



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 70**

## THE HANSARD

Wednesday, 14<sup>th</sup> August 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell. Where is the leadership today? Are you an imitation?

*(Laughter)*

*(The Quorum Bell was rung)*

Order, Hon. Members. We now have Quorum to transact business. There is a Supplementary Order Paper which has been circulated. I want us to rearrange the Order Paper as follows. After Order 1 to 6, we will go to Order Nos.8 and 9 and put the Question, then go to Order No.11 on the Special Motion on the two nominees to the Cabinet.

I will assign that Motion one-and-a-half hours. Those who will be given an opportunity to speak, I ask you to agree that we limit the time to three to five minutes. We agree that you contribute for three minutes so that we can finish that. Those with Statements, either to ask or to be responded to, will come back to that at No.7 after Order No.11.

### MESSAGE

APPROVAL OF DR PATRICK OMWANDA AMOTH, EBS, FOR  
APPOINTMENT AS DIRECTOR-GENERAL FOR HEALTH

**Hon. Speaker:** Hon. Members, I have a Message from the Senate concerning the approval of Dr Patrick Omwanda Amoth, EBS, for appointment as the Director-General for Health. Pursuant to the provisions of Standing Order 41(4) of the National Assembly, Standing Orders relating to messages from the Senate, I wish to report to the House that on Monday 12<sup>th</sup> August 2024, I received a message from the Senate regarding the approval of Dr Patrick Omwanda Amoth, EBS, for appointment as the Director-General for Health.

You will recall that the approval process for the nominee for Director-General was jointly conducted by the respective committees of both Houses of Parliament. Indeed, on Thursday, 1<sup>st</sup> August 2024, the National Assembly approved the appointment of Dr Patrick Amoth as the Director-General for Health. Consequently, the Senate approved the nominee for appointment on Wednesday, 7<sup>th</sup> August 2024.

The approval by the Senate concludes the bicameral consideration of the matter. I am informed that this decision of the two Houses has already been conveyed to the Ministry of Health for appropriate action.

The House is accordingly guided, and we wish Dr Amoth well in his assignment.  
Next Order.

## PAPERS

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

1. Sessional Paper No.6 of 2024 on the National Aviation Policy from the Ministry of Roads and Transport, State Department of Transport.
2. Reports of the Auditor-General and Financial Statements of the National Governments Constituencies Development Fund (NG-CDF) for the year ended 30<sup>th</sup> June 2023 and the certificates therein in respect of the following Constituencies:
  - (a) Awendo.
  - (b) Bumula.
  - (c) Bureti.
  - (d) Eldas.
  - (e) Fafi.
  - (f) Kandara.
  - (g) Kasarani.
  - (h) Kieni.
  - (i) Kipkelion West.
  - (j) Kabondo Kasipul.
  - (k) Ndaragwa.
  - (l) Ndhiwa.
  - (m) North Mugirango.
  - (n) Sotik.
  - (o) Tongaren.
  - (p) Tetu.

Hon. Speaker, I beg to lay.

**Hon. Speaker:** Next Order.

## NOTICES OF MOTIONS

**Hon. Speaker:** Vice-Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Bashir, is that you? Go ahead.

### ADOPTION OF REPORT ON INSPECTION VISIT TO KENYAN EMBASSIES IN RWANDA AND THE DEMOCRATIC REPUBLIC OF CONGO

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its Inspection Visit to Kenyan Embassies in the Republic of Rwanda and the Democratic Republic of Congo, conducted from 18<sup>th</sup> to 25<sup>th</sup> May 2023, laid on the Table of the House on Thursday, 7<sup>th</sup> December 2023.

**Hon. Speaker:** Chairperson of the Public Investment Committee...

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Hon. Speaker, I have another one.

**Hon. Speaker:** Go ahead.

ADOPTION OF REPORT ON INSPECTION VISIT TO KENYAN EMBASSIES IN THE  
KINGDOM OF SAUDI ARABIA AND THE STATE OF KUWAIT

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to Kenyan Embassies in the Kingdom of Saudi Arabia and the State of Kuwait from 5<sup>th</sup> to 12<sup>th</sup> May, 2023 laid on the Table of the House on Tuesday, 15<sup>th</sup> August, 2023.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson of the Public Investment Committee on Governance and Education.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF STATE CORPORATIONS  
(TRAINING COLLEGES/INSTITUTIONS) FOR 2018/2019, 2019/2020 AND 2020/2021

**Hon. Wanami Wamboka** (Bumula, DAP-K): Thank you, Hon. Speaker. I also have two notices. I beg to give notice of the following Motion:

THAT, this House adopts the second Report of the Public Investments Committee on Governance and Education on its consideration of the Report of the Auditor-General on the Financial Statements of State Corporations (Training Colleges/Institutions) financial years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Tuesday, 20<sup>th</sup> June 2023.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF STATE CORPORATIONS  
(CENTRAL REGION) FOR 2018/2019, 2019/2020 AND 2020/2021

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Third Report of the Public Investments Committee on Governance and Education on its examination of the Report of the Auditor-General on the Financial Statements of State Corporations (Central Region) for the financial years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Wednesday, 6<sup>th</sup> December 2023.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you.

Next Order.

## MOTIONS

CONSIDERATION OF REPORT ON THE COTTON INDUSTRY  
DEVELOPMENT BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Cotton Industry Development Bill (Senate Bill No.5 of 2023).

*(Moved by Hon. Mary Emaase on 14.8.2024 – Morning Sitting)*

*(Debate concluded on 14.8.2024 – Morning Sitting)*

*(Several Hon. Members walked into the Chamber)*

**Hon. Speaker:** Order, Hon. Members. Take your seats. We are at Order No.8.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read  
a Third Time and passed)*

**Hon. Speaker:** Thank you. Before I put the next Question, I do not see Hon. Ndindi Nyoro. Hon. Mary Emaase, are you handling this?

*(Hon. Mary Emaase spoke off the record)*

*(Several Members stood on the gangways)*

Fine. Members on their feet, please, take your seats.

CONSIDERATION OF REPORT ON THE COUNTY GOVERNMENTS  
ADDITIONAL ALLOCATIONS BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the County Governments Additional Allocations Bill (Senate Bill No.19 of 2024).

*(Moved by Hon. Ndindi Nyoro on 14.8.2024 – Morning Sitting)*

*(Debate concluded on 14.8.2024 – Morning Sitting)*

**Hon. Speaker:** Hon. Members, what remained on this Business was putting of the Question, which I will proceed to do.

*(Question proposed)*

*(Question put and agreed to)*

**BILL**

*Third Reading*

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL  
(Senate Bill No.19 of 2024)

**Hon. Speaker:** Mover.

**Hon. Mary Emaase** (Teso South, UDA): Hon. Speaker, I beg to move that the County Governments Additional Allocations Bill (Senate Bill No.19 of 2024) be now read a Third Time.

I also request Hon. Wambilianga to second.

**Hon. Catherine Wambilianga** (Bungoma County, FORD-K): Thank you, Hon. Speaker.

I second.

*(Question proposed)*

*(Hon. Elizabeth Kailemia walked along the aisle)*

**Hon. Speaker:** I am satisfied that we have a quorum. Order Hon. Kailemia. She was my year-mate at the university.

*(Question put and agreed to)*

*(The Bill was accordingly read a Third Time and passed)*

## MOTIONS

### ADOPTION OF REPORT ON THE INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAC IN UGANDA

THAT, this House adopts the Report of the Committee on Regional Integration on its consideration of the Inspection Visit to the Semi-Autonomous Institutions of the East African Community in Uganda, laid on the Table of the House on Wednesday, 29<sup>th</sup> November 2023.

*(Moved by Hon. Wanjiku Muhia on 6.8.2024)*

*(Debate concluded on 8.8.2024)*

**Hon. Speaker:** Order Member for Kipipiri.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, before I call the Mover, allow me to acknowledge the following institutions in the Public Gallery. The Nyali Cambridge Link School, Lamu East Constituency, Lamu County; St Joseph's International Science School, Ainabkoi Constituency, Uasin Gishu County; and Kipsilat Comprehensive School, Chepalungu Constituency, Bomet County.

I have been requested by Hon. Mandazi and Hon. Ruweida to welcome the schools from Chepalungu and other areas. I allocate you a minute each, starting with Hon. Mandazi.

**Hon. Victor Koech** (Chepalungu, UDA): Thank you very much, Hon. Speaker for the opportunity you have given me.

I welcome all the learners to observe the proceedings of what we, Members, do in Parliament.

I would like to encourage them to work hard. If they do, one day, one time, they will be here as legislators and participate in the processes such as budget making process.

Of great importance is this particular school from my constituency which is dear to my heart. It is in the lowest zone of my constituency, which is suffering, just to mention a few things concerning it.

I was there two weeks ago, and that is when I invited them to come and see what happens here. It has no road accessibility at all. I have taken it upon myself, although the NG-CDF factor has barred us from doing roads, to improve accessibility to schools. This is a feeder road, classified under the county government, and it is a concern to all of us as, a House. It is upon ourselves to tackle and handle such circumstances when we face them.

**Hon. Speaker:** If it is a feeder road, tell your governor to construct it.

*(Laughter)*

That is the work of the governor. Hon. Ruweida, you have a minute.

**Hon. Ruweida Mohamed** (Lamu East, JP): Ahsante Mhe. Spika kwa kunipatia nafasi nami niwakaribishe Cambridge Link School Bungeni.

Ningependa kurekebisha jambo Mhe. Spika ametaja kidogo. Kwa vile ninatoka sehemu za Lamu, imechukuliwa kuwa hii shule nayo inatoka pale. Ilhali, inatoka sehemu za Nyali, Mombasa. Ninawakaribisha sana.

Niliwatafutia nafasi ili wakuje Bungeni. Waliona nimewaleta wanafunzi wa Lamu wengi, na wao pia wakataka kufika mahali hapa. Mtoto wa dadangu, Jamil, anasoma katika hii shule, na akawa anataka kufika mahali hapa. Na hivyo ndivyo waalimu walijiandaa kwa hii safari. Karibuni sana.

Ninawahisi msome kwa bidii maana nyinyi ndio viongozi wa kesho. Katikati yenu, tuko na marais, magavana, wabunge na maspika. Vile vile, wengine labda wangependa wawe mawakili. Kwa sasa, tunaambiwa kuwa *the sky is not the limit*.

Karibuni sana na ninawatakia kila la heri. Hii ni shule nzuri iliyo na sifa kocho kocho. Waalimu ni wazuri na wanafunzi pia wako na nidhamu, na tunaifurahia.

Ahsanteni, na kila la heri. Karibuni

**Hon. Speaker:** Thank you. On my behalf and that of the House, I welcome those three schools to Parliament.

We are now in Order 11. It is now 2.54 p.m. We will put the Question at 4.15 p.m. I invite the Mover, Hon. Junet to move it in five minutes, and Hon. Owen Baya will second. After proposing the Question, Members will be given three minutes each to contribute.

APPROVAL OF NOMINEES FOR APPOINTMENT AS  
CABINET SECRETARY AND ATTORNEY-GENERAL

**Hon. Speaker:** Hon. Junet Mohamed.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Third Report of the Committee on Appointments on the approval hearings of nominees for appointment as the Cabinet Secretary for East African Community Affairs and Regional Development and Attorney-General of the Republic of Kenya.

This Report contains the proceedings of the Committee on Appointments relating to the approval hearings of the following two persons for appointment as Cabinet Secretary for East African Community Affairs and Regional Development and Attorney-General of the Republic

of Kenya as forwarded by His Excellency, the President, on 30<sup>th</sup> July 2024 and communicated to the House by the Speaker on 31<sup>st</sup> July 2024.

1. Ms Beatrice Asukul Moe as the Cabinet Secretary for East African Community Affairs and Regional Development; and,
2. Ms Dorcas Agik Odhong Oduor, Senior Counsel, OGW, as the Attorney-General of the Republic of Kenya.

Subsequently, the Hon. Speaker referred the CVs of the nominees to the Committee on Appointments for approval hearings in accordance with Section 6 of the Public Appointments (Parliamentary Approval) Act, CAP 7F and Standing Orders 204(4) of the National Assembly Standing Orders.

Further, the Clerk of the National Assembly notified the nominees and the public that the Committee will conduct the approval hearings on Friday, 9<sup>th</sup> August 2024 at the Mini-Chamber, County Hall, Parliament Buildings.

The Committee also invited the public to submit memoranda by way of written statements on oath affidavits on the suitability of the nominees. To this end, the Committee received four memoranda. One was hand-delivered and three were submitted by email.

Section 6(9) of the Public Appointments (Parliamentary Approval) Act provides that any person may, prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

Out of the memoranda submitted, one complied with Section 6(9) of the Act, while three were not in the form of affidavits, and hence, did not meet the requisite threshold. A detailed analysis of memoranda is contained in Chapter 3 of the Report.

Additionally, it is noteworthy that for memoranda that did not meet the requirement of the law, the Committee converted them into questions, and the Members of the Committee examined the nominees on all the questions from the public as evidenced by the Report.

The Committee also conducted background checks on the nominees by seeking references from the EACC on ethics and integrity, the Higher Education Loans Board (HELB), the Directorate of Criminal Investigation (DCI) on criminal records, the Office of the Registrar of Political Parties (ORPP) on holding offices in political parties and the Kenya Revenue Authority (KRA) on tax compliance.

