merging with Jubilee in the nomination of Hon. Munya and Hon. Yatani. Despite Hon. Munya being a politician, he also has vast knowledge from being a District Officer (D.O) all the way to serving as an Assistant Minister, a Governor and now back as a Cabinet Secretary.

I want to encourage Members of this House that when you lose in election, it is not the end. If you are in the right political party, you could be rewarded accordingly. I want to thank the President for allowing Hon. Munya and Hon. Yatani to come back and serve in the Cabinet. It is because they have wide expertise.

I looked, with a lot of keenness, at the Curriculum Vitae (CV) of Ukur Yatani. If Members get a chance, they need to look at it to see the new way of doing CVs. This also impressed the Committee. I, therefore, urge this House that we move and approve the nominees to these positions because this nation needs to move on. We need to start serving the people.

We also noted that one Mr. Chelugui, who is going to serve at the Ministry of Water and Sanitation, knew the subject matter of his Ministry inside-out and answered almost all the questions very well. We saw a dedicated and a committed team. We saw the commitment in the President and his deputy who took time to give us a good team. We are looking forward to working with them. The Committee will be following up on the promises made by the nominees. I know they are watching. I want to remind them that they promised this Committee that they are going to work hard for this nation. They do not have otherwise. They have to serve Kenyans well and prove the naysayers wrong and that they are the right people the President gave a chance to serve this nation. I second.

*(Question proposed)*

**Hon. Speaker:** Hon. Member for North Horr.

**Hon. Ganya:** Hon. Speaker, I thank you for this opportunity. I support the Special Motion on approval of nominees for appointment as Cabinet Secretaries in our Government. I commend the appointed Committee under your leadership for a sound Report. The Report is very comprehensive and covers all aspects of vetting as per the Public Appointments (Parliamentary Approval) Act and the relevant provisions in our Constitution. I want to commend the President for appointing a Cabinet with the face of Kenya. As humanly possible, the President ensured the Cabinet appointees represent the diversity of the Kenyan society. It is not possible for all the communities in our 47 great counties to be represented in a Cabinet which has 22 positions only. The President will ensure that all other communities have a chance to serve in public positions in our Government as Principal Secretaries, Ambassadors and so on.

I want to thank the President in a very special way for rewarding the people of Marsabit County with not only a Cabinet position for Amb. Ukur Yatani, but for also giving us two ambassadorial positions: One for Lenayapa, who will be our ambassador in Netherlands, and also Hassan Wario Arero, who will be our ambassador in Austria. This is a great honour to the people of Marsabit County and as leader representing people of that great county, we will be indebted to the Jubilee Government. We commit to support our Government through thick and thin.

In a very special way, I want to thank the President for appointing Ambassador Ukur Yatani who is not only my constituent but a person who passed on the baton of leadership of North Horr Constituency over a decade ago. Mr. Yatani is an extremely well experienced

technocrat in public service with the requisite professional and academic qualifications. He does not only hold Bachelor of Arts Degree from Egerton University, but also holds a Masters Degree in Public Administration from York University in the United Kingdom. He served this nation in various portfolios starting as D.O Cadet, District Commissioner in many parts of this country, Member of Parliament for North Horr, Assistant Minister in President Kibaki's Government and later as our Ambassador to Austria where he was based in Vienna.

Hon. Speaker, he served as the founding Governor of Marsabit County. In all these positions, he served this country diligently and with honor. As the pioneer Governor of Marsabit County, he laid a solid foundation for the sake of our county.

The development infrastructure that he initiated is the envy for many of our neighboring counties. He built a multi-storey building as the Governor's Office. He built offices for our Member of County Assemblies (MCAs) and the Chamber for Marsabit County Assembly. He tarmacked roads in Marsabit County and started a modern abattoir, the best in the region which is now under construction. It is no wonder that when Hon. Kuti, the Governor for Isiolo, took over, he sent a team from Isiolo to Marsabit County to go and learn how Governor Yattani was able to make such great strides and development work within four years of his leadership.

Hon. Speaker, as proven by his sound professional record, he is surely well trained, well experienced and well placed to handle the heavy task required of him as Cabinet Secretary in our Government.

I urge this House and my colleagues to approve all the nominees for CSs positions including Mr. Yatani as recommended by our Committee on Appointments.

**Hon. Speaker:** Hon. Members, for the time being, I am hoping that every Member has read the Report and therefore, I will have a bias towards Members who are not Members of the Committee on Appointments. The authors will also get a chance but the greater numbers will be of those who are not Members of the Committee on Appointments. It is good also for those in the Committee on Appointments to hear what others think of what you have done.

Member for Turkana North, the Floor is yours.

**Hon. Nakuleu:** Thank you, Hon. Speaker. From the outset, I wish to thank Members of this Committee on Appointments for coming up with a very comprehensive Report. The Report reflects so many critical aspects that are the main criteria for holding public office.

Hon. Speaker, I too wish to thank the President for coming up with a list of very capable and qualified Kenyans who represent serious diversities of the ethnic majorities in Kenya. The Report also indicates that the nominees have vast experience, are well read and have served this country in various capacities.

I am particularly impressed with the part indicating the youth representative Mr. Echesa. It indicates that he has unique characteristics which exhibit that it is not only through education that you can make ends meet or you can serve the country. You can also serve in whichever skills that you have effectively and diligently.

Hon. Speaker, the team, all the nine nominees have clean records of having served this country devoid of any economic crimes or court cases. They also have reputable records.

The nominee for Petroleum and Mining is the face of the pastoralist communities ranging from Samburu, Turkana, Maasai and the Pokot. He becomes a strong uniting factor for the northern frontier counties. Hon. Munyes has served this country in various capacities as a Minister in three different ministries and therefore, his appointment to serve in the Jubilee Government brings on board a strong import of experience.

Hon. Speaker, Hon. Keriako Tobiko also represents the face of pastoralists, the Maasai. This is an indication that the Jubilee Government has a strong feeling and would like to walk along with pastoralists who had been left behind for years by the previous regimes. I, as a Member of Parliament from the pastoralist communities urge my fellow colleagues to pass and approve all the nine nominees since they meet the requisite threshold.

With those few remarks, I support.

**Hon. Speaker:** Members, I may not have a very good reason to jump a Member who is not a Member of the Committee on Appointments who took time to come here in good time and place their cards. So, I will give a chance to the Member for Tharaka.

**Hon. Murugara:** Thank you, Hon. Speaker. I rise to support the Report by the Committee on Appointments for the approval of nominees for appointment to the Cabinet. The Report as presented to the House is detailed enough and has given us insights as to what exactly the Committee on Appointments considered before coming up with a Report.

It is clear that the nine nominees have met the criteria set by the law for approval for appointment. Unless there are cogent reasons why this House should reject that Report, it goes without saying that the House does adopt the Report presented to this House by the President of the nine candidates for appointment. I just wish to mention a bit about each of them as I know them. Prof. Margaret Kobia is a long serving Commissioner with the Public Service Commission (PSC). Her credentials are impeccable and therefore, she went unchallenged. Hon. John Munyes is also a long serving Member of Parliament and is well known in the country and again, was not challenged. Amb. (Dr.) Monica Juma has been a career civil servant, a very competent lady who has actually rendered the best to this country and therefore passes for the appointment. For Ms. Farida Karoney, I even had the advantage of listening to her interview and her presentations were excellent. My learned friend, Hon. Peter Munya from Meru, also made a very good presentation and that made him to pass.

I wish to dwell a little bit on nominee number six, another learned friend of mine, Mr. Keriako Tobiko, who has been nominated for Environment and Forestry. His competence is vouched. His academic papers right from his secondary school, where in 1984 he was actually the best candidate in the country. He went on to study law. I met him in the university and he eventually left. We have both served as lawyers and he has risen all the way to become the Director of Public Prosecutions (DPP). In the Office of the DPP, which is a constitutional office established under the Constitution of 2010, Mr. Tobiko was able to transform it into one of the most efficient offices in the country.

He found only 93 public prosecutors and as he left he had 627. We also had prosecution offices in almost every court house in the country. One may ask why a lawyer of such eminent standing is going to head the Ministry of Environment and Forestry. This is my view: There are many laws that govern the environment, including international treaties, which we must abide by. It is important to have somebody who has a grasp of international treaties and the laws we have in the country, including the Environmental Management and Coordination Act, and other laws that fall under it. These are areas which an expert in law should look into and guide the country as regards the environment. The same applies to forestry, where implementation of the law would require great minds, intervention and critical thinking. It is for that reason that I support Mr. Keriako Tobiko to take over the docket of environment.

Mr. Simon Chelugui has expertise in water and sanitation, while Hon. Ukur Yatani's CV has been ranked one of the best, having risen from the rank of District Officer to Governor with a stint in Parliament and now being proposed for a Cabinet post. It has been reported that Mr.