In considering the suitability of the nominees for the appointment, the Committee considered the constitutional and statutory requirements relating to the offices in question, and whether the nominees' abilities, experience, and qualities meet the needs of the State offices.

Further, the suitability of the nominees was assessed after scrutiny of their background, academic credentials, professional qualifications, work and professional experience, personal integrity, as well as their performance during the approval hearings. To this end, the Committee observed that in addition to the already appointed cabinet secretaries, the nominees were drawn from various ethnic groups including marginalised communities thus a representation of Kenya's diverse communities.

The nominees demonstrated an understanding of the mandates of the offices to which they were being nominated. They articulated clear visions for the offices.

Ms Beatrice Asukul Moe is a career civil servant with vast experience in social governance of Arid and Semi-Arid Lands. Ms Dorcas Agik is an advocate of the High Court of Kenya with over 15 years' experience as a distinguished legal practitioner, hence meets the requirement for nominations as Attorney-General enshrined in Articles 156(3) and 166 of the Constitution. She has served for over 30 years in public service and exhibited a great sense of the roles of the Office of the Attorney-General.

On behalf of the Committee, allow me to thank the nominees for offering themselves to the country, and also thank the Office of the Clerk. I also participated in the vetting of the



nominee, and I can tell this House without fear of contradiction that this is the real example of women that can lead this country; distinguished women who have prospered in their careers.

Hon. Speaker, the nominee for the position of Attorney-General was somebody known to you for quite some time as you worked with her in your legal profession. She was exemplary.

If the President rewarded merit and somebody who deserves a job, then it was in the nomination of Ms Dorcas Oduor as the Attorney-General of the Republic of Kenya. That lady has vast experience in the field that she has been sent to serve. She knew everything; from legal matters, treaties to all kinds of things that we questioned her on. She has done exemplary in the Office of the Director of Public Prosecutions. She is a good example to women. I am now convinced that women can lead this country.

After interviewing that lady, I was convinced that we can now accept women leadership because we have always been male chauvinists. Male chauvinists have now agreed that women can lead. She is a good example of a leader and a person who can be trusted with an office that deserves to be entrusted to a woman.

*(Hon. Shakeel Shabbir spoke off the record)*

Hon. Shakeel is making noise here asking why I am not appreciating my wife. Hon. Speaker, my wife is known in my constituency because she campaigns for me. She is a distinguished leader in her own right. But today, we are discussing the appointments of the Attorney-General and Ms Beatrice Asukul.

Ms Beatrice Asukul is somebody known to me. She was in our election board. This is a lady who has shown that you can come from the bottom of the pyramid and go far. Today, she has been nominated as a Cabinet Secretary in this country.

**Hon. Members:** Bottom-up.

**Hon. Junet Mohamed** (Suna East, ODM): Bottom-up is another case, but this one is a bottom-up of a different matter.

*(Laughter)*

This lady has shown this country that women from the minorities and the marginalised communities can also be leaders in the country. This country is very proud today. If the House approves these two ladies, we will be sending a message to this country and the international community that we have women of high standards, integrity and those who can lead this country as well as international organisations.

When I saw Ms Dorcas Agik speaking, she reminded me of Amb. Amina Mohammed, who is also my friend; a distinguished Cabinet Secretary who served in the former regime. I urge this House not to take a lot of time in discussing these two women. These are women of high calibre and standard. They are women who can lead this country at whatever time.

With those few remarks, I support and request the House to support the Committee's recommendation to approve the two nominees. I call upon the Deputy Leader of the Majority Party, Hon. Owen Baya Yaa, to second the Motion.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Speaker. I want to thank the Leader of the Minority Party for moving with passion the adoption of this Report. Notably, during the interview, he was really impressed by these two ladies.

Hon. Speaker, I second this Motion very strongly that Ms Dorcas be appointed the Attorney-General of this country, and Ms Asukul be appointed Cabinet Secretary in-charge of East African Community, the ASALs and Regional Development. Allow me to commend the Committee first, which was chaired by you for a commendable job, for working long hours and

for ensuring that the Report was tabled in accordance with the prescribed timelines of the Public Appointments (Parliamentary Approval) Act.

The Committee, which worked for many hours, undertook extensive scrutiny of the evidence that was tabled before it. I want to confirm to this House that Kenyans of all walks of life participated in the vetting and interviewing of these nominees by bringing in very many memoranda and questioning many things. This shows the growth of democracy and constitutionalism in this country. The public participated. So, if there is any issue about public participation, I want to confirm that many people participated vigorously in terms of vetting and in ensuring that we got the best.

We ensured that Government institutions like the EACC, HELB, the DCI and the Office of the Registrar of Political Parties also brought in information to support the vetting and the Committee during that time.

I would like to zero in on one candidate, Ms Beatrice Asukul Moe, from the marginalised community, a Turkana who started from down there. From a trade certificate to getting a bachelor's and a master's degree. You can see growth in the education of this lady. She even became a County Executive Committee Member (CECM), and ran several departments. The Orange Democratic Movement (ODM) even appointed her as one of the members to nominate the running mate for their candidate last time.

So, this is a lady grounded in governance and public service. She is enthusiastic about serving her country. I think we have the right candidate for the job. All she is required to do is settle in and serve Kenyans notwithstanding where she has come from. I would like to ask this House that as we approve this lady, Ms Beatrice Asukul Moe, to be the Cabinet Secretary in-charge of East African Community, the ASALs and Regional Development, we must remember that she will be our top diplomat within East Africa and our link between the regional governments and the national Government. We have the right person, and I would like to request this House to support Ms Beatrice Asukul to be appointed Cabinet Secretary in the Republic of Kenya.

Ms Dorcas Agik Oduor has a very impressive CV, one of the best in terms of law practice, public service and our court systems. She once worked at the Attorney-General's Office. She has both national and international experience. She is a person that we can rely on to advise the Head of State in terms of law. As Parliament, we can rely on her to advise us in terms of legislation. She is someone who will not sit on our legal drafts without making an input that is positive to help this House improve on the quality of our legislations.

Hon. Speaker, Ms Dorcas Agik Oduor is that person that I would like to see sit in the State Law Office as the Attorney-General of this country and assist us and the President. Her job is cut out for her. The Government has lost very many cases in courts. Even Parliament has been challenged in many instances where the Government is embarrassed because a law has come here, but it is taken to court and knocked down. I want to urge the Members to approve Ms Dorcas Oduor. If approved by this House, I want to urge her to improve on the quality of laws of this country and the advice that she gives to the Head of State and all other Government agencies so that the Government stops losing cases. We have huge bills running to almost Ksh1 trillion because the Government has lost cases, and it has to pay.

Lastly, I want to pay glowing tribute to your leadership during the vetting process. You stood out as a nationalist and a Kenyan who loves this country and guided us very well during the sessions. The exercise took many hours and when you had to take a break to attend to other matters, you were always there on time. We were at times embarrassed that you came earlier than us, yet you are busier than us. I want to thank you and pay tribute to your leadership for guiding us and for ensuring that this country has the right Cabinet. I thank you, Hon. Speaker and Members for listening to us. I also want to ask you that we approve these nominees so that the Cabinet can sit, transact business and we take this country to the next level.

I thank you, Hon. Speaker. I second.

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

*(Question proposed)*

**Hon. Speaker:** Hon. Onyango K'Oyoo.

**Hon. James K'Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Speaker, for honouring me with the opportunity.

**Hon. Speaker:** Hon. Member, you have three minutes or less.

**Hon. James K'Oyoo** (Muhoroni, ODM): I want to take this opportunity to thank the Committee on Appointments for doing a meticulous job in approving the appointment of these very serious ladies. I have known Ms Beatrice Asukul through the party levels as a serious level-headed girl. I want to speak seriously about the incoming Attorney-General of Kenya, Ms Dorcas Agik Odhong Oduor. She was born in Sindo East, North East Kano Miwani Division, Muhoroni Constituency, but at a later point in life, she met a man or the love of her time, Eng. Oduor and they got married and settled in Alego, Siaya County. So, while we congratulate her from Muhoroni, we want to make it clear that she now belongs to Siaya County and not Kisumu County.

*(Laughter)*

**Hon. Speaker:** Order, K'Oyoo. Ms Dorcas Agik belongs to Kenya.

**Hon. Members:** Yes.

**Hon. James K'Oyoo** (Muhoroni, ODM): To Kenya.

**Hon. Speaker:** Yes.

**Hon. James K'Oyoo** (Muhoroni, ODM): Thank you very much, Hon. Speaker, for the correction. But because we are living in a political world where people are scrambling for resources, I want to make it clear that we thank God and the appointing authority for Ms Dorcas, because she has gone through serious challenges throughout her life. If there were no political games, she was meant to be the first DPP in this Republic. The people in the legal fraternity know who qualified when the interviews were done. Even Hon. Speaker knows the truth.

Later on, she was supposed to be the second one, but she was also cheated out of it. I am happy and thankful to God that finally the rulers of this world have found her to be a serious person. I urge them to give her the latitude to practise her legal prowess without being advised and to let her be the advisor. Equally, while I thank them for nominating her, I want to sound to those appointing authorities that Kisumu County is still waiting for their chance. In 1992, the late Nyachae rejoined Moi and they agreed on the way forward. When Moi did not honour it, he confronted Moi and said Kisiis were asking for *litana*. *Litana* is special meat. We are saying that we are also part of this country. The people of Kisumu are sending me to ask for their *litana*.

Thank you very much and God bless.

*(Applause)*

**Hon. Speaker:** Hon. Maina Mathenge, Nyeri.

**Hon. Duncan Mathenge** (Nyeri, UDA): Thank you, Hon. Speaker. I support the appointment of these two ladies. I add my voice in urging the House to pass them so that they can be appointed by His Excellency the President into the Cabinet.

Hon. Speaker, this is one of the areas where the President and this House will have performed quite well in terms of the improved gender parity in the Cabinet. The other aspect is the widening of the space in terms of participation of Kenyans from different persuasions in the Cabinet and in the top leadership organ of the country.

Hon. Speaker, I propose to Kenyans that it is time we adopted this model of governance every time after elections. It is not sufficient for the winner of a presidential election to just restrict his or her sight on the side of the country that voted overwhelmingly for him or her. Once you win, you become the President of the entire country. Going forward, it is best if presidents will look at the nation with the lenses of the entire nation, and always give us the best possible brains in leadership at the Cabinet and other appointments. When I look at the last tenure of the late President Moi, he appointed *Baba* into his team when *Tinga Tinga* was swallowed by the cockerel.

*(Loud consultations)*

Later, the late President Mwai Kibaki came together with a consternation of Kenyans in Hon. Raila Odinga, the late Hon. Wamalwa and Hon. Charity Ngilu. Whenever the country is in this position, we perform well. I congratulate the two ladies, especially the nominee for the position of Attorney-General. She has a depth and wealth of experience that can only benefit this country.

Hon. Speaker, I support the Motion.

**Hon. Speaker:** Hon. Julius Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, I also join the Members who support this Motion. I do not know Ms Moe well, but I trust the judgement of those who know her. I congratulate her on being nominated. I know Ms Dorcas Agik. She is a colleague in law. I know she has grown through the ranks in the Attorney-General's office and the Office of the Director of Public Prosecutions. She is a special one. During the tenure of the last two Attorney-Generals... I have experience in the other arms of Government. I was a judge and I am a Member of Parliament. This is a distinguished lady who has patiently looked into the law in different aspects. She has been in the civil part of the Attorney-General's office, as well as in the criminal department.

I know a lot rotates around the Office of the Attorney-General. We, as lawyers, are looking for a head of the bar who understands us. I know there is a lot that will come to this House that needs to be observed by the Attorney-General. He or she advises the Government especially on what is right and wrong in financial transactions. I join my colleague who said that we hope the Government will take the advice of the Attorney-General, but not the other way round, because it happens sometimes. The Attorney-General has to say things that the Executive does not like. We believe in the rule of law. We hope Ms Dorcas' advice and the accolades we are giving to her will be of good meaning to the Government as it is today.

The two cabinet secretaries are joining the Government of different political parties which will be a big challenge. We hope they will not go there to serve the party that appointed them, but to serve the country at large.

Hon. Speaker, I support the Motion.

**Hon. Speaker:** Hon. Epuyo Nanok.

**Hon. Daniel Nanok** (Turkana West, UDA): Thank you, Hon. Speaker, for giving me a chance to weigh into this Motion. At the outset, let me appreciate the Select Committee on Appointments for a job well done. We trust what they have brought us is work that they put in their minds and experience as a Committee of this House, and have given this House a Report that we can be proud of.

I appreciate His Excellency the President, Hon. William Ruto, for giving us an opportunity to serve in his Cabinet. We come from the marginalised community - ASAL. We need opportunities of this nature to show our abilities, serve Kenyans, and portray the regional balance and diversity of the Republic of Kenya in the service of the country.

I know Ms Beatrice Asukul. The Turkana are proud and very grateful to His Excellency, the President, for the opportunity he has accorded one of our daughters to be part of the Cabinet serving this country. She exemplified level-headedness. She has served in various capacities, including being among the initial members of County Executive Committees (CECs) of the Turkana County Government. She served honourably. It is an opportunity that we thank His Excellency, the President, as the appointing authority. But I will not end before I thank the former Prime Minister, Hon. Raila Odinga, for having tapped and seen the ability that Ms Beatrice Asukul has shown.