Rashid Echesa Muhamed is a vibrant youth who will take care of sports and heritage in the country. It has been alleged that he does not have academic qualifications but my view is that we have no academic qualifications required for one to be a Cabinet Secretary. One must exhibit the expertise, diligence and commitment towards service.

Finally, there are many counties that have possibly missed out in these positions. We know for sure that there are only 22 positions, and the counties are 47. That notwithstanding, there are many other positions. We are of the view that these should be given to other counties so that we all feel that we are part and parcel of the Government. The gender balance equation is done and the list passes.

Therefore, I support that we adopt this Report.

**Hon. Speaker:** Hon. Members, I must follow this list. Let us have the Member for Malava.

**Hon. Injendi:** Thank you, Hon. Speaker. First of all, I thank the President for what he has done for us, especially we from Kakamega County. The mere fact that Rashid Muhamed is on this list makes me approve the entire list for appointment.

I thank the President because in Kakamega County, when we were playing our politics of Jubilee, this Rashid man, I can confess and confirm that he was such a strong man in Jubilee. There are many people and we are talking of moments for reward, which is a fact. When it comes to converts, it is this man. Rashid was a Member of the Orange Democratic Movement (ODM) during the time ODM was very strong in Kakamega County. It was so difficult for some of us then to move around Kakamega and Mumias but when this man converted to Jubilee, we had a nice time in Kakamega and Mumias.

*(Applause)*

When it comes to mobilisation and commitment, this man does it all. He is not the water melon type of person. He is so dynamic. Most of the people who know Rashid think that he was schooled to very high levels because of his dynamism. He can interact with all – the youth, the old and the educated. I would, therefore, urge that Members approve his name. I wonder why people were thinking that Rashid must have the academic papers they have indicated in social media.

The drafters of the Constitution knew what they were doing. They stated very clearly that when it comes to the position of the President, the Deputy President, the Governor, the Deputy Governor and Speakers of the two Houses, the holders of those offices must have basic degrees. They knew what they wanted, but when it comes to the position of Cabinet Secretary, they did not have this as a requirement. The sports docket requires this type of a person – a person who is forceful, and who blends well with the youth.

You know very well the status of sports in our country will require this kind of person. He is good at mobilisation, he knows how to fish people out of their cocoons to come on the fore. So, we, leaders of Kakamega, thank the President for that. On Jubilee ticket we were a team of 12 MP aspirants, governor and senator. We were working together. We thank the President except that it is the four of us who have come in as elected Members. Rashid was exceptional. I thank the President for noting the effort of this person, and for rewarding him to serve us.

He is a person who will mobilise the people of Kakamega to further support the Jubilee Government. You can see that even our own leader, Hon. Musalia Mudavadi went off. We are saying this is the direction for us to take.

**Hon. Speaker:** Let us have the Member for Laikipia County.

**Hon. (Ms.) Waruguru:** Thank you Hon. Speaker, I rise in support of the Motion on approval of the Cabinet nominees, which was moved this afternoon by the Leader of the Majority Party. I thank Kenyans for allowing us to be here as Members of Jubilee. I look forward to getting more numbers in this House in future so that any boycott does not result in us occupying the Opposition seats. I also reiterate that we have been through a long election year, during which this county made history by having two presidential elections in one year.

President Uhuru Kenyatta's Cabinet list has been unveiled. It is finally here for vetting. Today is a very special day for us, particularly Kenyan women. It is Valentine's Day. This is the most beautiful gift that would be given to us by our President in terms of making sure that the Executive arm of the Government is fully constituted. I am also challenging the membership of the National Super Alliance (NASA) to kindly unveil their cabinet list after the swearing in of the People's president, like they promised; so that they tell us where they are going to vet their cabinet nominees.

As the people of the Republic of Kenya, we have been waiting for this list so that the Executive arm of the Government can be fully constituted. As the Legislative arm, we are up to the task of ensuring that the President has the necessary people who will sit with Him in the Cabinet to bring us to speed with implementation of the Jubilee manifesto.

I also congratulate the President because of the changes he made yesterday. Majority of Kenyans will realise that there has been much activism within the Judicial arm of the Government. I congratulate Justice Kariuki for his new appointment as the Attorney General of the Republic of Kenya. The majority of Kenyans are not interested in noises or further politics beyond what happened.

I want us to remind ourselves that at this time when Jubilee Party and the Government are busy with public participation and the budget-making process, our worthy competitors from NASA are busy holding demonstrations, conducting illegal activities across our cities and initiating our young people. I am here to confirm that the *tibims* and *tialalas* are going to be replaced this afternoon with a slogan called "*kazi iendelee na Uhuru Muigai Kenyatta*." I also want to thank my President for taking the lead in progressive politics in the Republic of Kenya. There has been a serious effort from members of the Opposition to show our young people, who are coming up in politics, that politics is a dirty game of push-and-pull. But, politics is about giving solutions to the problems which our people are facing. Majority of Kenyans, and particularly those from Laikipia, Nyahururu and Nanyuki, are slum dwellers and cannot even afford decent housing. It is the mandate of the Cabinet and the legislative arm of government to make sure that the people who voted for the President get decent housing.

I also want to confirm that the Government, during the life of the 11<sup>th</sup> Parliament, was keen on supplying relief food to various parts of this country. The Government is committed in making sure that our people will not be fed on a few *gorogoros* and *kasukus* of maize. The Government wants to enable them to produce sufficient food so that they can feed their families and take the surplus to market. I also want to mention that the cost of living in this country is too high. For us to be in a position to allow Kenyans to access petrol and kerosene at an affordable price, we need to make sure that the relevant Ministries are facilitated to fast-track the challenges and constraints which our economy is facing. That way, our people could afford a decent life.

I also want to thank my political party, Jubilee because it has demonstrated that it does not do regional politics. Jubilee Party is in every corner of this country. I want to remind the Members of the Opposition that Jubilee Party is open. Any person who is tired of the theatrics

and rubber-stamping efforts of political party leaders... When you come to Parliament, your role is very simple and it is defined in the Constitution. You come here to legislate or make laws and approve names of nominees to various positions. These fellows just walked out of the Chamber. They are simply telling Kenyans that they are themselves the biggest rubber-stamps because they cannot even tell what their constitutional mandate is.

Finally, I want to take this opportunity to encourage my fellow Kenyans. It is good to give them hope on such a day because they are tired of politics. I give them hope that politics has come to an end. The only politics you will hear from the 12<sup>th</sup> Parliament is about agriculture, roads, affordable health care, the fight against the killer disease called cancer, working together with our governors and Members of the County Assemblies and Senators. We need to be realistic and strive to make a difference. Come the year 2022, William Ruto, a son from the Kalenjin community, will face no opposition. Those who dare to come in between the agenda of Jubilee and the President William Ruto in 2022, we will deal with them like we dealt with NASA in Laikipia.

I want to thank our Members for remaining firm and allowing themselves to be above reproach for attending Committee sittings and faithfully showing up for parliamentary sessions. We are telling Kenyans who are lost in the Opposition to join the Government because this is a food basket and there is everything they require there. For you who are not yet convinced, we are coming after you. We will preach and convert you and also bring you to the Government side so that you can enjoy the privileges which the Jubilee Government is offering. Let Kenyans know that we are not rubber-stamps. We are learned fellows and so the Cabinet list before us this afternoon is going to be passed without *tibim* so that *kazi iendelee*.

**Hon. Speaker:** That was a bit personal. Let me give this chance to the new Leader of the Minority Party.

**Hon. Kositany:** Thank you, Hon. Speaker. I was wondering why I have not been given an opportunity because earlier on we were told that preference of speaking is given to the Leader of Majority Party and the Leader of Minority Party.

First of all, I want to thank the Committee on Appointments for the time they took to come up with a very comprehensive Report. I also want to thank the appointing authorities, His Excellency the President and the Deputy President, for having appointed people who went through the vetting process smoothly. When I look at the composition of the Cabinet nominees, I feel that they are going to perform their duties and make Kenya a place where other people from other countries will come to benchmark and see how the Cabinet works in synergy with the Executive and Parliament.

My advice to the Cabinet Secretary nominees who have been vetted and are awaiting approval by this House and also those who are in office is that they should work very closely with elected Members of Parliament and especially those from the Jubilee side. They are occupying those positions because of our personal efforts as a party to campaign and bring victory to His Excellency the President and his deputy. We want services to be delivered to those of us who represent the Jubilee fraternity. When we call on their offices, let them give us ample time and attend to the issues we will bring to their table because we are not going to take personal issues but the ones which affect our constituents and members of the Jubilee party who voted this Government in.

I would like to single out the nominee from Nandi County, Ms. Farida Karoney, who has been nominated to head the Ministry of Lands. We know the history of that Ministry concerning a lot of corruption. I also come from Nandi and we have a saying that goes: “when the house is

dirty, you get a lady with a new broom”. We have been given a lady. I sit in the Departmental Committee of Lands and I am looking forward to working very closely with her in order to bring sanity to the Ministry of Lands.

I will not conclude before I mention the new kid on the block, Rashid Echesa Muhamed. The confidence the President has bestowed on this young man should be an eye-opener to the young men who have been misused by members of the Opposition in their areas to throw stones, hurl insults and engage in activities which are not productive to our lives. I want to congratulate Mr. Rashid for his humble upbringing because he will now sit in one of the arms of the Executive. I want to wish them well. As I had said earlier, we shall work closely with them.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Buuri.

**Hon. Rindikiri:** Thank you, Hon. Speaker. I rise to support the approval of the list of Cabinet Secretary nominees. Let me congratulate the President and his deputy for finding it nice to honour the promises they made, which is to give us the best Cabinet that will deliver their mission in the next five years. I take this opportunity, through you, to thank the President, specifically for appointing Prof. Margaret Kobia who happens to come from my constituency.

Prof. Margaret Kobia has been very consistent in her work as a civil servant. She has been a role model to the girl-child, particularly at the place she comes from called Kerwa, where she has also participated a lot in community development. She has specifically dug a borehole for the community with the little income she gets as a civil servant. She has been very consistent in guiding and becoming a counsellor to our young girls who aspire to be like her. Being an advisor to the United Nations (UN) on public administration is not a simple thing. We need to appreciate and, as the people of Buuri, we feel that we have greatly been honoured by the President for giving Margaret Kobia the opportunity to serve in his Cabinet. I have interacted with her personally. I have interacted with two other nominees. One is Keriako Tobiko, whom I know personally as a very courageous and determined person from his background. On top of it all, he is academically qualified. I have also interacted with Rashid. As everybody has said, it is time to respect even those from humble backgrounds, like me. We thank the President because he has found it nice to honour that young person whose parents could not take to school because of lack of fees. Mr. Echesa showed that he is not poor in intelligence. He is rich in intelligence but he was not given an opportunity like some of us.

Our mission for the next five years is to deliver the four key pillars. This team is going to give the President the best desires of making those four pillars a success. We should not engage ourselves with NASA because we know that theirs are retrogressive politics. Our mission is to serve this nation and to worry about the people who elected us. As I join others in congratulating the President and these nominees, may I say that the people of Meru, and specifically the people from Buuri, are excited to see the first Cabinet Secretary appointed from our area. Other constituencies had theirs in the past government. This is for us. We are so proud.

Thank you, Hon. Speaker. I support this list. We do not need to continue debating because I, Rindikiri, has spoken. I think we have agreed that I am the only grey-haired man with wisdom. I think we might lose the nice flavour if we continue debating on this matter.

Hon. Speaker, put the Question so that we approve this list and move forward. Thank you.

*(Laughter)*

**Hon. Speaker:** It is not in keeping with our tradition and rules that when you speak, you should be the one to call for closure of debate. It will look selfish.

Next is the Member for Mathira.

**Hon. Gachagua:** Thank you, Hon. Speaker. I rise to support the Motion on approval of all the nine nominees.

First and foremost, I thank His Excellency the President for nominating a team of very competent professionals to assist him and the Deputy President in the management of the affairs of this great nation. I would like to urge fellow Hon. Members that we approve the entire list to give the President a team to begin serious work. We are all aware that we have lost six months in electioneering and court cases. It is now time to embark on serious work. It is, therefore, incumbent upon this House to give the President a team that will work with him and enable him to deliver on his legacy. We must applaud the President and his deputy for ensuring regional balance in constituting the Cabinet. They have looked at all corners of Kenya and made sure that the entire country is represented.

I would like to specifically talk about the nominee for Foreign Affairs and International Trade, Amb. (Dr.) Monica Juma. I had the privilege of going to university with this great lady in the early 1980s at the University of Nairobi. We were in the same class studying International Relations. As fate would have it, this lady was very passionate about international relations, African integration, the working of international organisations as well as bilateral and multilateral diplomacy. I am, therefore, very happy that she has been given an opportunity to exercise her passion. I have keenly followed her path along the way all the way from Moi University, where she was a lecturer. I have followed her as an ambassador at the Intergovernmental Authority for Development (IGAD), as a Principal Secretary (PS) in the Ministry of Defence, Ministry of Interior and Coordination of National Government and the Ministry of Foreign Affairs and International Trade. I can say without fear of contradiction that the President could not have chosen a better person to help him in his proactive diplomatic initiatives. I have no doubt in my mind that Dr. Juma will enhance international trade and address issues of balance of trade to tilt it in favour of our great country. She is capable and she has the necessary drive and passion to put Kenya in the international limelight. I, therefore, urge this House to approve the names so that these great men and women can begin to work.

I look forward to when Prof. Margaret Kobia will take her place in the Ministry of Public Service, Youth and Gender so that she can immediately embark on the youth empowerment programme that had been suspended during the electioneering period, so that we can get more young people in the youth empowerment programme. I look forward to Hon. John Munyes taking over the Petroleum and Mining docket so that he can pursue the initiatives of exploration of oil, so that we can have our own cheap oil products to ensure that we uplift the living standards of our people.

I look forward to Madam Farida Karoney taking her docket in the Ministry of Lands so that she can reinstate issuance of title deeds to colonial villages in my county of Nyeri. I look forward to Hon. Peter Munya taking over his docket in the East African Community and Northern Corridor Development to enhance trade in the East African countries so that we can trade much more with our brothers in Uganda and Tanzania. I look forward to Mr. Simon Chelugui taking over so that I can visit him immediately after being sworn in to pursue water for Kirimukuyu Ward in my Mathira Constituency, where people needed water as of yesterday.

Hon. Ukur Yatani in Labour and Social Protection will be able to fast-track the programme for old people in order for them to receive their monthly stipends. Finally, Mr. Rashid Muhamed will embark on enhancing our sports.

In a nutshell, I urge everyone of us here to adopt and pass this list in its entirety so that Kenya can move forward.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Narok County.

**Hon. (Ms.) Tuya:** Thank you very much, Hon. Speaker, for giving me this opportunity to add my voice in first of all congratulating the Committee on Appointments for a job brilliantly done in the vetting process of the nine nominees to the Cabinet. I also take this opportunity to congratulate His Excellency the President of the Republic of Kenya. The issue of nomination of Cabinet appointees is an exclusive constitutional prerogative vested in the President. As I read through the Report of the Committee, I cannot fail to see the kind of meticulous, very well-thought-out and precise background search that the President did before fronting these nine great men and women of Kenya.

*(Hon. Ichung'wah and Hon. Gikaria consulted loudly)*

Hon. Speaker, I need protection from my two good friends from Kikuyu and... It is Mheshimiwa Gikaria.

I was congratulating the President for a job well-done in the exercise of this exclusive prerogative vested in him. I would like to just highlight a few things because it is not possible to consider each individual on this nomination list one by one.

Looking at the issue of compliance with the relevant institutions and particularly on ethics and integrity, we have seen from the Report of the Committee and even following the proceedings of the vetting that these nine individuals got a clean bill of health in matters of integrity. Not any one of these nominees was found to have any matter in the courts for the last three months as is required as part of the clearance.

When it comes to the issue of tax compliance, we again see that these nine great Kenyans got a clean bill of health in this front. They are, therefore, leading from the front.

When it comes to the issue of gender balance, again the President - in respect of the rule of law and the constitutional requirement for the two-thirds gender requirement - we see that the list that is before us this afternoon is compliant with regard to the gender threshold.

The other impressive aspect of this list of nominees is with regard to the youth representation. Out of the nine nominees, we have the nominee for Sports and Heritage, Mr. Muhamed representing the youth. The Committee notes that even without that constitutional requirement for a threshold like we have for gender, the President has gone out of his way to make sure that the youth have a place at the table to make critical decisions in the Executive by appointing this nominee. Sometimes we superficially want to look at somebody's credentials and academic qualifications. This afternoon I learnt that there is something to do with emotional intelligence. I think the President must have applied his mind to such unseen qualifications in some of these nominees and saw that they have some very critical qualities in the various dockets that they have been nominated to.

When it comes to the issue of diversity in ethnicity and regional balancing, again the President's list is beyond reproach. As a pastoralist, we are happy and feel very well considered by the President's list. A third of the nominees such as Hon. Mr. Keriako Tobiko, Hon. Munyes

and Hon. Ukur Yatani are great men who are not just from minority groups but from their CVs, they are men of great repute who have served in various public capacities and have proved themselves capable of actually representing Kenyans and working for them.

With those few remarks, I want to again say that I fully support the Report of the Committee. It is unfortunate that Members from the Opposition are not here to participate yet they will be in the front line to run for services from this same Government. This hypocrisy should stop. People should come out and do what the people of Kenya elected them to do.

I support the Report.