I wish them well as they serve this country. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohamed** (Mombasa County, ODM): Asante sana, Mhe. Spika. Ninachukua fursa hii kuwapongeza hawa wanawake wawili ambao wameteuliwa katika nyanja mbalimbali. Kenya ilikuwa imeenda sehemu mbaya. Pia, ninachukua fursa hii kumpongeza Rais wa Taifa hili, Mhe. William Samoei Ruto, kwa kuleta uwiano katika taifa. Hii imekuwa sababu ya sisi kupata wanawake wazuri na shupavu ambao wana uweledi wa kazi. Wao ni maono ya wanawake katika Kenya nzima.

Pia, tukizingatia zile theluthi tatu ambazo tulikuwa tunatafuta kama akina mama, mimi nina hakika kuwa hawa akina mama, Ms Beatrice na Ms Dorcas, watafanya kazi zao kulingana na Katiba. Palipo na uongozi wa akina mama, hata maji huwa yanapanda mlima. Kwa hivyo, ninachukua fursa hii kuipongeza ile Kamati iliwateua na kuwapitisha. Ninakushukuru sana, Mhe. Spika. Nilifuatilia kwa kina Kamati hii. Ulipeleka mambo hayo kwa uweledi sana, na hukuangalia hivi ama vile. Uliangalia ule msimamo ambao wale walikuwa nao na mkawapitisha. Kwa hivyo, ninawaomba dada zangu. Ninawambia wafanye kazi ili wajenge taifa. Wasilemee upande mmoja. Wafuate sheria ili tuone uongozi wa wanawake unaoleta mabadiliko katika taifa. Ninawaomba Mungu aweze kuwapa nguvu na aghari ya kuweza kufanya kazi bila kuangalia huku na kule.

Asante sana, Mhe. Spika.

**Hon. Speaker:** Hon. David Ochieng’.

**Hon. David Ochieng’** (Ugenya, MDG): Thank you very much, Hon. Speaker. I followed the proceedings of this vetting and I can tell you, because you do not watch yourself, that your Committee enjoyed vetting these two ladies, compared to what we saw the other week, because they were graceful. They gave candour or honesty, and heartfelt answers. We watched them, and we believe these were right nominations.

Since when I was 17 years old, during elections, every presidential candidate talks about Singapore, South Korea and Malaysia. That year, the late President Moi and *Baba* Raila Odinga were candidates. They said that they wanted to build a country like South Korea. I heard the same stories in 2002 between the late Hon. Kibaki and Hon. Uhuru Kenyatta. I heard the same stories during the last election between Hon. Raila Odinga and Hon. William Ruto who is now the President, that they wanted to build a country like Singapore. The biggest secret and the distinguishing feature of South Korea, Singapore, and Malaysia has never been the roads they have built. It is also not the planes they have built. It is the energy they put into their character and meritocracy in how government is run. I believe these two ladies epitomise what public service should look like. This country will do well in the future if we go this way.

The Cabinet is the foremost advisor of the President. The Attorney-General is also the foremost advisor of the President on legal affairs. I only pray and hope that other people will not be allowed to come between the advice these two ladies give the President from their

dockets and the decisions being made. I believe that Ms Asukul can do an excellent job in the EAC docket. Needless to say, Ms Dorcas is the epitome of competence. I wish them well and hope they do well for the country as they did in the interviews.

**Hon. Speaker:** Bensuda.

**Hon. Atieno Bensuda** (Homa Bay, ODM): Thank you very much, Hon. Speaker, for giving me this opportunity.

I stand here very proud of my fellow scholars who are right on track in the world of academia. Hon. (Dr) Joyce Atieno Osogo is found in academia. I also rise to support Beatrice and Dr Oduor for having achieved academic standards. That was evidenced by how they presented cases in their publications and their mastery of the content in which they represented Kenyans. It must be on record that I support the two ladies. I support His Excellency *Baba* Raila Amollo Odinga for supporting the female gender.

The nomination by the President, (Dr) Samoei William Ruto, exhibits that gender balance is quite fundamental in this country. Peace was supposed to be maintained yesterday. At Baba's function, the late President Uhuru also informed people that stability was important. Electing and appointing women creates stability in this country.

**Hon. Speaker:** Order, Hon. Bensuda. Uhuru Kenyatta is a retired President. He is not a President-elect.

**Hon. Atieno Bensuda** (Homa Bay County): I did not say "elect". I am saying President Uhuru is retired. I am talking about stability. Get the concept of what I am heading to. I am talking about the stability of this nation.

*(Laughter)*

This nation has started recognising the competency of women, women of substance, academic women, and effective women. Gone are the days when women thought their bottom powers could raise them to power. We are no longer in the days when women thought they can rise to power through sex.

**Hon. Speaker:** Time is up. Hon. Dorothy Ikiara.

*(Several Hon. Members stood up in their places)*

Hon. Members, take your seats and avoid using profane language.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Speaker.

I join this Motion by commending the Committee on Appointments for the well-done work. We are talking about nominees who have qualified to become Cabinet Secretaries after the vetting. This House will have a consideration and recommend them to go and work for Kenya. I have listened very passively to the speakers in the House. Some know Beatrice very well. She has been given the East African Community and Regional Development docket. From what I am getting and watching how she performed in the interview, I am convinced this is the right person for that docket. I also listened to the Attorney-General nominee, Hon. Dorcas Oduor. I am convinced she is the right person.

I heard Hon. Junet say, "If these women". For the record, women can perform much better than their male counterparts when accorded an opportunity. It is always said, "What a man can do, a woman can do better."

**Hon. Speaker:** Hon. Mishi Mboko.

**Hon. Mishi Mboko** (Likoni, ODM): I support this Motion by the Committee on Appointments.

I appreciate His Excellency (Dr) William Samoei Ruto for making history. He has made history today. This is the first woman nominee to occupy the position of Attorney-General in

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the Republic of Kenya. That is historical. The second historical act is nominating a woman from the marginalised Turkana community. If approved by this House, she will be the first Turkana Cabinet Secretary in the Republic of Kenya. Thank you, Dr William Samoei Ruto, for making history.

*(Applause)*

When we were doing vetting, it was amazing. Dr Dorcas Agik demonstrated knowledge of technical issues in the portfolio she will occupy. She also demonstrated the path and the roadmap from where we are and where we want to be as a country. She has immense professional experience in legal matters. She has worked in the Judiciary and many other areas pertaining to law. I know Ms Beatrice Asukul and have been with her in the Orange Democratic Movement (ODM).

She proved that she will bring some measures and strategies to help communities in the Arid and Semi-Arid Lands (ASALs). Being born and bred in Turkana, a part of ASALs, this was the best thing our President has done for this country. We are making progress in gender mainstreaming or gender balance. We are now filling the gender disparity which we have been having in this country.

**Hon. Speaker:** Hon. Bashir.

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Thank you, Hon. Speaker. I appreciate the Committee on Appointments for the thorough job it has been doing. I watched the vetting process of these two great women. As Chairman of that Committee and your Members, I can attest that you handled them well. I congratulate the two great ladies for making it to the list of being nominated by His Excellency the President. They have demonstrated the capacity, knowledge, and wherewithal to handle what awaits them.

The Attorney-General nominee, Ms Dorcas Oduor, is returning to the Attorney-General Chambers, having worked there before. Therefore, she understands the role expected of her as the next Attorney-General of this country. She is the first woman to occupy that House and has all the knowledge and capacity. That has been demonstrated.

Beatrice Moe comes from Turkana. It is a marginalised part of this country and a pastoralist community. Being from there, I thank the President for nominating the first woman from Turkana as a Cabinet Secretary in the Cabinet of this great nation of Kenya. Having worked in Turkana before, starting from the lower level and rising through the ranks, I know Beatrice has the capacity to perform her duties as the Cabinet Secretary for the East African Community and Regional Development.

The two ladies will show Kenyans that they can perform better than most people think.

**Hon. Speaker:** Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Speaker. It gives me great pleasure to stand on behalf of the University of Nairobi class of 1990 to support the nomination of Dorcas Oduor as the Attorney-General of the Republic of Kenya. The class of 1990 is the most consequential in the history of the University of Nairobi. We have produced a President and many other leaders in the country. We are now producing the first female Attorney-General of the Republic of Kenya. I joined the Office of the Attorney-General of the Republic of Kenya with Dorcas Oduor and worked closely together for many years. I have complete confidence in her ability to discharge the duties of that office.

I am also very happy to reinforce what Hon. K'Oyoo said, that Dorcas has waited for a very long time for this opportunity. If it had not been for negative politics, she would have been our first Director of Public Prosecutions (DPP) under the 2010 Constitution. Most recently, I have been working with Dorcas on establishing a framework for criminal investigation law that we do not have in this country to help fight corruption. Hopefully, very soon – I sent a request

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to your office – we will generate a draft Bill that will regulate criminal investigations in this country, how we train and the qualifications that we require for our investigators, how the process of investigation will be done and how we can use forensic science and other modern investigative tools in dealing with crime.

We are also working on nationhood science as a new subject and trying to amend the curriculum to actualise Article 10 and Chapter Six of the Constitution. The draft Bill is already with the Budget and Appropriations Committee. We will move these things forward if she is approved to be the Attorney-General.

Finally, I requested – and wrote to you – that when the Committee on Appointments gives us its Report, it should be more detailed. It can recommend a candidate, but it should also give us its observations as to whether there were any reservations.

**Hon. Speaker:** Hon. George Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. Allow me to add my voice to support these two nominees before this House who are to be approved this afternoon so that they can start to discharge their duties. I sat in the Committee on Appointments, and you chaired it very well. The Committee did a fantastic job. We have already approved the first batch, and this is the second one. There may be a third one. That shows how serious that Committee is. Most of the lawyers who went through the vetting passed through your hands. You mentored them, and they are now leaders who have to serve the country with distinction. It goes without saying that the lady, Beatrice Asukul, demonstrated excellent knowledge of regional development, including the ASALs where she comes from. She mapped out areas in Kenya that deserve to be considered marginalised.

For Dorcas Oduor, we say God's time is the best. She may not have been the DPP, a Judge of the High Court, a Judge of the Court of Appeal or a Judge of the Supreme Court, but now, if approved, she will be the Attorney-General of the Republic of Kenya. She has to serve the country with dedication and demonstrate goodwill, as she has been doing in the areas where she served. Mine is to congratulate the nominees and urge them to serve this country in the best interest of everyone as Kenyans.

Thank you.

**Hon. Speaker:** Hon. Asinyen, the Woman Representative for Turkana County.

**Hon. Cecilia A. Ngitit** (Turkana County, UDA): Thank you, Hon. Speaker, for allowing me to contribute to this good Motion. First and foremost, I want to thank the Committee on Appointments for the good job of vetting the two great ladies and bringing them to this level for the House approval. My gratitude goes to his Excellency Dr William Samoei Ruto for the dialogue he initiated and what he has done by opening up dialogue with the rest of Kenya. Today, we are discussing its results. It started as a candid conversation between him and other leaders, and now we have new names in the Cabinet.

As the people of Turkana, we are very grateful to His Excellency Dr William Samoei Ruto. If approved, this is the first time a Turkana woman will be in the Kenyan Cabinet. We say thank you without forgetting His Excellency Hon. Raila Amollo Odinga for rewarding loyalty. Ms Beatrice Asukul has been a staunch supporter of Hon. Raila Amollo Odinga. So, we thank him for rewarding loyalty.

At the moment, I am a comfortable leader. The country is headed in the right direction. Now that marginalised communities are part and parcel of the decision-making table, we also feel like we are fully-fledged Kenyans. We want His Excellency Dr Samoei Ruto to continue steering the country towards that path of unity so that those who have never had a chance to feel like Kenyans can have a chance to feel like Kenyans. I want to thank...

**Hon. Speaker:** Bishop Khamala.

**Hon. Titus Khamala** (Lurambi, ODM): Thank you, Hon. Speaker. I rise to support this special Motion on consideration of the nominees for appointment as Cabinet Secretary for



East African Community Affairs and Regional Development and Attorney-General of the Republic of Kenya. I applaud you for the good work you did in Chairing the Committee on Appointments. This is a good time for the women of Kenya. In the past, the Kenyan girl child felt marginalised. However, with these appointments, we are seeing women getting their space. Sometimes, it worries me that the boy child may get in trouble. However, this is a good indicator for the girl child. I know that Madam Beatrice and the Attorney-General nominee, Madam Dorcas, are great Kenyans.

It is important to note that His Excellency President William Ruto and the R.T. Hon. Raila Amollo Odinga have done something good for this country. The notion that when a Government comes into power, it is just for specific people or people with shares in it has been brought to an end. All Kenyans now feel this is their Government and they are part of Kenya. We can be proud of our Government and being citizens of Kenya. We can go to public offices without feeling intimidated or thinking that if we do not own a share in Government, then we are not part of it. The people in Turkana, Western Kenya and the Coast of Kenya are now part of this Government, whether they came in through the door or the window. I came through the window and I am inside.

**Hon. Speaker:** Hon. Wanjiku Muhia.

**Hon. Wanjiku Muhia** (Kipipiri UDA): Thank you, Hon. Speaker. From the outset, I congratulate the two great ladies on behalf of my Committee on Regional Integration, especially Ms. Beatrice, who will be working closely with us. I also recognise that the Attorney-General (AG) is a critical position, particularly when we are handling the amendment of the treaty in keeping with the legal instruments of the East African Community. The AG will time and again be advising the Council of Ministers. I hope that during Ms. Beatrice's time – if approved – as the EAC Minister, we shall realise the ever-challenging issue of a financial mechanism. We have always had the remittance avenue, and as a community, we have been looking forward to resolving that matter. I hope that during her time, we shall realise that and make it a thing of the past. It has been troubling the community.