**Hon. Speaker:** What is your point of order, Member for Nakuru Town East?

**Hon. Gikaria:** Thank you, Hon. Speaker. I rise on Standing Order No.95. If you look at both sides of Parliament - the majority and the minority parties...

*(Loud consultations)*

Let me finish. On both sides, the minority and majority sides, none of them is opposing the good work that the President did in terms of appointing the nominees. Since people are at your table and you are not observing, every speaker who speaks walks out. Finally, we will not have a good number for us to continue debate. It is true. I understand that most of the Members would really want to contribute, not because the nominees come from their respective areas, but because of the good work that has been done. The Judiciary and Parliament are complete, now it is only the Executive that is incomplete. We want to go out and start working. I want a lot of water in my area. The sooner Chelugui starts working the better.

Hon. Speaker, I request that with your permission - and I know you are a very good person and you will put the Question – you put the Question so that we can... If the majority is against it then I will have to wait. Everybody wants these nominees to start working. I know you guided the Committee in a very professional way taking everything into consideration. But I wish that under Standing Order No.95, there be closure of debate.

**Hon. Speaker:** Hon. Gikaria has raised quite some pertinent issues. It is also unfair that a Member contributes and walks out. I also hear some proposals that the debate be postponed. Remember that by our own practice and the reason why there was an extension is because nobody wants to plan for the very last. Hon. Members, you could agree among yourselves that you do not speak for too long so that as many of you as possible can have a chance.

Hon. Members, allow me to use my discretion to look at which regions and counties have not contributed, the height of the Members speaking and the gender. At this point, I will give an opportunity to the Member for Yatta - if he can also take a short time. Let us have Hon. Charles Kilonzo.

**Hon. Kilonzo:** Thank you, Hon. Speaker. Indeed, I will be very brief. At the outset, I want to say that I support the list as presented by the Committee. When you look at the names in the list, you can see professionals and people of experience and integrity who will move the ministries. You also see people of all ages. There are people in their thirties, forties and fifties across the board. In total, I can say it was a good pick.

That said, let me talk about expectations. This House in the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Parliament approved ministers in many occasions. We are very good in approving ministers. So, we expect service delivery. We expect these Cabinet Secretaries to ensure public resources are used in the most prudent manner. We also expect public money to be properly guarded. We do not want to hear the stories of people withdrawing cash in banks and looting public monies. We also expect

all these CSs to be fair to all. I want to ask the people who have been nominated to be CSs, leave alone the ones who are here, not to work according to how people voted. I want to encourage them to serve all Kenyans equally. As a warning, if these people practise tribalism... During the 10<sup>th</sup> Parliament, we had a practice with ministers. Whenever a new minister was appointed, the first thing they used to do is to look at all parastatals and give their tribesmen jobs. That is a practice which should not be encouraged. This House should ensure that it is never repeated.

We will also not want to see extreme nepotism as it used to happen before. As we move on, I want to give a warning to all of them. If they do not serve the people, nothing will save them. The same House which approved your names will ensure that your name is brought here and you are kicked out. I want to assure you that not even State House will save you. It has happened before, and more so during the 10<sup>th</sup> Parliament when ministers wronged. They know themselves, and there is no need of mentioning names. Not even State House was able to help them.

To conclude, I was a little bit impressed by Mr. Rashid Muhamed who is 36 years old and has only been up to class 8. I want to encourage him. He is only 36 years. Let him take time and look at his papers, go back to school as he works. It can be an evening class. He can even learn up to Form Four and pursue a degree. It is also a warning to Members of Parliament; a time might come when the requirement to be a CS is a degree. You are a good person but you will not get an opportunity. To those Members of Parliament who feel that they can get time and go back to school, it is always good to further education. In the 10<sup>th</sup> Parliament, you passed a law which said that you cannot be a Member of Parliament unless you have a degree. Quite a number of people were locked out.

I wish to conclude and say this is a good list. The ball is now to the team to ensure that when they take over offices, they deliver services to the people of this Republic. Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kajiado South

**Hon. Katoo:** Thank you, Hon. Speaker. I rise to support the Motion which is the Approval of Nominees for Appointment as Cabinet Secretaries. Because a lot has been said and we have very short time available, let me just single out two nominees. I want to say generally as a matter of principle that this list is a good pick. There is a lot of mix in terms of the professions. When you look at all of them, they are people who have served this country for a very long time and in different capacities in the public sector. This means that they are people with experience, skills and technical expertise that is required to move this country forward, and especially in the actualisation of the big four agenda which were stated by His Excellency the President.

First, I want to appreciate Ambassador (Dr.) Monica Juma. As it has been said in the report, this nominee has over 25 years experience working in the public sector, and mostly in international organisations. She is a good pick for the proposed ministry which is the Ministry of Foreign Affairs and International Trade. I was privileged to be in the 11<sup>th</sup> Parliament and also to be in the Committee that first vetted Dr. Monica Juma. The first time she was nominated in the Ministry of Defence. When we were vetting this nominee at that time, it was the view of the Committee that she should have been nominated to serve in the Ministry of Foreign Affairs and International Trade. She did very well in the Ministry of Defence. She was moved to the Ministry of Interior and Coordination of National Government in the same capacity. She did very well. She was moved again to her current position which is Principal Secretary in the Ministry of Foreign Affairs and International Trade. She did very well. I have no doubt at all that the Ministry will be in the right hands.

The credentials of Dr. Monica Juma as I have said earlier is mostly working in international organisations. She was an ambassador of the African Union (AU). She was also posted to IGAD. She was again at United Nations Economic Commission for Africa (UNECA). She served in so many international organisations. As the Member for Mathira has correctly said, there is no doubt that she will work for the good of this country, in terms of putting the Kenyan map in the global world. The Ministry of Foreign Affairs and International Trade has the component of international trade which is the economic pillar of this country. This is part of the Vision 2030 which will be realised. She has a lot of skills on national security policy. You cannot talk of foreign affairs or foreign diplomacy without relevance to national security. She has skills on counter terrorism and violent extremism. These are the components which are key with respect to foreign relations. She has worked in Sierra Leone where there was a process of defence. She did the same. She was a lead expert in South Africa peace support mission. She was also a team leader in the Darfur peace process and also for the Pan African Parliament (PAP) task force. She was a lead consultant for African Union (AU) and a team leader on the global spear process. All these put together, definitely you have no other place to place her other than to head the Ministry of Foreign Affairs and International Trade.

The second nominee I want to single out is the nominee from my home county who is Mr. Keriako Tobiko. He has done a lot for this country. First of all, being the first Director of Public Prosecution under the Constitution 2010 was not easy. It was not easy to transform that office to a real functioning one. As it has been said by the Member for Tharaka, he found only 83 prosecutors in the country but that office is now one of the most efficient in the public service.

Hon. Speaker, I thank the President for that appointment. I am very sure that Keriako Tobiko is going to be an asset to this country in the Ministry of Environment and Forestry.

Mr. Keriako has had a working experience of 33 years in the public service. He was the first Director of Public Prosecutions under the new Constitution and he was also the Chief Public Prosecutor. He has had a role in all law-sector reforms that have taken place in this country in the last 20 years. I am very sure if you go through his CV you will notice that the Committee on Appointments has flagged out his experience in all the relevant areas. He also has experience in matters environment. I am happy that when asked by the Committee what his priorities would be if he is appointed to that Ministry, he mentioned climate change and green energy, which are areas we are moving to. He also mentioned protection of our water pillars. I am very sure that given his large network with regard to indigenous land rights and his long service in public law, he will come up with a pastoral legal programme that engages indigenous communities on land tenure, land rights and the issue of natural resources. Indeed, that is what that Ministry entails.

Before I finish, Mr. Keriako Tobiko is very good in team work and that is what is required in this Ministry. The Committee, during the vetting process, said that he committed to give priority to the draft Waste Management Policy and Bill. As a team leader, he committed himself that he is going to engage the counties because most of the work in that Ministry is devolved. He will also pay attention to environmental pollution. He possesses knowledge, skills and competences that are required to implement all that we are talking about like cleaning Nairobi River and other rivers. He will also be keen on environmental pollution. I support his nomination.

Hon. Munyes, Hon. Peter Munya and Hon. Ukur Yatani are nominees that I was privileged to serve with in this House for about 10 years. Coming from the background of elected leaders and having been governors and senators before, they will really help the President in actualising the big four pillars because they understand the needs and aspirations of Kenyans.

Prof. Margaret Kobia has 31 years of experience in public service. She has been the chairperson of the Public Service Commission and so she will bring the relevant skills and technical knowhow to the Cabinet.

I beg to support.

**Hon. Speaker:** Member for Bomachoge Borabu. I am giving a chance to Hon. Members who are not Members of the Committee. Those who are Members of the Committee, just relax.

**Hon. Ogotu:** Thank you, Hon. Speaker for giving me the opportunity to contribute to this Special Motion. I promise to be very brief so that I can give other Members time to contribute. This is a very important Motion for this nation and it is also a very important Motion for everyone to express their sentiments.

I appreciate that a lot has been said about the list that has been presented to us this afternoon. The diversity represented by the nominees is quite clear. It is diverse geographically, culturally, age-wise and academic-wise. I want to single out the last person in the list, Mr. Echesa. There appears to be suspicion about his credentials. The suspicion is only with those people who look at academic requirements. The new curriculum that is being initiated in this country calls for recognition of other traits in personalities. Skills and attitudes are also very important ingredients. I appreciate and I am impressed that the Members who have spoken said that Mr. Echesa is a person who brings on board a new dimension in human skills and resources.

The men and women, whose names have been brought to us this afternoon are going to give a great input to the President's development of the four pillars. I believe that they will do a lot of work. We expect them to work closely with us and to support us wherever we call upon them to do so. That is an area that has already been mentioned. We will approve their names, but it may not be easy for them to recognise that we need to work with them and get their support.

I take this opportunity to also thank the President for taking into account the issue of diversity in his appointments. The Kisii community is very blessed because we now have one of our own as the Cabinet Secretary, Interior and Co-ordination of National Government. We also have a former Senator who has been nominated to serve in one of the portfolios. More importantly, yesterday, the President gave us Mr. Ogeto to serve as the Solicitor-General. This reflects diversity in his appointments. We are really blessed and we thank him. As he continues to make more appointments, he should continue to recognise the various groups.

Finally, the people of Bomachoge are looking forward to working with this team that the President has set up. We are also happy to be associated with Jubilee Party. As some of you may know, I am one of the independent candidates just like my friend from Yatta Constituency. We are happy to work with you.

Thank you very much.

**Hon. Speaker:** Member for Mogotio in Baringo County.

**Hon. Tuitoek:** Thank you very much for giving me the opportunity to contribute to this Motion. I rise to support the nominees because their CVs look quite impressive. The President and the Deputy President have done a good job by giving us men and women who will serve us in the coming years and deliver on the big four. All these nominees have impressive CVs. Most of them have served this nation in various capacities and have excelled. The Report is quite detailed. It shows it was a very transparent process. These nominees met all the requirements. As Members of Parliament, we are looking forward to working with them. We also want them to serve Kenyans without any bias and give us the best.

Specifically, I want to thank the President and the Deputy President for the nomination of Simon Chelugui who comes from Mogotio Constituency, Baringo County. Hon. Sabina Chege,

who spoke earlier, said that Chelugui demonstrated a very high grasp of his water and sanitation docket. I am sure we all know that the biggest problem we have in Kenya is lack of water. Mr. Chelugui demonstrated that he is ready to serve this nation. He showed knowledge of Kenya in detail. I heard him talk about Murang'a, part of Loitokitok and other areas. He demonstrated that he was aware of the water need by Kenyans. As we speak, people in Baringo and many other areas are suffering due to lack of water.

I would also like to take this opportunity to call upon those who are practising irrigation along the Molo River to stop the practice because the water has stopped flowing yet many people rely on that river. It is a long river. It is over 50 kilometers and many people depend on it but due to excessive irrigation, many of my constituents now lack water. We even have some schools to which we must supply water. I challenge Simon Chelugui to attend to this issue as soon as he is sworn in. I would like to see more dams and boreholes being dug in every part of my constituency, especially in Mogotio. I look forward to also getting services from the other Members of the Cabinet.

Many Members here have talked about the other nominees. They have illustrious careers. Specifically, I want to call on Echesa. We remember the fiasco of Rio where our athletes were treated poorly; where they stayed in very poor shanty places after winning medals. We ask specifically the CS for Sports and Heritage to make sure that our sportsmen and sportswomen who give us a good name abroad are treated well and given the best. He has risen from a humble beginning but he now has what it takes to serve Kenyans. We want to eliminate corruption in sports.

Therefore, I totally support the young man. He has shown he can do something good. I want to continue to support those who are saying education is not the end by itself. We want to see action. We want to see people who deliver. Therefore, I support the President in these nominations.

*With those remarks, I beg to support the Motion.*

**Hon. Speaker:** I now move to Trans Nzoia County. Hon. Members, if you know your county has had a bite of the cherry, allow other counties to also have a bite. I am looking at some people. There are very many Members from Kericho County but only one of you will get a chance. Unfortunately, somebody has spoken from Nandi County.

Very well. Let us hear the Member from Trans Nzoia.

**Hon. (Ms.) Wanyama:** Asante sana Mhe Spika. Mimi pia nimesimama kuwaunga mkono hawa wenzetu ambao wameteuliwa katika nyadhifa mbalimbali.

Kwanza ninakushukuru wewe na kamati ya uteuzi kwa kuwahoji hawa Mawaziri katika sehemu mbalimbali kuhakikisha kwamba wanachukua kazi zao katika ofisi zao. Ninawashukuru wanakamati kwa sababu nilikuwa nafuatilia wakiuliza maswali moja kwa moja kuhusiana na Mawaziri katika sehemu zao. Nilikuwa na furaha mno kwa sababu mlikuwa mnatuwakilisha sisi kama Wabunge. Kile nilifurahia mno ni kwamba mlikuwa mnawauliza mambo ya ufisadi katika nchi yetu ya Kenya. "Iwapo mtachukua ofisi zenu, kuhusu ufisadi mtasema vipi?"

Tena kile nilifurahia ni nidhamu. Kuna wengi wanapewa ofisi. Hata tukiwa viongozi, hizo ofisi tunatakikana tuhudimie wananchi. Na wengine wakifika hapa na unaweza kujionea ndugu zetu kutoka mrengo wa NASA, wako hapa kungojea yale sisi tunatengeneza ili wafaidike. Ndiposa sisi kama viongozi tukisema nidhamu, ni lazima tuanze na sisi na hawa wameteuliwa katika nafasi hizi.

Ninataka nimshukuru ndugu yangu kutoka upande wa magharibi. Sisi tulio mrengo wa Jubilee, wengi wamesema kwamba tulipeleka tumbo zetu katika chama hiki lakini hivi sasa,

kiranja wa Bunge hili ndugu Washiali anatoka upande wa magharibi. Spika katika Seneti anatoka upande wa magharibi. Hivi juzi, kamati ya uteuzi pia imechukua ndugu yetu Rashid kutoka upande wa magharibi. Iwapo watu wa magharibi wananiskia, wale wanaotoka Upinzani – na wako hapa sasa hivi, na wale walio nje – ninataka niwaambie kwamba sisi tumetunukiwa heshima na Rais pamoja na naibu wake kwa kutupatia nafasi katika Bunge hili na Mawaziri katika Kenya yetu.

Nilikuwa nikifuatilia kuona Mawaziri watakaoteuliwa, na haswa akina mama. Mumemuona Dr. Monica Juma, ambaye alijibu maswali ana kwa ana na kueleza kazi ambayo amefanya katika nchi yetu ya Kenya, na hata katika zile sehemu ambazo amepewa. Mnaona kwamba alikuwa balozi. Amefanya kazi yake kulingana na taaluma yake. Sina wasiwasi kwamba amepewa hii nafasi kuwa kama Waziri wa mambo ya nje. Sina wasiwasi atakamilisha hiyo.

Ukiona dada yetu Margaret, sina wasiwasi kwa sababu tunasema tunataka tusaidie akina mama na vijana wetu katika nchi yetu. Taaluma yake ilionyesha kwamba anaweza kufanya kazi yake vilivyo. Ndiposa ninasema nafasi ambazo akina mama wenzetu wamepewa zitawawezesha kuungwa mkono na akina mama wote nchini.

Namshukuru dada yangu Sarah Korere kwa kuhakikisha kwamba amepigana na mwenzetu aliyekuwa anaitwa Lempurkel kupata nafasi hiyo katika Bunge hili. Nataka niwakumbushe sisi sote tuko sawa. Mimi huona wengine wanaongea kiingereza kingi sana lakini ukiwapatia kazi ya kufanya wanashindwa. Wengi hujigamba tu lakini wakipewa ofisi wanatumia ofisi zao vibaya.

Pia, namshukuru dada yangu Farida kwa kupewa wizara ya ardhi. Hiyo imekuwa kizungumkuti katika nchi yetu ya Kenya. Katika sehemu za Trans Nzoia na magharibi mwa Kenya tuna shida ya mashamba. Shida hiyo inataka mtu ambaye anaifahamu kwa undani. Ndiposa namuunga mkono Rais kwa sababu wakisema kwamba wanataka kujenga kiwanda mahali fulani, matajiri hukimbia kununua shamba mahali hapo na kuwanyanyasa wenyeji. Ni kwa sababu wanajua faida watakayopata.