It is a critical time now that we are already in a transition to the political federation. I am proud because this House, through our Committee, gave its amendments and contributions. I am also hoping that during Ms. Beatrice's tenure, this political confederation will be realised.

As Hon. Junet has said, we are very proud as women leaders in this House, and as women of this country. The women tribe of Kenya – without looking at where the women came from be it ODM or Kenya Kwanza – have produced two great women who will steer matters of this country. Again, I congratulate them.

**Hon. Speaker:** Ariko, Member for Turkana South.

**Hon. John Namoit** (Turkana South, ODM): Thank you, Hon. Speaker, for giving me this opportunity to raise my voice on this Motion.

I appreciate the Committee on Appointments for recommending the two ladies to these positions. I want to make it very clear that this Government belongs to all of us. We are shareholders of this Government even though we are Opposition. We are all in one government.

Hon. Asukul is my constituent. I have known her from my childhood. She has done a lot by working with Non-Governmental Organisations (NGOs) like Oxfam and World Vision, among others, that support the ASALs.

I want to appreciate His Excellency Dr William Samoei Ruto for considering the Turkana nation as part of his Government. In addition, I appreciate His Excellency Eng Raila Amollo Odinga for having proposed Turkana, the first lady to sit in the Executive. This will bring our nation together. By considering the marginalised community, they will consider themselves part of this Government.

**Hon. Speaker:** Thank you. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Speaker, for giving me an opportunity to add my voice, in particular, on the job well done by the Committee on Appointments, led by the Hon. Speaker. Thank you, Hon. Speaker. I also thank the appointing authority for proposing these two ladies. As the Secretary in charge of the legal affairs of the United Democratic Alliance (UDA) Party, it is in line with our constitution to ensure that we bring as many ladies to areas of leadership as much as possible. Therefore, Madam Beatrice and Madam Dorcas are aligned in our constitution.

Second, on the Attorney-General issue, I have known Dorcas Oduor for many years as a commercial practitioner. She joined the Attorney-General Chambers as a state prosecutor and as a state counsel. She has climbed up the ladder. Therefore, she knows all the cracks and corners in the Attorney-General Chambers. The Attorney-General Chambers is the largest law firm. It requires somebody who has the intricacies of running that organisation. On one side, it is litigation, and on the other, it is the commercial side of the Government. There is no better person to run that organisation than Dorcas Oduor.

Finally, the Broad-Based Government is now working. If it were not for the proposal of a Broad-Based Government, we would not have the qualities and the knowledge of Dorcas Oduor.

I, therefore, support the Motion.

**Hon. Speaker:** Jared Okello

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Speaker.

Firstly, allow me to congratulate our two gallant heroines. Before the ravaging floods of the 60s in Nyando constituency, the family lived there. Then they moved to Muhoroni Constituency. And just like Hon. K'oyoo, I also claim a stake. I have known Dorcas and she is beautiful, both physically and mentally. She has what it takes to run our legal systems in the office of the Attorney-General if given time to operate. The litany of cases lost in our courts of law against the Government is a testament that there is a disconnect somewhere. Somebody is not being given an ample opportunity to serve this country in that capacity. If other people are advising the President over and above the advice coming from the Office of the Attorney-General, that has to stop so that Dorcas can be allowed to serve this country that she loves.

I have known Beatrice Asukul. I sit on the National Executive Committee of the Orange Democratic Movement Party. She delivers her messages and her thoughts in such a humorous way that leaves everybody shocked by how she does it. I have complete confidence in these two ladies I have known very well over the years. The dockets that have been given to them will have what we call rapid flight towards progress.

Therefore, I support and congratulate these two remarkable women. Thank you.

**Hon. Speaker:** Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Speaker, for giving me a chance.

First, I want to congratulate the Committee for the well-done job of coming up with these ladies. They were thoroughly investigated, and the two ladies ranked very highly in the ranking by the Committee.

Secondly, of course, this is the first time we will have a lady as Attorney-General of this country. Looking at what she has done and what she has gone through, we are going to have a lady who will do a good job as an Attorney-General. Therefore, with that experience and, of course, having gone through the rank and file, we are very happy that she will be the first lady Attorney-General since Independence.

Thirdly, I want to thank His Excellency the President for having nominated the lady from a far-off community. They are actually my neighbours. She, too, is going to do an excellent job. When she was vetted again, it was clear that she could do a good job.

Therefore, I take this opportunity to thank the two ladies and wish them well. I also thank the Committee for coming up with these ladies to bring about change in this country.

I support. Thank you.

**Hon. Speaker:** Thank you. Hon. Members, before I call the next member, allow me to welcome Mobego Comprehensive School from Belgut in Kericho County, who are in the Public Gallery. Thank you.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker.

Kenya is a melting point of many nation-states. All of us must remember our forefathers who brought us together from different regions to make a claim on this beautiful premier nation called Kenya.

These two great ladies, one coming from the nation-state of Turkana and the other from the nation-state of Luo, will add great value to the governance platform of the Republic of Kenya. We also need to thank the President for thinking out of the box, being a statesman, and bringing Kenyans together when everybody expected things to go haywire. Hon. Speaker, we also appreciate your leadership and the way you have steered that Committee in the whole public discourse when there was much public scrutiny.

Dorcas Oduor will bring in a thorough institutional experience and knowledge in public law to transform this great institution called the Office of the Attorney-General. Hon. Speaker, as a person of immense legal mind, you know that that office requires a complete change so that the problems this country has been facing in legal advice are sorted out once and for all.

On the good lady, my sister, Beatrice, Hon. Speaker, you remember one time *Mzee* Moi went to Lodwar in Turkana and as usual, after his public presser, one of the Members of Parliament whose name I do not want to mention the name, stood and asked, what about Turkana? That era is now gone. Every face of the Republic of Kenya, courtesy of our Constitution, plays a critical role in our governance structure. And therefore, Beatrice and cohort, wherever they are, should not let down the pastoralist nation.

**Hon. Speaker:** Hon. Chererot Joseph.

**Hon. Joseph Chererot** (Kipkelion East, UDA): Thank you, Hon. Speaker, for giving me this chance to congratulate the nominees, Dorcas Agik and Beatrice Asukul. I thank you, Hon. Speaker, especially for the perseverance and the patience that the Committee on Appointments displayed during the vetting of these nominees. I took time to watch and observe what was going on. In most cases, you took time to rally behind the Committee, and I must congratulate you for that. I also congratulate His Excellency the President for endorsing the two names. As my colleagues have mentioned, for the first time in Kenya's history, we are going to have a female Attorney-General who will be the legal advisor to this country. I wish Dorcas well in her new assignment because we will approve.

I also welcome Beatrice from Turkana. I am a member of the Regional Development Committee, and I know that if she is approved here, she will do her job well. I also congratulate the Members of Parliament for their unity in working together.

I support the Motion.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Lillian Gogo.

**Hon. (Dr) Lillian Gogo** (Rangwe, ODM): Thank you, Hon. Speaker, for this opportunity. I also rise to support and thank the Committee for its excellent work. I also thank the female nominees who were given an opportunity to serve our country. As they were interviewed, I saw they were well versed with Article 232 of the Constitution of the Republic of Kenya. I want to implore the systems to give them money to work because it is one thing to be given an opportunity and another to be facilitated to do your work well. I, therefore, urge Parliament, which has the power of the pocket, to give them money... We wish these ladies of our Republic well.

If you look at them, they are elegant, eloquent, exposed, well-educated, and well-informed about what they are asked. I know they are going to deliver well in their dockets. I also thank Parliament, especially the Committee that did this job. The questions the Committee was asking were serious and showed that this time around, there was no joke. It was not just a matter of passing nominees. I wish them well. As women, I know they are going to deliver. I also thank the President, Dr. Ruto, for considering women. I also thank my party leader, who, when given an opportunity, also considers women. The emancipation of women in leadership is taking a different turn, and I know it will be for our good.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Taitumu

**Hon. Julius M'anaiba** (Igembe North, UDA): Thank you, Hon. Speaker, for this opportunity. First of all, I congratulate the two gracious ladies for their appointment. These two ladies exhibited a high degree of competence and an in-depth knowledge of their subject area. Ms Beatrice Asukul is a real role model for the girls of this country, particularly from the peripheral and marginal areas. Ms Dorcas also displayed a high degree of competence in law. As a country, this gracious lady will do a lot to bring justice and advise the Head of State.

For this reason, I support. Kenya is impressed, and we are asking all girls, wherever they are, to know that they can rise to the top. What is required is studies and also being mindful. Hard work pays off at the end of it all.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker, for this opportunity. I rise to support this. First, I appreciate the work that the Committee you chaired has done. But I want to make one point regarding that. It is good for us to get these reports early. The last time we got the report, the process was ongoing. It is the same case today. It is important for Hon. Members to get an opportunity to read the report. When we are vetting, we must be aware that the public is also vetting us, and they read these reports. Sometimes, they wonder if we are making comments that do not relate to the report. Despite that, your team did a good job, and you enjoyed vetting competent professionals. I looked at the report on Ms. Asukul. She has done community work. Being a County Executive Committee Member in charge of water, irrigation, and land reclamation in the area she comes from is a big achievement. I interacted with her during my work at ODM.

As you know, ODM is a big, complex party, and for her to have worked so well is real competence. My advice to her is that when she goes to the East African community, she needs to create a community that we belong to and not countries that are bickering at each other. I wish to have a community like the one you and I knew as children. We knew we belonged to one community.

Ms. Oduor is exemplary. She should have been the Deputy Director of Public Prosecutions long ago. Look at the international work she has done. The Harare Mutual Legal Assistance Scheme, evaluation...

**Hon. Speaker:** Hon. Haji.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Speaker, for this opportunity. I stand to support the Motion. From the point of view of national cohesion, integration, and equal opportunity, I now see some good light at the end of the tunnel. This is where we need to go. Kenyans are Kenyans regardless of the corner they come from. From an ASAL point of view, this will be a role model for all ASAL areas where our women are struggling to ensure they are included in leadership. So if she has done it, why not the others? She is a role model for ASAL areas.

I interacted with and learnt of Ms. Dorcas during the last Parliament as a member of the Justice and Legal Affairs Committee. I assure you in this House that that is a lady to look at. She is a performer and perfectionist.

**Hon. Speaker:** Do not get carried away. There are no guys here. We only have Hon. Members.

*(Laughter)*

**Hon. Yusuf Adan** (Mandera West, UDM): Hon. Members, I assure you she is a perfectionist and performs beyond reasonable doubt. Kenya is now heading in the right direction. As the Chairperson of the Committee on National Cohesion and Equal Opportunity, I am happy indeed.

Thank you.

**Hon. Speaker:** Hon. Opondo Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Speaker. I thank His Excellency the President and the appointing authority for these nominations. I looked through the parliamentary approval process under the charge of your Committee, and I was delighted by the competence of these two ladies. Let me mention that this is the first time we have a female Attorney-General in the Republic of Kenya and the first from that side of the country. Let me add that these are not her only accolades. I served in the Justice and Legal Affairs Committee in my last two terms when Dorcas Oduor was the Deputy Director of Public Prosecutions. I remember that Mr Keriako Tobiko was the Principal Deputy Director of Public Prosecutions to Mr Noordin Haji, who was the director but is currently serving the nation elsewhere. We appreciate her devotion to duty.

Hon. Speaker, let me thank the President for making it possible for us, as a country, to truly live the meaning of Article 232. This is one position nobody ever believed a person of Luo ethnic extraction would ever hold, just like the other one of Hon. John Mbadi. We are eternally grateful, and we wish her Godspeed when she serves the country in that sector.

If I had time, I would have said more, but let me also congratulate our Turkana sister, a former member of the Orange Democratic Movement (ODM) National Elections Board, for the work she did well and for the work she will do for the country. I congratulate them and wish them well.

I thank you.

**Hon. Speaker:** Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker, for this chance. I congratulate the two ladies who have been nominated and quickly indicate that around the 1860s, America went to civil war, and Lincoln decided to include the Opposition in his government. That is how he brought on board the likes of Bates, Chase and others and formed a team of rivals. With these two nominees, I believe we have completed the Broad-Based Cabinet, which I wish well to work for this country.

I congratulate President William Samoei Ruto for thinking outside the box to create this Broad-Based Government. It is very important during unique times to make extraordinary moves. I also congratulate Rt. Hon. Raila Amollo Odinga because, during the crisis, he stood up as a statesperson to make sure that we make the Government move forward. Otherwise, during challenging times in any nation, it is not easy to move forward if you do not have statesmen like Rt. Hon. Raila Amollo Odinga. I wish him well as he goes for the African Union job.

Finally, I congratulate Kenyans. Kenyans are always very strong when going through tough times. In 1971, the late President Jomo Kenyatta went through a coup, and the late President Daniel Moi went through a coup in 1982, but Kenyans remained strong. Mwai Kibaki

came in and went through the 2005 Referendum of Banana and Orange, but he dissolved his Cabinet, and Kenya stood firm. Under Uhuru Kenyatta, he went through the Supreme Court judgment that nullified the Presidential elections, the first one in Africa and Kenya stood firm. Finally, Ruto must go through this.

Thank you, Kenyans.