Tutamuunga mkono dada yetu. Nauliza wenzangu wenye viti katika kamati wahakikishe kwamba wanamuunga mkono ili sera za mheshimiwa Rais ziweze kutekelezwa. Ninamshukuru tena ndugu yetu Munyes, ambaye siku moja alikuwa mwenyekiti katika chama cha FORD Kenya. Hakika, hakuwa na ubaguzi wa rangi au rika. Ninaamani kwamba katika wizara ya mafuta, ambayo ameteuliwa ashikilie, atatekeleza wajibu wake ipasavyo. Nilikuwa nakumbushwa na mwenzangu Lomenen na Joyce kuwa viongozi kutoka upande wa Lodwar wanachunga ardhi chini kwa chini. Maji na mafuta yako hapo. Tunajua na tunaimani kwamba Munyes atafanya kazi yake vilivyo.

Nikimalizia ndiposa nipatie wenzangu nafasi, ninawashukuru wafanya kazi wa Bunge hili kwa sababu wamejitolea kinaga ubaga kuhakikisha kwamba wakipewa kazi katika kamati wanakosimamia wanaitekeleza vilivyo. Watu waache ofisi zao wazi ili sisi Wabunge tukitaka kuingia hapo, tukitaka kutatua matatizo ya watu wetu, hizo ofisi ziwe wazi na zihudumie wananchi wote wa Kenya; siyo wa kutoka kabila hili ama lile. Itatuwezesha pia tusonge mbele kama taifa. Asante kwa kunipa nafasi hii na asante kwa kuwa Mwenyekiti wa Kamati ya Uteuzi.

**Hon. Speaker:** A voice from Manderu North. All of you want to speak. Everybody will have a chance to say something if you could take two or three minutes each.

**Hon. Abdullahi:** Thank you, Hon. Speaker.

I will not take much time. Because of the training I have had in the military, I am normally very brief.

First and foremost, I want to thank His Excellency the President and his deputy for making these appointments. I say this as the vice chairperson of the Pastoralists Parliamentary Group; we are humbled. Out of all nominees for positions of Cabinet Secretaries, seven come from the pastoralists' communities.

*(Applause)*

Therefore, we appreciate that we contribute to this country.

Coming back to this Report, it is very exhaustive. It has covered all areas. I am moved by one nominee called Rashid Muhamed. With his humble background, the President saw it fit to nominate him. I want to remind Kenyans and this House that it is not papers that matter most of the time; it is how you can perform a certain task. We had people with Masters' degrees and PhDs in the previous Cabinet. They have failed, completely. We know them. They have many papers but are unable to perform. The Cabinet Secretary nominee for the Ministry of Sports and Heritage is a sportsman. He understands that ministry and what he is supposed to do. We wish him well and we will support him.

The performance and papers of the nominee for Foreign Affairs, Dr. Monica Juma, are exemplary. I know some Members want to discuss issues of 2015. The issue of 2015 where she appeared before the last Parliament has been addressed by this Report. She was punished that time. That has been addressed in the Committee Report. For those who saw, she was remorseful for whatever transpired. Therefore, we will be able to give her a new lease of life and support her as well. The other nominees are all capable.

We have come from a long electioneering period, it has taken too long. A number of sectors are suffering. One of them is the water sector; it hurts us as pastoralists. We want the substantive nominee to take office so that he addresses issues pertaining to water security.

Mine is to urge the House to support so that those sectors that have suffered for lack of substantive CSs can resume and life goes back to normalcy.

The other aspect I want to talk about is that all the CSs, both the new and the former ones, should know Members of Parliament represent constituencies. That means we represent people. When you see a Member coming to your office, I want you to know it is that constituency, people of that constituency or county that are in front of your desk or office. You must accord the respect, the time and the honour to these MPs so that you address their concerns and those of constituencies.

With those few remarks, I support the Report and propose that all Members support these nominees into these positions. Thank you.

**Hon. Speaker:** Let me hear the voice from Kericho, Member for Kipkelion West.

**Hon. Hilary Kosgei:** Thank you, Hon. Speaker for this opportunity to put my voice to this debate on the approval of the CSs to various ministries.

Let me begin by thanking the President and the Deputy President for giving Kenya a very robust team to take over the agenda of Jubilee in the second term of the President. I thank the Committee on Appointments for a job well done and, to specifically thank my President and my Deputy President for remembering the youth of Kenya. There is a big difference between NASA and the Jubilee Party. When you tell President Kenyatta to remember the youth, he will give you Rashid Echesa. When you tell NASA to give you a youth, they will give you Oburu Odinga.

So, we want to thank the President for being considerate to the youth and ask that these people be approved for their jobs. They carry with them very good Curriculum Vitae. People like

Prof. Margaret Kobia whose life has always been in public service is a fit nominee for Cabinet Secretary of Public Service, Youth and Gender Affairs. You do not need to speak much about her. I knew her when I was in Kenyatta University (KU). She was the Registrar of Academics in 1996. I have followed her as she rose even to be a founder member of the Kenya School of Government (KSG) and chairperson of the Public Service Commission (PSC). She has done a splendid job.

The person of note is Mr. Simon Chelugui. When Chelugui ran to be Senator of Baringo, everybody wrote him off because they thought they were fighting a giant in the name of Gideon Moi. Chelugui lost that seat narrowly, with less than 20,000 votes against that millionaire. Therefore, the desire to serve the people of Baringo who with the Presidency for 24 years never sorted the water issue in Baringo County is alive. The people of Baringo County are grateful to the Jubilee Government for remembering to nominate Mr. Simon Chelugui to address issues of water in Baringo and the country at large.

Martin Luther King Jr. said “everybody can be great because anybody can serve.” He went further to say one does not need to have a college degree to serve. One does not even need to understand the Second Theory of Relativity to serve. He said one only needs a heart and a desire for service. Therefore, this is a good definition of our nominee for Sports and Heritage, Mr. Rashid Echesa. He is being dismissed by those who were praising him when he was their national youth leader in the Orange Democratic Movement (ODM). When he is now recognised, they want to say that he is not fit because of his academic credentials.

This is the second time Jubilee MPs are doing work and MPs of NASA are earning. We passed funds for free secondary school when the NASA team was walking out the other time. Today, NASA constituencies and counties are benefitting from the free secondary school funds passed by Members of this Jubilee august House. Today we are passing names of nominees to the various CSs positions. Tomorrow, even if they are not here today, they will be the first ones to rush to the ministries to beg for services.

Therefore, I do not see why NASA should continue blackmailing Kenyans. Their Members are earning for work not done. It is time for them to come and oppose the list on the Floor as opposed to walking out like cowards every so often when we bring good Motions that are for development in the Republic of Kenya.

Since I do not want to take much time, I support the nomination of Prof. Margaret Kobia, Hon. John Munyes, Amb. Monica Juma, Ms. Farida Karoney, Hon. Peter Munya, Mr. Keriako Tobiko, Simon Chelugui, Hon. Ukur Yatani and Mr. Rashid Echesa.

Hon. Speaker, I thank you.

**Hon. Speaker:** Voice from Nandi now. Hon. Serem, just before we leave the side to the left of the Speaker.

**Hon. Serem:** Thank you, Hon. Speaker. I join the list of Members who feel this list of Cabinet nominees should be approved. I support the entire list but with reservations on one nominee, Ms. Monica Juma. Ms. Monica Juma was presented before us in the last Parliament, I was among those who opposed her then appointment. It will be very difficult for me to stand here today and support her present nomination, but since you have said that we should be very forgiving and she has apologised and reformed, maybe we should give her a second chance to serve this country. However, she should know that some of us are not happy. I hope that she learnt her lesson and that she will use this opportunity to advance our course.

I am a Member of Parliament from Nandi, a constituency named Aldai. Ms. Farida Karoney is from Nandi from a village called Kamobo. It is a very small village. She is a young

girl who grew up knowing that as a girl you could not easily get a chance to develop. It is because in those times, the society so much discussed issues of men more than women. As I stand here today, Farida Karoney joins the list of the few Nandi women who have succeeded in life by getting to the level she is today. Dr. Sally Kosgey, at one point served this country as a PS and also as a Minister for Agriculture. I can say today that Farida is in that league.

I support the entire list knowing that some of the nominees are former governors. One of them was a Senator. Quite a number of them were civil servants. As I support the same, I also want to challenge the Government that in future let us not lay emphasis on the number of years one has served elsewhere. If we insist on one having served for, say, 30 years what will the young graduate out there without a job, say? They will continue to wonder why we keep on discussing about the youth, but appoint older men and women to positions in Government.

At the same time, we are not condemning anybody who has academic papers. If Rashid, a nominee for the slot of sports, has no academic papers or degree, we are not saying it is wrong for him not to serve as a Cabinet Secretary. We are not also saying that it is wrong for anyone to have papers. I am just advising the nominee that if he gets a chance he should go to class in the evening. It is not a mistake not to have academic papers, but it is also good for you to get some academic papers in your free time.