**Hon. Speaker:** We are almost exhausted. Hon. Omanyo, one minute only.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Speaker. I applaud the appointment of the ladies that have shown the world, not just Kenya, that with some substance in any gender...What these women are going to do is show the world that we can break the walls of discrimination. We can break what we thought was impossible. We will approve them because what they showed us proves they can do it. Both were very powerful in their speaking. They showed that they prepared well and were organised. People who doubt that women cannot, especially in a seat like the Attorney-General, those who were already saying it needs a powerful person, it just needs that kind of person we have now. She is committed, very knowledgeable and has been there for a long time. The two will make us proud.

**Hon. Speaker:** Hon. Wamuratha, one minute.

**Hon. Ann Wamuratha** (Kiambu County, UDA): Thank you, Hon. Speaker. I congratulate these two ladies. I watched Beatrice being interviewed. I congratulate both, especially her, for being an example of one lady who has come from hardship. I heard her explain her background and thought she was a good role model for girls in the region where she comes from. I thank you, Hon. Speaker, for the panel that you had because you were also very lenient to her. You were very fair. At some point, she looked panicky, and you held her together. That was a good show for all of you that were on that panel. I appreciate it and thank you for standing with her, helping her compose herself, and delivering what she believed in. She looked like she knew what she was talking about.

I also thank the President of this republic for appointing these two ladies to these positions. We believe that they will deliver as promised during the interview.

Thank you very much.

**Hon. Speaker:** Hon. Farah Maalim, one minute.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, I also join my colleagues in thanking our President William Ruto for having a Cabinet that essentially, in every sense of the word, in terms of the diversity of this country is very representative. I am very happy for Beatrice, the lady from Turkana and some very powerful motivation to the pastoralist girls from my constituency. I have known Dorcas Oduor for a long time. That is one office that essentially will be manned by somebody who is not just there because she is from the female gender. She can become one of the best Attorney-General in this country's history. We went through many problems, but I am thrilled with the kind of Cabinet that we have today and its diversity in representing the four corners of this country in every sense of the word. I thank the President once more. Let us move on and build our country.

Thank you.

**Hon. Speaker:** Hon. Naomi Waqo, one minute.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Speaker. I also congratulate you and the two ladies, Dorcas Agik and Beatrice, for the job well done. I watched them and felt proud of their performance. They proved to be capable of the responsibility and task ahead. As a woman, I felt proud of their performance.

I also thank our President for recognising the capacity of women in this country and putting them in different positions. I am sure these two ladies will perform, especially the lady from Turkana because she is my neighbour. I am proud of her and sure she will serve this

country, and many will be surprised. They will all be effective and accountable and prove to people that what a man can do, a woman can do better.

**Hon. Speaker:** Hon. Tindi Mwale, you have one minute.

**Hon. Nicholas Mwale** (Butere, ODM): Thank you, Hon. Speaker. I also support the Committee on Appointments Report, which has approved the appointment of the two ladies. There is a popular saying that behind every successful man, there is a lady. I believe behind the success of the Cabinet, if we have more women, we are going to see the Government performing exceptionally well. I also thank His Excellency the President for accepting to form the Broad-Based Government, which he has also included members who have substance to lead, as we have seen with the two appointments of the great ladies.

Thank you very much.

**Hon. Speaker:** Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you. I want to identify myself with the Committee Report which you shared. I was very keen to check the suitability of the two candidates for the job. Beatrice has a serious business to do in the East African Community. In the story of deepening, tightening, and whitening the initiatives of the East African Community, she can steer the Kenyan position more diplomatically in areas that affect the Community. Madam Speaker, East Africa is...

**Hon. Speaker:** Which Madam Speaker are you addressing?

*(Laughter)*

**Hon. Mugambi Rindikiri** (Buuri, UDA): Oh, Hon. Speaker. I apologise. Madam Beatrice can analyse and manage issues affecting the East African Community, including conflict, trade, democracy and good governance, political integration, ASALs and regional development.

**Hon. Speaker:** Hon. Jehow, one minute.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Speaker.

I would like to take this opportunity to thank the Co-Chairpersons of the Broad-Based Government, His Excellency the Right Hon. Raila Odinga and the President of the Republic of Kenya.

**Hon. Kangogo Bowen** (Marakwet East, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Kangogo Bowen. Order, Hon. Fatuma.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Speaker, the Member is completely out of order. There is nothing like 'Co-Chairperson of the Broad-Based Government'. We have one President, Hon. William Samoei Ruto.

*(Applause)*

**Hon. Speaker:** Hon. Jehow, you are out of order. You are being mischievous for no reason.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Speaker. That is well noted, but I heard that we have a Broad-Based Government. It is good that we stick to that.

I take this opportunity to thank the President for nominating these distinguished ladies. A lot has been said about Dr Oduor. We thank the President for trusting her. Hopefully, this will be a historic moment.

The reason I stood was because of Ms Beatrice Asukul, a fellow lady from a marginalised community. She probably went to school without shoes and schooled under a tree, just like many of us. We thank the President for trusting and nominating her to the Ministry of East African Community (EAC) and Regional Development.

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**Hon. Speaker:** Hon. (Dr) Mutunga. You have a minute.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Speaker, for the opportunity to also add my voice to this debate.

I rise to congratulate the two ladies for the nomination and subsequent appointment because they have passed through the Committee on Appointments. The two ladies showed that they had great potential to steer this country, and especially Dr Dorcas Oduor. She has been instrumental in giving advisory in the legal circles. She combines two fundamentals which are precursor to performance: professionalism and long service in terms of relevant experience.

The well thought out Broad-Based Government by the President has brought peace to this country. We need to thank the President for this idea. We also thank him for inclusivity, especially in nominating people from different parts of this country. He also factored in the issue of gender balance. Finally, there was consideration on professionalism for purposes of advising him. I congratulate the two ladies, and your team, for having done a good job. You were quite professional in terms of debating and asking the relevant questions so as to get the right people to do the job.

I, thank you, Hon. Speaker.

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

**Hon. Paul Nabuin** (Turkana North, ODM): Thank you, Hon. Speaker.

I rise to support the approval of the Cabinet Secretary for EAC and Regional Development, and the Attorney-General.

I worked with Ms Asukul in Turkana County when she was the CEC in charge of Water Services. I would like to inform the House that she comes with energy and competence. By the time she was leaving Turkana County, she had drilled and equipped 116 boreholes. That is contrary to what we found prior to the establishment of the county governments where there were not more than 50 boreholes in Turkana County. You can then imagine the work she brings to the Cabinet Secretary for EAC and Regional Development.

**Hon. Speaker:** Hon. Pareyio. You have a minute. Hon. Emaase will close the debate then I will call the Mover to reply.

**Hon. Agnes Mantaine** (Narok North, JP): Thank you, Hon. Speaker, for giving me this opportunity to add my voice to support the two ladies.

Before I continue, I would like to congratulate the Committee on Appointments for a job well done. These two ladies have proved to have knowledge in the dockets they are being appointed to. They need our support because they are capable of doing the work they have been appointed to do. Therefore, I would like to congratulate Dr Dorcas. I know that she has vast knowledge in the position of the Attorney-General. This is because she has experience and, for a long time, has proven that she knows what she is supposed to do.

We also have Ms Beatrice who comes from the marginalised communities. This gives hope to other girls from those communities. She will be a role model to them as they would also want to be where she is.

For that reason, I support the Motion. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker for the opportunity.

From the onset, I would also like to join my colleagues in congratulating the two ladies. They were not nominated because Ms Beatrice comes from Turkana County or Dr Dorcas comes from Luo Nyanza. But they were nominated because of their competence which they equally demonstrated before the Committee on Appointments, that you, Hon. Speaker, chaired.

Secondly, I would like to thank His Excellency the President for nominating them. The nomination of the two ladies made sure that the President complied with the Two-Thirds Gender Rule in his Cabinet. Therefore, I thank him very much for that.



Finally, I also would like to thank the President for recognising the minorities by nominating Ms Beatrice from the Ateker community, which I also belong to. That is a milestone for us and we are very proud. That means that in future there will be a Teso name on the table because the minorities are there.

Hon. Speaker, I support and congratulate the ladies without forgetting the Right Hon. Raila Amollo Odinga, for nominating Ms Beatrice Asukul. Thank you very much.

**Hon. Speaker:** Hon. Pukose, close for us the debate. You have a minute.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker.

At the outset, I would like to support these appointments. Having observed the proceedings of the Committee, the President made the right choice. He chose these two ladies on competence, not because one was Luo and another Turkana. He looked at their competence. I hope that as they assume those offices, they will demonstrate what we saw in the interview and deliver to our great nation, Kenya.

*Heko* to the President and Hon. Raila Odinga for working together to make sure that this country stays united.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Junet. Before you reply, Hon. Members, allow me to acknowledge Kabianga Junior School from Belgut Constituency, Kericho County, who are in the Public Gallery. On my own behalf and that of the National Assembly, I welcome you all to observe the Proceedings.

Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker.

I would like to take this opportunity to thank Members for their contribution to this Motion and for the accolades that they have given to the two nominees.

Today, it is very clear that the House agrees with the Committee's recommendation that we approve the two nominees. No Member has cast any aspersions on any nominee. This is a confirmation that they are suitable and competent enough to hold the offices that they have been proposed to.

I would like to share with the House that I sympathise and empathise with some Members. This is because I am aware of a few of them on the minority side, who were salivating for the position of the Attorney-General, including Hon. Kaluma.

*(Laughter)*

He had bought three suits. The first batch of nomination of Cabinet Secretaries were 20 in number but there was a vacancy for the two whom we are discussing today. I met Hon. Kaluma in a suit shop and he bought three suits at ago. I asked him why he did that. He told me that he was expecting to be nominated as the Attorney-General of the Republic of Kenya. I told him that that was okay but we should wait and see. On the day Dr Dorcas was nominated, I had to take him for dinner. I told him, as a brother, that he should not worry because this is how the world is. I encouraged him that his time would come and we will celebrate him, but not now. This position of the Attorney-General was not meant for him. I sympathise and I wish to tell him that he can now use those suits in the House and help Kenyans. He can also wear them at the Speaker's Panel. We want to see Hon. Kaluma in those suits while seated in the Speaker's Chair.

With those few remarks, I beg to reply.

**Hon. Speaker:** Thank you. Members on their feet, take your seats. Hon. Kaluma, there will always be a better tomorrow.

*(Laughter)*

*(Question put and agreed to)*

Hon. Members, before the next Order is called, yesterday, we had some serious interest from all of you on the issue of the new financing mechanism in our universities. Hon. Melly has seen the Speaker this afternoon and expressed a request that there is an emergency to which I agreed. He is not here. I wish to ask if you are available for this particular issue alone, since you are going for recess tomorrow. If you are available, I can constitute and convene a *Kamukunji* on Tuesday morning in order to discuss this issue before you proceed for recess. If you are not available, then I do not have to. Is it in order? Let me see the level of interest. Those who want a *Kamukunji* on Tuesday morning be upstanding so that I see the numbers.

*(Several Members stood up in their places)*

Okay. Take your seats.

*(Several Members spoke off the record)*

Not tomorrow morning.

Hon. Melly will not be there and he says that he has a very comprehensive response and clarity to all the issues, including what I had directed him to go and check with the Ministry.

I invite you all and it will be posted on your wall to attend a *Kamukunji* in this Chamber on Tuesday at 10 O'clock. This is for us to get explanations. Those of you with additional questions to ask on that issue, come so that it can be clarified as clearly as it can be.

We will now go back to Order No.7. Thank you for the tremendous positive debate and industry on Order No.11.

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

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

## QUESTIONS AND STATEMENTS

### REQUEST FOR STATEMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. David Ochieng'.

#### ONGOING ABDUCTIONS AND EXTRAJUDICIAL KILLINGS BY POLICE OFFICERS

**Hon. David Ochieng'** (Ugenya, MDG): Thank you very much, Hon. Temporary Speaker, for the opportunity.

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairman of the Departmental Committee on Administration and Internal Affairs, regarding the ongoing abductions and extrajudicial killings allegedly by police officers and especially during the just concluded Gen Z demonstrations.

Article 37 of the Constitution provides that every citizen has a right to assemble and demonstrate peacefully. Notably, when the current Government came into office, there was a commitment to adhere to the Constitution and the rule of law. Unfortunately, the country

continues to witness cases of abduction, some in broad daylight, and extrajudicial killings by police officers especially during demonstrations against corruption and the high cost of living.

It is worrying that while some of those who were abducted have been found alive, others have been murdered and their bodies dumped in swamps, dump sites and mortuaries across the country. Additionally, whereas police officers are required to identify themselves, officers in civilian clothes have in the recent past failed to identify themselves while targeting peaceful protesters and abducting citizens across the country. This has caused distress to the families and the next of kin of those affected.

As you may be aware, this afternoon the court has made a decision that the police officers going out to these demonstrations must show their faces and badges.

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

1. A detailed report on the number of people arrested during the demonstrations in June, July and August 2024 and the offenses that the said persons were charged with.
2. A list of the names of those who lost their lives during these demonstrations across the country.
3. A tabulation of the number of unaccounted bodies in each public mortuary across the country.
4. A report on the number of persons reported missing across the country as per the police records.

I thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. David Ochieng'. Chairman of the Departmental Committee on Administration and Internal Affairs, how long do you want to take to respond to this question?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Speaker, I will need your indulgence on this one considering that we will be going for recess tomorrow. I shall respond to this immediately we resume, unless you direct otherwise.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ochieng', are you okay with that?

**Hon. David Ochieng'** (Ugenya, MDG): I know this is not a small matter and I would wish that the Chairman and his Committee take their time to deal with this matter conclusively. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Chairman, you will give your response latest the second week after recess; the last Thursday of the second week upon the return of the House from recess.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Should a response from the Ministry come earlier than that, beside tabling when we resume, I can still share with the concerned Members.

**The Temporary Speaker** (Hon. Peter Kaluma): It is certainly and obviously acceptable to Hon. Ochieng'.

The matter that was raised by Hon. Naisula Lesuuda is what the substantive Speaker addressed just before he left the Chair. Do we have a response for Hon. Innocent Momanyi by the Chairperson of the Departmental Committee on Transport and Infrastructure?

**Hon. Jared Okello** (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jared Okello, what is the matter? What is out of order?

**Hon. Jared Okello** (Nyando, ODM): Hon. Temporary Speaker, I really concur with our brother, Hon. Ochieng'. We need a comprehensive Statement on the continued abductions and wanton killings by police officers. We will proceed on recess tomorrow. So, we understand

that the responses can only come in about a month plus. In the interim, if we do not get an undertaking from the Government that this action will stop, then I am afraid that by the time we come here to get the responses, we shall have lost more innocent Kenyans. This is stemming from Article 37 of our Constitution that gives us the latitude to picket, demonstrate and file petitions to public authorities at will. But somebody wants to gag us, so that we do not exercise our democratic rights. Can we have an undertaking that before we get the responses from the Government, that this is going to stop in the interim?

**The Temporary Speaker** (Hon. Peter Kaluma): Yes, Hon. (Dr) Lilian Gogo.

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker. This is a sensitive matter that has been raised by Hon. Ochieng'. Other than the need to have a comprehensive report, it will be very important that we have a situation where police officers do not hide their faces or stay without their uniform like the one who was running after Mr Kasmuel. They should identify themselves.

As the public, we should identify a police officer, since thugs also go there. It will be important that in part of the comprehensive report, we also get a report on the identification of the police officers and persons who arrest those who are picketing.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): The Chairperson of the Departmental Committee on Administration and Internal Affairs has noted those concerns. They will be dealt with within the limit of what Hon. Ochieng' has asked. That matter is spent.

I had called the Chair of the Departmental Committee on Transport and Infrastructure to respond to the matter that was raised by Hon. Innocent Momanyi.

## STATEMENTS

### RE-CONSTRUCTION OF COLLAPSED BRIDGE IN NYAMACHE TOWN, BOBASI CONSTITUENCY

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Temporary Speaker. I was really surprised that you allowed debate on that matter yet you had already given a direction on when it will be responded to.

I rise to respond to the Statement requested by Hon. Momanyi. I can see he is in the House. I will not read the question. If you allow me, I will go straight to the response. On Wednesday, 12<sup>th</sup> June 2024, the Member for Bobasi Constituency, Hon. Innocent Momanyi, requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the re-construction of a collapsed bridge in Nyamache Town, Bobasi Constituency.

In the Statement, he sought to, among other things:

1. Establish why Kenya Rural Roads Authority (KeRRA) has taken inordinately long to re-construct the bridge in Nyamache Town, since its destruction by floods was reported in May, 2023.
2. He requested the KeRRA headquarters in Nairobi to release emergency funds totaling to Ksh19 million for the immediate re-construction of the damaged bridge.
3. The measures put in place for the re-construction of the said bridge.

Hon. Temporary Speaker, the Committee met the Principal Secretary for Roads on 30<sup>th</sup> July 2024 and the response given is as follows.

**The Temporary Speaker** (Hon. Peter Kaluma): Is Hon. Innocent Momanyi in the House?

**Hon. George Kariuki** (Ndia, UDA): Yes, he is.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Innocent Momanyi is not in the House. Hon. Chairman, Departmental Committee on Transport and Infrastructure, Members ought to be sufficiently interested in the matters they raise on behalf of Kenyans whom they represent. Because he is not here, I direct that you table that response here and get a way of giving him a copy, so that we can transact other business.

**Hon. George Kariuki** (Ndia, UDA): Okay. I am well guided.

**The Temporary Speaker** (Hon. Peter Kaluma): Just table it. It lessens your burden. Table it so that he can get a copy. You can also get a way of getting him either to get the response from the parliamentary offices and take it up from there.

Hon. Chairman of the Departmental Committee on Transport and Infrastructure, you will now respond to the question that was raised by Hon. Stephen Mule.

**Hon. George Kariuki** (Ndia, UDA): I also cannot find him here, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Is Hon. Stephen Mule here? He is also not in the House. You will also table that response for him to access it when he will come to the House. Respond to the question raised by Hon. Tindi Mwale. Is he in the House? He is the Vice-Chairperson of the Public Accounts Committee (PAC). Take your seat. Your question is being responded to.

POTENTIAL INFRINGEMENT OF THE RIGHT TO PRIVACY  
BY THE NATIONAL TRANSPORT AND SAFETY AUTHORITY

**Hon. George Kariuki** (Ndia, UDA): Hon. Temporary Speaker, on Thursday, 2<sup>nd</sup> May 2024, the Member for Butere, Hon. Tindi Mwale, requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the potential infringement of the right to privacy by the National Transport and Safety Authority (NTSA).

In the Statement, he sought to, among other things:

1. Establish the measures being taken to address the issue of registered organisations being unable to create or activate independent NTSA accounts to avoid companies only having the options of linking their data to unauthorised accounts.
2. Steps that have been taken to protect citizens whose accounts are linked to an organisation's transactions given the company's transaction receipts display authorised persons details instead of the company's details such as the name, telephone number, email address, and identity card or identity number.
3. The measures that have been established to ensure that the accounts of users with limited rights on transactions of major accounts do not intrude into the privacy of the authorised persons personal data available on the eCitizen platform.

Hon. Temporary Speaker, the Committee received a response from the Ministry of Roads, Transport and Public Works during a meeting held on 30<sup>th</sup> July 2024, which I now wish to make.

1. Regarding the measures being taken to address the issue of registered organisations being unable to create or achieve independent NTSA accounts to avoid companies only having the option of linking their data to an unauthorised account, the Ministry submitted that NTSA is not considering providing independent organisations accounts, since it creates cybersecurity issues and lacks accountability. It is also not possible to know who controls these generic accounts at any time.

2. Regarding the steps that have been taken to protect citizens whose accounts are linked to an organisation's transactions, given that the company's transactions receipts display authorised persons details instead of the company's details such as name, telephone number, email address and identification number, the Ministry made an assurance that citizens' or organisations' accounts are secure and independent of any other users accessing the same accounts. The individual's natural account cannot be seen by any other individual unless they have access to their username, password, and phone. The account management within the e-Citizen single sign-in allows individuals to only see the details of their accounts and not that of other users.
3. Regarding the measures established to ensure account sub-users with limited rights on transactions of major accounts do not intrude into the privacy of authorised person's personal data available on e-Citizen platform, the Ministry submitted that sub-user accounts are used in large organisations. They need more than one person to perform transactions.

The users are role-based. The roles they perform is all they can access. They cannot access the other individual person's accounts. This has always been the case even when the National Transport and Safety Authority (NTSA) had generic and independent accounts for organisations. No user can access other user's account or view each other's accounts profile details.

I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much, Chairperson. In respect to the other documents, just Table them so that Members who are not in the House can easily access them. Hon. Tindi, are you satisfied with the response? You are satisfied with the response coming from the relevant Ministry, through the Chair?

**Hon. Nicholas Mwale** (Butere, ODM): Yes, Hon. Temporary Speaker. Yes, I am satisfied. I am satisfied. I am only waiting for you to give me the chance to move the next Order. I am the Vice-Chairman of Public Accounts Committee.

**The Temporary Speaker** (Hon. Peter Kaluma): Chair, you are released. You have satisfied all Members.

The next Order is by the Chairperson of the Public Accounts Committee.

**Hon. Nicholas Mwale** (Butere, ODM: Hon. Temporary Speaker...

**The Temporary Speaker** (Hon. Peter Kaluma): Chair, by way of properly moving, please beg to move the Motion as per the Order Paper. You could add "word for word", if possible. Then, you can make contributions.

## MOTION

APPOINTMENT OF M/S PKF KENYA LLP TO PROVIDE EXTERNAL AUDIT SERVICES TO THE  
OFFICE OF THE AUDITOR-GENERAL FOR 2022/2023, 2023/2024 AND 2024/2025

**Hon. Nicholas Mwale** (Butere, ODM): Okay. Thank you, Hon. Temporary Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Public Accounts Committee on the Procurement of External Audit Services for the Office of the Auditor-General for the Financial Years 2022/2023, 2023/2024 and 2024/2025, laid on the Table of the House on Wednesday, 14<sup>th</sup> August 2024, and pursuant to the provisions of Article 226(4) of the Constitution and Section 43 of the Public Audit Act, CAP 412B, appoints M/s PKF Kenya LLP for purposes of providing external audit services to the Office of the Auditor-General (OAG) with respect to—

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1. The accounts of the Office of the Auditor-General for the period 2022/2023, 2023/2024 and 2024/2025; and
2. The financial statements for the Staff Mortgage and Car Loan Scheme of the Office of the Auditor-General for the Financial Years 2022/2023, 2023/2024 and 2024/2025.

Pursuant to the provision of Article 22(6)(4) of the Constitution, the National Assembly is required to appoint a professionally qualified accountant to audit the Office of the Auditor-General. This is towards ensuring that the office itself, being the bastion of accountability, is in itself in compliance with the constitutional principle of accountability, prudence, financial management, and value to the Kenyan taxpayer. The Office of the Auditor-General is a key cog in the accountability cycle that culminates with audit of sums appropriated by the National Assembly, to all Government agencies, including it.

The Kenyan taxpayer expects prudent use of the resources towards service delivery. Parliament is a key consumer to reports of the Auditor-General. That includes annual audit reports, special audit reports, and performance audits, which ultimately should guide budgetary provisions to all agencies. In these reports that in fact occupy much of the time of Audit Committees, the Public Accounts Committee has been at the forefront of advocating increased budgetary allocations to the Office of the Auditor-General. It has been the desire of the Committee, and indeed the National Assembly, to have a fully capacitated audit office to keep up with the pace of the budgetary growth of our annual estimates.

Indeed, the Auditor-General will admit that despite more funding requirements, the office has seen tremendous growth in capacity over the years. An instance is the last five years. The office had an annual allocation of Ksh5.88 billion in the 2019/2020 Financial Year to the current Ksh8.12 billion in the prevailing 2024/2025 Financial Year. That enables the office to fulfil its mandate enshrined under Article 229 of the Constitution.

Lately, it has been evident that the office has, indeed, used these resources to churn out more reports. The Public Accounts Committee devised methods to consume all these reports and derive value for the taxpayer's money. Even as the Office of the Auditor-General is independent, it is not lost on the Committee that accountability and oversight ultimately rests with the people's representatives; that is Parliament. It is against this backdrop that we have continued to engage the office towards improving the pace and quality of audits.

From the foregoing and in compliance with the provisions of Article 22(6)(4) of the Constitution, the Committee received a recommendation of award to tender the said services from the Office of the Clerk of the National Assembly. The Committee observed the progress made on the procurement of external audit services. The Committee observed an offer had been made to M/s PKF Kenya Limited Liability Partnership, LNP, subject to approval by the National Assembly pursuant to Article 226(4) of the Constitution. Hon. Speaker I want the House to note that the genesis of this report is based on Article 226(4) of the Constitution which gives the National Assembly the right and mandate to appoint a qualified accounting firm to monitor the operations and functions of the Office of the Auditor-General.

The Committee, having satisfied itself with the due process, resolved to recommend to the National Assembly the approval of the award of PKF Kenya Limited Liability Partnership, LNP.

I will in brief demonstrate to this honorable House the process that culminated in the award of the aforementioned firm. In fulfilment of Article 226(4) of the Constitution, the National Assembly tendered through request for proposal for provision of external audit services to the Office of the Auditor General. The open tender was advertised on 7<sup>th</sup> June 2024 in four daily newspapers, our Parliamentary Website and the Public Procurement Information Portal. I want the House to note that the advertisement was done in accordance with Section 96 of the Public Procurement and Asset Disposal Act of 2015.

The advertisement provided the terms of reference of the successful firm as follows:

1. Conducting independent audit of the organisation's activities for operations in line with the international standards on accounting and international financial reporting standards and guided by Public Sector Accounting Standards Board.
2. Expressing of opinion on whether the financial statements are prepared in all material aspects in accordance with applicable financial reporting standards and frameworks. Whether the organisation has maintained proper books of accounts and whether the accompanying financial statements give a true and fair view of the financial position of the Office of the Auditor-General.
3. Reviewing and elevating the organisation's internal control and risk management system and advising management and board in adequacy/effectiveness of the system and proposal of this improvement.
4. Reviewing adequacy of the organisation information system and infrastructure.
5. Providing any other value addition services consistent with the audit of the organisation.

The tender submission and opening date were on 18<sup>th</sup> of June 2024 at 11.00 a.m. The tender required bidders to submit separate technical and financial bids.

A tender opening committee was formed by the Audit Accounting Officer on 13<sup>th</sup> June 2024 pursuant to Section 78 of the Public Procurement and Asset Disposal Act 2015 to oversee the tender opening process. The following two firms responded by submitting their bids:

1. PKF Kenya LLP.
2. Nelson and Francis LLP.

An *ad hoc* evaluation committee was appointed by the Accounting Officer on 13<sup>th</sup> June 2024 pursuant to Section 46 of the Public Procurement and Asset Disposal Act 2015 to evaluate the bids submitted by the two firms. The evaluation committee concluded the evaluation exercise on 3<sup>rd</sup> July 2024 and submitted an evaluation report to the head of the procurement function as per the provision of the Public Procurement and Asset Disposal Act 2015 in respect to Section 46.