As I sit down, let me wish all the nominees a good time as they begin the journey of transforming this country. I want to mention something on a few nominees. We know Tobiko. He has done a good job for this country as Director of Public Prosecutions. We know his job did not entail praises; there were challenges he faced every single day. His job entailed attacking people's lives, but all the same it was his job. If some few people have reservations about what he did, let them know that he had no choice. He had a duty to do.

Thank you, Hon. Speaker, I support the list.

**Hon. Speaker:** Member for Samburu North

**Hon. Lentoimaga:** Thank you very much, Hon. Speaker, for giving me this opportunity. I want to join my colleagues in supporting the nomination of the nine nominees. We, from northern Kenya, the Pastoralists Parliamentary Group and the entire pastoralist fraternity are very proud of all the nominees, including the ones who come from our region. The President has done us proud. This is something that we did not expect. We know that all the nine nominees merit and have the credentials and experience that is necessary for the respective jobs they have been nominated to take up. Specifically, I want to mention the Department of Water, which is life for the pastoralist communities. It occupies 80 per cent of our land mass. At the present time we know that there is drought and so high competition for resources. However, we expect rains. Our country has not been able to harvest surface runoff water. This particular nominee in the Ministry of Water and Sanitation, Mr. Simon Chelugui, will have a big role to play to ensure that we increase the volume of water in our dams. He must ensure that we get enough water for our livestock, our people and even for irrigation. Having worked in the Civil Service, I have interacted with almost all of these nominees. I knew Hon. John Munyes in 1994 when he was working with Oxfam, he later became an MP, then a Senator. He has been a Minister and also worked in the NGO world. I think he is a person of high integrity.

For Amb. Monica Juma, we had interactions with her in the last Parliament. As my colleagues have said, some of us did not understand her, especially the time when we rejected her nomination to become Secretary to the Cabinet. We have learnt more now and I think later when she went to the Ministry of Foreign Affairs as a PS, we interacted more and we understood her better. For us gentlemen, you cannot beat a lady twice. You beat her once and forget about

it. We really fought her last time but now we are going to work with her. I support her nomination as Cabinet Secretary for Foreign Affairs.

The other nominee is Keriako Tobiko. He is an experienced person. I knew him from 2000 when he was working for the constitution review commission which was based on 4<sup>th</sup> Floor of Kencom House. He is a person I have known for a long time. He has done a commendable job in the DPPs office by bringing reforms. He is very humble, approachable and very accessible. I support his nomination for the position of Cabinet Secretary in the Ministry of Environment and Forestry. It is a very critical department in this country and he would be expected to handle the legal issues on environment.

Hon. Ukur Yatani was once my colleague. I knew him in 1984 when he was still in the university. I know he is somebody who can work hard. We worked together when he was a District Officer and also as a District Commissioner. He has also worked as Governor, Assistant Minister and Ambassador. He has wide experience in the public service. Because of that, I am sure that, as he moves to his new docket of the Ministry of Labour and Social Protection, he will add a lot of value to our communities in northern Kenyan where there is a lot of poverty.

Prof. Kobia is also another renowned Kenyan with an exemplary background. She actually started with the Kenya School of Government (KSG), the former Kenya Institute of Administration (KIA). I have known her since then. She did a lot of reforms in the KSG by making it known and also changing the name from "KIA" to "KSG." With her coming to the Public Service Commission (PSC), a lot of reforms have been done there. Even if you go to that office now, you will physically see what she has done as the Chairperson of that Commission.

For Hon. Munya and Hon. Rashid, I agree with all Members that they are all important and will make our country proud. Hon. Speaker, for you information, we need to move on. We have taken so long to form a Government because of elections. We now want the Government to function. So, the President and the Deputy President have done good to ensure that they complete the formation and construction of the Cabinet so that we deliver services to our constituents because we pledged to do so during campaigns. We pledged to deliver services and also to implement our manifesto.

Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Let me hear a voice from Bungoma. Hon. Barasa, the Floor is yours.

**Hon. Didmus Mutua:** Asante sana Mhe. Spika kwa kunipatia hii nafasi ili nami niweze kuchangia hii Hoja kwa kupitisha Ripoti ya Kamati ya Uteuzi. Kwanza, ninaunga mkono tupitishie hii Ripoti. Pili, ninaomba tusibadilishe hata koma bali tuipitishie tu vile ilivyo.

Mhe. Spika, ukiangalia historia ya nchi ya Kenya, mipaka yake ilikuwa na usalama na imara zaidi wakati Waziri wa Mambo ya Usalama wa Nchi za Nje, Mhe. Njenga Karume, alikuwa kwenye usukani. Wapo wale wanaosema kuwa masomo ya Mhe. Njenga Karume alipata kwa kukaa na wasomi tofauti kwa sababu sio lazima uende shuleni ili upate masomo ama tajriba ya kuendesha mipango nyingi ya Serikali. Unaweza kukaa na daktari na uanze kufikiria kama daktari na pengine huenda ukapata ujuzi wake. Unaweza kukaa na mawakili na uwe na ujuzi wa kuelewa sheria za barabara na sheria zingine tofauti zilizoko katika nchi ya Kenya. Kwa hivyo, ninaunga mkono hayo majina. Ningeomba wapewe nafasi ili waendeshe shughuli zao kama Mawaziri.

Vile vile, ningependa kushukuru Kamati ya Uteuzi ambayo iliwapiga msasa. Ni Kamati ambayo ilikuwa na watu wenye tajriba tofauti. Wapo wale waliohusika na kutengeneza sera za Serikali ya Jubilee kwa nyanja tofauti na walikuwa wanawahoji wale kutaka kujua kama wanaelewa ama hawaelewi mipango ya Serikali.

Wapo Wakenya wengi sana ambao hivi sasa wanaishi na matumaini kwa kufuatia uteuzi wa Rashid Echesa Muhamed kwa sababu wanafikiria kwamba hata kama unatoka katika familia maskini ama isiyojiweza, familia ambayo wazazi wako hawajulikani angalau tu na chifu wa eneo lako ama mtaa ambao nyinyi mnatoka, unaweza kuwa Rais, Waziri wa nchi ama mtu ambaye utakuwa na umaarufu zaidi na kujenga jina hilo. Ningependa kuambia marafiki zangu wa mreno wa Upinzani kuwa sasa hivi kuna mwamko mpya katika nchi ya Kenya kwa sababu vijana wale hawakuwa wanajulikana kwa jina wameweza kufika, hata wameweza kuwa Mawaziri. Wale watu ambao familia zao hazijulikani kabisa, kunaye mmoja ameweza kuwa Naibu wa Rais wa nchi ya Kenya kama Mhe. William Ruto. Ninafikiri, utuezi wa Rashid Echesa Muhamed umeleta mwanga unaoashiria kuwa Kenya lazima ijitayirishie.

Mwaka wa 2022 tuwe tayari kuongozwa na Mkenya mwingine, kijana ambaye amekuwa akiuza mayai kwa jina la William Samoei Ruto kama Rais wa Kenya. Kwa hivi sasa, kila sehemu ya nchi ya Kenya inasubiri kuanza kuona utendakazi kwa hao wanawake na wanaume ambao wameteuliwa kama Mawaziri. Nasi kama Bunge lazima tuwape nafasi kwa sababu Rais anayeongoza Serikali katika nchi ya Kenya ni Uhuru Kenyatta. Yeye anajua nani anafaa kumsaidia ili atimize ndoto yake ama ahadi yake ambayo alipea Wakenya. Kwa hivyo ningependa ndugu zangu wa mreno wa Upinzani, watulie.

Kuna wengi wa mreno wa Upinzani ambao wake zao hawajafika hata kidato cha tatu ama darasa la nane lakini walilipa mahari na wanaishi sawasawa. Hata ukiangalia uongozi wa Upinzani wenyewe, utakuta kwamba Naibu wa Kiranja wa Bunge wa Chama cha Wachache, Mhe. Chris Wamalwa ni msomi maarufu maana alienda shule ya Havard na pia ako na uzamifu. Mkubwa wake kwa upande mwingine masomo yake nimeangalia hajafika darasa la tatu lakini yeye ni mkubwa. Kwa hivyo hao ndio walioanza mfano mzuri kwamba sio masomo ya darasa inayopeleka watu mbele bali ni masomo ambayo unajifundisha kila siku na hiyo ndio ya muhimu sana.

Mhe. Spika, ninaunga mkono hii Hoja na ningependa kukomea hapo. Asante sana.

**Hon. Speaker:** Let us hear the Member for Kiharu. I do not know if he is in the category of youth or he has already passed.

**Hon. Nyoro:** Thank you, Hon. Speaker. At the outset, I rise to support the list of nominees to Cabinet. First of all, I am very proud having come from Murang'a County. I know one of the former Cabinet Secretaries who has been retained in the list that did not need to go through vetting. Mr. Macharia is a very hardworking Kenyan and has been retained by His Excellency the President.

First of all, I am very happy to see former politicians and former Members of Parliament having been nominated in this list. This is because some of us who were young are being discouraged left, right and center that when you get into politics you can never be employed in future. It is a very good thing for the President and his deputy to have considered former politicians, Members of Parliament, Governors and a former Senator on this list. Hon. Speaker, yourself having been a former Member of Parliament, I am sure that you know that a person who has served in the capacity of a politician, especially an elected leader is very polished when it comes to dealing with people and emotional intelligence which are some of the things that are very much needed in the public service.

Hon. Speaker, I am also very happy to see diversity in the list. It is a mosaic that reflects the face of Kenya. We have very experienced people. We also have very young people like Mr. Rashid who is not experienced. However, in this era where we have so many changes happening and so many disruptions across all sectors, I tend to think that lack of experience at times is

actually an advantage. You can now come with freshness and handle things in a manner that they have never been handled before.

I have heard most of the people and my colleagues mention Mr. Rashid as a youth of Kenya. We are very proud of the nomination of this 36-year-old. I have heard many people mention many names like Njenga Karume. This is a person whom we even refer to in schools. Actually, as the genesis of education as we know it today, Socrates never went to any school and yet we actually refer to him almost in every area of our study even in universities.

Hon. Speaker, there is one great physicist called Albert Einstein. At some point, his class teacher gave him a note to take to his mother. The note read “Your son is un-educatable” yet Albert Einstein went ahead to have so many inventions in his name. Actually, we remember him while studying one of the hardest topics and subjects even in our educational institutions.

Hon. Speaker, I want to caution and comment on all the nominees; that even as they go for those appointments, they have to understand that legacies are not built on anything else other than achievements. I also want to tell them that the legacy of the President is pegged on their performance. So, they have to take their work seriously because this is the legacy term of our President. He will never hesitate to replace or recommend replacement of the people we are vetting today, if they do not align themselves to the Jubilee agenda and meet the expectations of Kenyans.

Lastly, there are so many countries that we study in so far as where Kenya should be. One of them is Singapore in terms of where we were with them as peers at some point and where they are today. I am sure that even people we revere so much, like the former Prime Minister of Singapore, Lee Kuan Yew; he could never have done the much he did if he never had the kind of team he had. One of the things he emphasised on is one of the issues we are dealing with as a country; the fight against corruption.

Hon. Speaker, I went through the Report of the Committee. I was checking at the net worth of these nominees. As a country, we have to take the issue of corruption seriously because even as we try to deliver to Kenyans in so far as the four big agendas are concerned, it can never be possible for us to render those services to Kenyans if we do not seal all the loopholes. The people who are best placed to start sealing those loopholes and show a lot of ethics in their conduct of public business are the ones whose names are before us this evening.

I am very proud of the youthful Echesa. He is a person from a very humble background. I am proud because despite my standing here now, representing the people of Kiharu, I come from a similar background. I used to mend other people’s shoes in high school. I used to burn charcoal to raise my school fees. Therefore, seeing the name of a comrade like Echesa in such a prestigious list is very motivating.

With those remarks, I beg to support.

**Hon. Ichung’wah:** On a point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of order?

**Hon. Ichung’wah:** Asante, Bwana Spika. Kiongozi wa walio wengi anauliza ni nani amekosa nidhamu? Ninamwambia ni yeye kwa sababu ya kusimama kati yangu mimi na wewe wakati ninataka kusimama kwa mujibu wa *Standing Order* nambari 95.

Mhe. Spika, Wabunge wote ambao wameongea wameunga mkono Hoja hii. Hata wale ambao hawajauchangia Hoja hii, kama mimi, sote tunaunga mkono. Ndiposa ninaomba tukomeshe mjadala juu ya Hoja hii ili tupige kura, tuwaachilie Mawaziri waanze kazi. Ngingependa kumuona Mhe. Keriako Tobiko akitoa suti na kuvaa gambuti na kabuti na kuingia

kwenye mtaro akisafisha Mto Nairobi. Nawaomba Wabunge wenzangu wakubaliane nami ili tumuite Kiongozi wa walio wengi Bungeni ajibu hoja zilizowasilishwa wakati wa mjadala huu.

Kwa hayo machache, ninaomba.

**Hon. Speaker:** Hon. Members, unless I give you the opportunity, you will not speak. This is the second time this issue is being raised. I can appreciate there is some unique excitement. There are Members who think that because some of the nominees come from their counties, they must be seen saying they support their nomination. It is not important. In fact, it is better when those who are not from your county support those nominees. If you think you are addressing villagers through here, by now these proceedings are not being broadcast live. I can also establish another criterion; if somebody from your county has contributed, such as the Member for Imenti South, there are very many Members who would have wanted to contribute.

Maybe just to remind the Member for Imenti South, if we were to go strictly by our own rules, surely; if every Member were to speak for 10 minutes, and we sit here from 2.30 p.m. to 7.00 p.m. – a period of four-and-a-half hours – less than 30 of you would have spoken.

On this particular Motion, I know that those who have contributed are close to 50. So, we have done justice to the Motion. If you allow, I will put the Question.

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

**Hon. A.B. Duale:** Hon. Speaker, I thank the Members of this House for their immense contribution to this Report. At least the Kenyans watching us on television out there have confirmed that this is a Government that believes in ethnic diversity, regional balance and the rule of law because all the nominees have met the threshold provided for in the Constitution and the relevant Acts. The President, in his wisdom, has given jobs to people such as the former Director of Public Prosecutions. I thought my good friends, Hon. Moses Kuria, Hon. Junet Mohamed and Hon. Aisha Juma, who suffered under the leadership of Keriako Tobiko for their toxic tongues, would come and contribute.

I thank you as the Chair of the Appointments Committee. I also thank the Members of the Committee and the many public bodies and individuals who presented memoranda. I thank the Office of the Clerk and the secretariat that served the Committee. At the end of the day, we have brought to this House a Report that meets the threshold of a proper vetting and approval as provided for under Article 152 (2) and Section 7 of the Public Appointments (Parliamentary Approval) Act 2011.

With those few remarks, I beg to reply

**Hon. Speaker:** Hon. Members, I just wanted to make sure that we carry on with the practice which we had adopted. That is why I sent for this record. We established a practice here on 14<sup>th</sup> May 2013 with regard to approval for appointment of Cabinet Secretaries which we wanted to make sure that we do not deviate from.

Therefore, Hon. Members, the procedure, which we established in 2013 and followed in 2015 with regard to the second batch of Cabinet appointees, is that, even though this is a Report of a Committee which in ordinary circumstances, under Standing Order No.69, would require that we just read the Motion as it is and take the vote. In view of the procedure that we adopted, which we intend to keep and retain, I will take the vote with respect to each nominee being approved to the docket they have been proposed to.

I think this is a practice we are likely to be following very soon with respect to some other proposals which are likely to come from the Leader of the Majority Party in consultation with the Leader of the Minority Party.

Hon. Members, I have ascertained that the House has the requisite quorum. Therefore, I will put the Question.

1. Prof. Margaret Kobia

*(Question put and agreed to)*

2. Hon. John Munyes

*(Question put and agreed to)*

3. Amb. (Dr.) Monica Juma

*(Question put and agreed to)*

4. Ms. Farida Karoney

*(Question put and agreed to)*

5. Hon. Peter Munya

*(Question put and agreed to)*

6. Mr. Keriako Tobiko

*(Question put and agreed to)*

7. Mr. Simon Chelugui

*(Question put and agreed to)*

8. Hon. Ukur Yatani

*(Question put and agreed to)*

9. Mr. Rashid Echesa Muhamed

*(Question put and agreed to)*

I, therefore, wish to announce to the House that the Motion for Approval of Nominees for Appointment as Cabinet Secretaries to the nine dockets is carried. Therefore, the Ayes have it.

Next Order!

The Leader of the Majority Party.

## BILLS

**Hon. A.B. Duale:** Hon. Speaker, through your indulgence, I want you to step down Order No.17 and 18 because public participation for the Computer and Cybercrimes Bill just ended yesterday and the Committee will look at it this week. Therefore, I prefer we deal with it and the Statute Law (Miscellaneous Amendments) Bill next week, with your permission.

**Hon. Speaker:** Very well. Since the House just resumed this week, I think it is a fair request. Therefore, Order Nos. 17 and 18 are stood down at the request of the Leader of the Majority Party who is the Mover.

*Second Reading*

THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO.36 OF 2017)

*(Bill deferred)*

*Second Reading*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.3) BILL  
(NATIONAL ASSEMBLY BILL NO.44 OF 2017)

*(Bill deferred)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business and the time being 6.08p.m., this House stands adjourned until tomorrow Thursday, 15<sup>th</sup> February 2018 at 2.30 p.m.

The House rose at 6.08 p.m.