During evaluation, Nelson and Francis LLP was disqualified at the preliminary and mandatory evaluation stage for reasons specified in our report including tax non-compliance. As we know, tax compliance is a mandatory requirement in any procurement in this Republic. PKF Kenya Limited met all the preliminary and mandatory requirements and therefore proceeded to the technical second stage of the evaluation. It scored an average of 80 per cent which was above 75 per cent. This is when we combine the financial and the technical scores. It scored 80 per cent which was above 75 per cent.

Further procurement procedures, as elaborated in the report, ended in award to the firm at a tender cost of Ksh25,565,235. A notification of intention to enter into a contract was issued to the firm subject to approval of the House. It is this approval that this Committee seeks from this honourable House. During interrogation of the process by the Committee, it emerged that it has been usual for very few firms to bid for the bid, and this time was no exception with only two bidding. The apparent reason for this state of affairs has been that most of these independent audit firms shy away from professional distance having been engaged by the Office of the Auditor-General in other outsourced engagements. The Committee's decision was, however, constrained with this fact as the procurement laws were all adhered to.

The firm has previously been engaged by the National Assembly, that is the firm of PKF. In fact, we are waiting for its report for the preceding years and the Committee will submit it to this House. As a Committee, we commit to provide thorough oversight to this important office towards improving its operational efficiency and obtain value for money for every coin appropriated by this House.



This report is basically straightforward and brief. I, therefore, wish to request the House to adopt our report and approve award of the audit services to PKF Kenya Limited.

In a nutshell, just to conclude, before I request my colleague Hon. Oundo to second, the genesis of this report is Article 226(4) of the Constitution which gives the National Assembly powers to appoint a qualified accounting firm that will audit the operations and efficiency of the Office of the Auditor-General. It is on that basis that the Accounting Officer of the National Assembly, the Clerk of the National Assembly, contacted the Public Accounts Committee to go through the process and request the House through this report to approve PKF Kenya LLP partnership as the accounting firm which will audit the Office of the Auditor-General.

As we know for us to have effective use of our taxpayer's money we need to have a strong, robust and efficient accounting firm. This accounting firm is the Office of the Auditor-General. We appreciate the Report and the work of the Office of the Auditor-General (OAG), but we want to have an independent firm that is going to help this House and Kenyans in general, to audit the operations of the OAG. That is why I am pleading with the House to accept this Report. We should allow PKF Kenya to begin its work of auditing the operations and efficiency of the OAG.

In conclusion, Hon. Temporary Speaker, I have heard and seen Members who have congratulated His Excellency the President, Dr William Samoei Ruto, for appointments in the Broad-Based Government. I want to take this opportunity as the Vice-Chairman of the Public Accounts Committee to congratulate and appreciate the President for nominating our Chairman, Hon. John Mbadi. By the President appointing Hon. John Mbadi, he ascertained that the Public Accounts Committee has leaders who are brilliant enough to lead this country even at the higher echelons of power, including the Ministry of National Treasury and Economic Planning. I want to assure this House that this Committee is committed and that it is efficient. This Report has been evaluated well by the Committee and I believe that if we pass it, we will make sure that the operations at the OAG are effective, transparent, and of benefit to Kenyans.

I want to stop there and request my colleague, a Member of the Committee, Hon. Oundo, the Member of Parliament for Funyula to second the Report. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Vice-Chairman, Public Accounts Committee.

Hon. Wilberforce Oundo, proceed to second.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. I stand to second the Motion by the Public Accounts Committee of the National Assembly of the Republic of Kenya in its Report proposing the appointment of an audit firm to audit the Auditor-General.

This House, by dint of the Constitution of Kenya, appropriates funds to the OAG as required by the Constitution in order to enable them to undertake the works or assignments mandated to them under the Constitution and the relevant Acts of Parliament. Concomitantly, the House must, therefore, audit or oversee the funds that have been appropriated to confirm and satisfy themselves that they have, indeed, utilised those funds as provided for under the Constitution, any written law, and relevant operational procedures or manuals. This is to ensure there is value for money and efficiency.

We have always said that power corrupts, and absolute power corrupts absolutely. If you give the OAG funds and there is no hint at all in law that you have to check if they have used those funds prudently, then there will be a tendency to misuse and misappropriate those funds due to human nature. That is why the drafters of the Constitution in their wisdom said the Auditor-General must also be audited. Of course, it is ironical because it is the Auditor-General who is supposed to catch the thief. The PKF firm, and I hope that I have pronounced

it correctly because my gadgets are on the other side, ought to go to the OAG and apply the strict professional standards that everybody expects them to.

As it was reported when we were in the Committee, the Clerk of the National Assembly clearly admitted that they are having challenges in getting as many audit firms as possible to participate in the tendering process to find an auditor for the OAG. The reason is very simple. By the very large volume of work, the OAG as we were told, occasionally, outsources some of its work to audit firms in this country. Obviously, there is a conflict of interest, and they find this other side to be, probably, with better pay than waiting to audit the OAG for something less. Probably, in the fullness of time, we might have to find separate mechanisms even if it means going beyond the boundaries and the borders of Kenya so that the tendering and procurement process can have some meaning. Having only two firms participating, and one by design and/or by coincidence is knocked off completely at the technical evaluation stage... I even do not know which words to use for that. I cannot imagine an audit firm the class and standard of Nelson and Francis LLP presenting a forged tax compliance certificate. Was it by convenience? Was it by conveyor complicity so that we have a straight-line process to the end for PKF? How reckless can they be yet the audit firms are listed on the stock exchange in this country? Is the financial sector in this country safe or not?

Hon. Temporary Speaker, we need to re-look at the architecture of things because we are very likely going to have a monopoly. I was in the corporate world before I transitioned to academia. It is a basic rule that no audit firm should audit one company for three consecutive financial years. The reason for the continuous change is to ensure there is objectivity, fairness, and ability to pick out hidden account malady in any accounting records.

We let PKF to audit the OAG for three consecutive financial years. In this particular tender, they will audit for two financial years. So, in totality, they would have audited for five financial years, which is against basic corporate governance structures in this country and all over the world. I call upon this Parliament, in its wisdom, next time it should tender knowing that very few Kenyan firms will wish to participate. So, please, make it an East African tender so that we can get an audit firm from Uganda, Tanzania, or even Somalia for a fair and competitive tendering process.

Also, as a matter to note, the auditing process has gone beyond looking at the profit and loss account and preparing the balance sheet only. Auditing has gone out of the way to look at standing operation procedures. Is the Office of Auditor-General adequately resourced to undertake its tasks? In very many cases, it is not. We hope this Report will inform this Parliament or any subsequent Parliament to ensure that the OAG is adequately funded and resourced to have manpower with the technical ability and relevant experience to audit the very many Government entities they now are being forced to audit. They now have to audit primary schools, secondary schools, and other educational institutions. Hon. Temporary Speaker, both of us know how many those are, and how badly their books of accounts are maintained and need to be re-looked.

Secondly, and this we must tell each other in this country without fear of sugar-coating any matter, the OAG is populated by the typical Kenyan who is driven by typical personal gain instead of public good. If you sit and talk to the accounting officers, they have very harrowing experiences with the officers sent to audit various Government entities. We have continuously said this. The Office of the Auditor-General also needs to be audited in terms of personal integrity and professionalism in the discharge of work. Whenever many of the reports produced by the Office of the Auditor-General are subjected to a test in any court of law, they fall short. That is why you do not get many convictions arising from the report of the Auditor-General. As a country, we must re-look at it, because the alternative is for us to continuously perpetuate corruption and then use the Office of the Auditor-General to cover it up.

Hon. Temporary Speaker, I hope PKF Kenya will be bold enough. Rather than just audit the books of accounts, they should go out in the field and interview those entities which are audited by the Auditor-General. They can share with them the experience of being audited by the Auditor-General, so that we can come to fore, and say exactly what is happening. When they come to audit NG-CDF accounts, many a time, they deliberately write very adverse reports. Before they are admitted here in Parliament, they sneak them to the media which now splashes, 'A certain Member of Parliament has eaten bursary money.' A Member of Parliament is not an accounting officer. He does not go to every single school asking for a receipt to confirm whether the bursary money has been sent. The officers in the Office of the Auditor-General must be infused with adequate professionalism, so that Kenyans can get value for money.

As I conclude, I also want to tell the Office of the Auditor-General that there are no sacred cows in this country. There are no stones that are not capable of being turned. They must go out there and pick out the rot, starting with the county governments, as well as the national Government. We can save this country a lot of money. We do not have to borrow money. The Office of the Auditor-General is the backbone that can save this country. Let them go out and pick the rot. How do you explain a Cabinet Secretary affording to buy a house of Ksh215 million on a salary of less than a million shillings? How is that possible, yet that person has never been dragged to any court of law? Even if he is dragged to any court of law, the evidence is so weak that it cannot sustain a conviction.

Hon. Temporary Speaker, I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Tindi Mwale and Hon. (Dr) Wilberforce Oundo, confirm to us that you have seconded the Motion. Did you second?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): For record purposes, I second the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): As I was saying, in your contributions in moving this particular Motion, you have confirmed to us that Parliament always outlives whoever the Member is. We do not feel that Hon. John Mbadi is now not the Chairperson of the Public Accounts Committee (PAC). Congratulations.

Hon. Members, let me now propose this Question, so that the House may debate.

*(Question proposed)*

Hon. John Waweru.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I thank you. I am also very pleasantly surprised to have the pole position to be the first one to speak on this Motion. Allow me to just commend the format in which this Report has been moved. The Mover has done a beautiful job. The man who has supported it is Dr Oundo. We all know the quality of debates that he brings to this House. He has supported and seconded this Report very ably. He has informed the House on the processes that they have taken to get us to where we are.

I support this Report because I believe that this Committee ably applied itself, before it presented this Report to the House. Allow me at this juncture to also take this opportunity to congratulate Hon. John Mbadi, a long-serving Member of this House, who was also chairing this Committee. I am sure he was part of this process. I need to congratulate him on his new appointment as the Cabinet Secretary for the National Treasury and Economic Planning.

The PAC has laid before us a very important Report. I would like to take some time to appreciate the process that it undertook as provided for by Article 226(4) of the Constitution, and also the laws as provided for in the Public Procurement and Asset Disposal Act which has

provided for the process that has been well spoken to by Hon. Tindi Mwale when he was moving this Report.

These are the things I would like to say about the procurement of an external auditor who is needed to come to audit the accounts of the Office of the Auditor-General. He is also required to check the financial statements for the staff mortgage and car loan scheme at the Office of the Auditor-General. Who is required to basically audit the Auditor-General? If we are satisfied that the process that was undertaken delivered us the right people who are the PKF, then we must task them to do the work that they are required to do.

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

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

If it is so, as it has been reported by Dr Oundo, the process of procurement is becoming either inefficient or not delivering the right people. At this point, the House must say that the process of procurement of an external auditor for the Office of the Auditor-General needs to be re-checked. The issues that have been raised here are critical. It cannot be coincidence or by design that the people who are up against PKF found themselves into some technical issues which even border on integrity matters.

The presentation of fake certificates before a vetting entity for an auditor should be a matter that raises the eyebrows of this House. As it has been said, this auditor is required to audit the auditor who audits other auditors who audit the books in this Republic to ensure that there is prudent use of public finances in this country. If there is a blemish on the process which was undertaken, then we know that the product is only as good as the process. So, if the matter of procurement is brought to disrepute, then even the working of that entity shall be brought to disrepute. However, if the Committee is satisfied that M/s PKF Kenya LLP, according to the laws and the Constitution of this country should be the audit firm auditing the Auditor-General's Office, then so be it. As per the Report presented, the Committee is satisfied. We have no other reason not to be satisfied.

Now, when we task them to do the job, we pray that the audits that they are going to conduct shall be independent, and more so audit that can stand up to international auditing standards. If they could observe this, then we shall see a number of things. I do not want to preempt their work, however, if they apply themselves properly on this job, I am sure that in their findings, they shall find that the Office of the Auditor-General, as currently constituted, is not able to undertake all the work that it is tasked to do. This is an office that is central here in Nairobi and is required not only to audit national books, but also to audit the county governments, and Ministries, Departments and Agencies (MDAs). They are the same people who audit the NG-CDF.

As it is currently constituted, I can feel the strain that is in this office. So, if these auditors are going to do their work right, they shall audit and they shall find that, as currently constituted, the Office of the Auditor-General is inefficiently composed to undertake the job that it is required to do.

If it applies itself to this work, it is required, as Dr Oundo said earlier, to go beyond just auditing the numbers, the bottom lines and balancing out the books. An audit today requires for a systems audit. I dare say, it also requires a welfare audit; the auditing of the welfare and the terms of individuals working in this office.

Hon. Temporary Speaker, on one occasion, I happened to sit next to the former Auditor-General, a very esteemed Kenyan, Mr Edward Ouko, on a flight from Mombasa to Nairobi. I was shocked with what I heard. I came to learn that anybody serving in the Office of the Auditor-General enjoys no perks and no other terms after their retirement.

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A person sitting in such an esteemed office is not sure of how they shall pay their hospital bills when they leave office. They are not sure of how they shall take care of their welfare when they leave such a critical office.

Hon. Temporary Speaker, tell me why such an individual will not be tempted to get into matters that would bring integrity questions. They know that they are sitting in a powerful office, but they shall retire with no perks. They do not enjoy any welfare terms after they retire from office. I am sure that if M/s PKF Kenya LLP applies itself to the audit of the welfare and terms of the people holding this office, it shall find out that this country is doing a great disservice by not offering the right welfare and the right terms for holders of such an important office when they retire.

If this audit firm applies itself accordingly, it shall also find out that within its ranks and files, there are auditors who did bad manners; some who bullied the people who were being audited, and some of them were bullied for no reason other than rent-seeking. I shall not want to go beyond that, Hon. Temporary Speaker.

Finally, if M/s PKF Kenya LLP applies itself well on the job, it shall find out that there is work to be done in the county governments. The county governments in this country are such a shame when it comes to public procurement processes. I see my time is running out, allow me to add this final point. Just as the Office of the Auditor-General recognises that it requires external experts to undertake its job, the Government of Kenya also needs to wake up to the reality that it needs experts to come and support it in areas where it has weaknesses.

One of the biggest areas of weaknesses in this Government is the area of communication. The Government of Kenya ought to do what the Office of the Auditor-General is doing by bringing in external professionals to assist them in doing the job. The Government of Kenya needs to professionalise its communication, just as we are seeing the Auditor-General relying on professionals to undertake their job.

Hon. Temporary Speaker, communication in Government requires such professionalisation so that...

**The Temporary Speaker** (Hon. Omboko Milemba): The next to speak on this is Hon. Jessica Mbalu.

**Hon. Jessica Mbalu** (Kibwezi East, WDM): Thank you, Hon. Temporary Speaker, for the opportunity.

I rise to support the Report of the Public Accounts Committee on the Procurement of External Audit Services for the Office of the Auditor-General for the Financial Years 2022/2023, 2023/2024 and 2024/2025, moved very well by the Vice Chairperson, Public Accounts Committee, and seconded by the Hon. Member from the Lake region, Hon. Oundo.

Hon. Temporary Speaker, allow me to say that the Public Accounts Committee was being Chaired by the Cabinet Secretary for National Treasury and Economic Planning, the Hon. Mbadi, but today I must say that the Report has been moved by the Hon. Tindi Mwale MP, the Vice-Chairperson. I quote for the purpose of our Standing Orders, "*badala ya Musa ni Hussein*". Hon. Tindi Mwale, you are now the Acting Chairperson of the Public Accounts Committee.

Hon. Temporary Speaker, during the last Parliament, I was the Vice-Chairperson of the Public Accounts Committee, and I know what auditing is. I do understand how important the Office of the External Auditor to the Auditor-General is. Having listened to the Committee Report, all the processes have been followed in terms of procurement of M/s PKF Kenya LLP, as the firm that won the tendering process.

Looking at the Report, the right procurement process was followed. The Public Accounts Committee, with its membership, has been convinced that M/s PKF Kenya LLP is the right firm to audit the Auditor-General. The advertisement was done in terms of the successful firm. I am very grateful that the Committee conducted independent audits of the

organisation's activities and all its operations in line with the international standards on auditing and international financial reporting standards. These are guidelines by the Public Sector Accounting Standards Board (PSASB). The Committee was convinced that the firm they are seeking approval for from this House is in good standing in terms of its books.

Hon. Temporary Speaker, the Committee also expressed itself through opinion on the financial statements that have been prepared. In all material aspects, it is in accordance with the applicable international financial reporting standards and the frameworks.

They also looked at whether the organisation had maintained proper books of accounts and whether their company financial statements have given a true and fair view of the financial position of the Office of the Auditor-General. These findings and examination by the Committee shows how Public Accounts Committee went into details, even looking at the tenders in terms of the technical and the financial aspects.

Hon. Temporary Speaker, as a finance expert I am convinced that all these areas that the Public Accounts Committee looked at make this firm the right one to audit the Auditor-General. In future, I encourage that more firms bid in such advertisements so that we can have competitive bidding. We only got two bidders and the committee selected one of the two.

The Office of the Auditor-General is an important institution in our country. Our constituencies have been audited before. The public should know that Members of Parliament are not involved in the running of NG-CDF. We only oversee the Fund and conduct public participation. As Hon. (Dr) Oundo said, most of the time these reports are poorly done and even a layman would have done a better job. The wording and expertise are wanting. This firm is going to audit the Office of the Auditor-General for the proper systems to be put in place for them to give the right opinion. For instance, when the Auditor-General comes to audit a classroom being constructed through the NG-CDF board that is 80 per cent complete, they say that it is incomplete. The Auditor-General needs to be audited too and be taught how to do things. This firm seems to be experienced in matters audits.

The tender committee appointed by the Accounting Officer on 13<sup>th</sup> June, pursuant to Section 78 of the Public Procurement and Asset Disposal Act did its work and the Committee was satisfied. I do not want to speak a lot because the report is self-talking. The Committee looked at what the auditor of the Auditor-General will bring to this country. It is about prudent use of our money. I, therefore, support the adoption of the Report of the Public Accounts Committee on the procurement of the external audit services for the Office of the Auditor-General for the financial years 2022/2023, 2023/2024, 2024/2025 which was procedurally laid on this House. We appoint M/s PKF Kenya LLP.

I thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Next is Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you for the opportunity. This Report by Hon. Tindi Mwale is extensive and elaborate. It has also been properly seconded. I am a bit disappointed that this is coming now. There is a lot of eagerness to have jobs done and I expected to see more than two applicants. We have too many auditors in the country. Out of the two applicants, only one was selected and there is much more than meets the eye.

For us, value for money is key, and we need to know how the money the Auditor-General is overseeing is being used. We have witnessed misuse of funds that are allocated to SAGAs. Why is it that only two companies applied for this tender? There are many questions regarding the qualifications of the selected firm. Is it worth spending money on this external auditor? As it is, the Office of the Auditor-General should have an internal audit department. I do not know whether this office exists yet. The Committee should look into this so that if there is none, we can create one. I expected more than 10 companies to participate in this tender.

My suggestion is that this is re-advertised so that we can have more companies participating. This is a shortcut and nothing will come out of it. I take this opportunity to ask the Public Accounts Committee to re-advertise this exercise so that we get value for our money. There are too many loopholes in all the ministries and the Office of the Auditor-General is key in identifying them. As it is, it does not meet the requirements and I have my reservations about this.

The Secunder of this Report asked that we open it to international firms so that we can get auditors from places like Europe. We should look at this more critically and not just pass it for the sake of it.

I support the Report.

**The Temporary Speaker** (Hon. Omboko Milemba): Eng. Paul Nzengu.

**Hon. (Eng.) Paul Nzengu** (Mwingi North, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to make my contribution on the Report that has been brought to the House by the Public Accounts Committee.

At the outset, I congratulate the team for work well done. I also want to congratulate Hon. Tindi Mwale for the nice presentation and the Committee for the work well done, bearing in mind his predecessor, or Hon. Chairman, my friend Hon. John Mbadi, was elevated to the position of the Cabinet Secretary.

The Committee did good work to appoint an auditor to audit the Auditor-General. As many Members have said, over a period of time, this team has operated like people who are above the law. They are the people who point out the mistakes others have done, yet no one tells them the mistakes they have done. For example, when they go to the constituencies, they punch holes on what has been done in constituencies and try to incriminate Members of Parliament as though Members of Parliament are part of the committee.

We are not members of the committee that implements projects in the constituencies. There is an established office of the National Government Constituencies Development Fund Committee (NG-CDFC), but because of malice or whatever reason, we end up hearing that the Member of Parliament of a certain constituency has misappropriated funds. How can we misappropriate funds that we do not even have a say over and are not an Authority to Incur Expenditure (AIE) holder, a signatory of any account or even a member of the committee?

I appreciate the work that has been carried out by that Committee on the appointment of M/s PKF Kenya LLP. Like other Members have said, when we only have two competitors, we do not know whether the threshold for professional requirements for appointment of such a level of professionals has been met. However, when a tender is floated and only a few people apply, then it is the right of those who have applied, whether one or two, to be awarded it as long as they meet the minimum criteria.

I appreciate that M/s PKF Kenya LLP has been appointed to carry out that duty or assignment and it is not an easy one because you are dealing with professionals and people that have been in that business for a long time and have perfected the skills. Sometimes when people are being audited and you try to unearth, they even try to hide certain information. I know it is not going to be a walk in the park, but I hope and believe that the Committee found them to be beyond reproach and capable of doing the activity or assignment that has been assigned to them.

With those few remarks, I support. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Rindikiri Mugambi.

**Hon. Mugambi Rindikiri** (Buuri, UDA): I forgot I was given a different card and did not change my password, so I was trying to access the microphone. I rise to identify myself with the Report that has been tabled whose subject matter is the appointment of M/s PKF Kenya LLP as the external auditors for the Office of the Auditor-General of the Republic of Kenya.

The Office of the Auditor-General is very central in managing the utilisation of resources that various Government ministries have been entrusted with. Before I accept or not, the Auditor-General is supposed to be holier than thou. This is an institution that is not supposed to be found to have any fault whatsoever and is also supposed to advise on the best performance and utilisation of the resources that various Ministries, Departments and Agencies (MDAs) have been given.

The Auditor-General is supposed to identify gaps and make recommendations on how to cover them. We rely on the Auditor-General's Report to flush out corruption in various Government and quasi-government institutions.

We expect the Auditor-General to make recommendations and commendations that are not only limited to financial aspects but also processes, including procurement. They are also supposed to advise Government on conformity to international standards of audits. Much as I agree with the Report of the Committee, it has fallen short of one fundamental requirement in the procurement processes.

Only two entities brought forward their bid, and one of them, just like what Hon. (Dr) Oundo said, lacked some fundamental documents. I still have to get the specific recommendation that the Committee made convincing us that process of procurement was adhered to. If they convince us that they did not have adequate time, I will say that they are auditing the Reports for Financial Years 2022/23, 2023/24 and 2024/25, meaning they are dying.

This institution called Office of the Auditor-General is central, and anything that is associated with it must not give an iota of...

*(Hon. (Dr) John K Mutunga walked along the aisle)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order Hon. Mugambi. Chairman of the Departmental Committee on Agriculture and Livestock, ordinarily, when you are moving in the House, you do not move between an Hon. Member who is speaking and Hon. Speaker. Take note of that.

You may proceed, Hon. Mugambi.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you Hon. Temporary Speaker. He is very familiar with me, maybe sometimes I become invisible.

This is an institution that should not be seen to be associated with anything touching on irregularities. I have no interest in M/s PKF Kenya LLP or any other, but what they are going to do is to give a record of performance of the office of the Auditor-General.

Ordinarily, we would have three or four presentations by bidders for comparison purposes. Every Kenyan today is talking about transparency, accountability and openness in our doings. The same Auditor-General is being quoted by Members of this House and the public out there that so many things are going wrong within the Government, quasi-government institutions and state corporations. I am sure if we all look at the Auditor-General's report even on the NG-CDF for each constituency, we find elements of non-professionalism where recommendations are given but the way forward is not stated.

An example is where the Auditor-General comes with a statement that the NG-CDF has not provided receipts from bursaries. However, they did not go to the institution to confirm whether the bursaries were received. As they were looking for the receipts, it was not in their interest to go to that institution to confirm whether the money was disbursed. They end up giving a report that brings political problems to the Members of Parliament. Therefore, when I see this kind of recommendation, I wonder if it is not purposefully manufactured to condemn the same institution that we are saying is as white as snow.



Hon. Temporary Speaker, I have a lot of respect for my friend, the Vice-Chairman of the Committee who is our senior, and Hon. John Mbadi and other Hon. Members for their observations. However, this is single sourcing by definition. We can say the bid was non-responsive. I expected the Committee to come up with a report that says it was non-responsive, unless you want to tell us there are no other qualified auditors in this country to audit the Auditor-General.

Hon. Temporary Speaker, we had the same report by the same company last year. So, what are we telling Kenyans? We have the same report that we present to the House for two consecutive years. I think something is not right. I do not know how this issue tripped the Vice-Chairman, a man who is a very sharp thinker as well as the Hon. Chairman, a qualified accountant. I disagree with this Report.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Danson Mwashako.

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Speaker for, giving me an opportunity to contribute to this important Motion on the Report by the Public Accounts Committee (PAC) on the Procurement of External Auditor to offer services to the office of the Auditor-General for the Financial Years 2022/2023, 2023/2024 and 2024/2025.

From the outset, the Office of the Auditor-General is very important in the management of financial resources of this country. We must underscore the importance of this office to the level that it plays a very central role in supporting what this august House does. We are the biggest consumers of the reports of the Auditor-General. We cannot purport to be doing our oversight role effectively if the quality of the auditor's reports that come to this House are questionable.

Therefore, as an accountant, I understand the challenges that this office goes through. I sit in the Budget and Appropriations Committee and we have met the Auditor-General many times. She comes in to tell us her challenges and what she needs to do to make sure that they bring timely reports to this House. As Parliament, we have been doing very well. We have been increasing the annual budgets every year. This financial year, we have allocated the Auditor-General a whopping Ksh8.12 billion so that the office is able to run all its activities and programmes and give us audit reports in good time. I am expectant that the Auditor-General will do a good job. They will be able to give us reports on time because we also know that we have constitutional provisions that rely on audit reports.

We know, for instance, the calculation of the 15 per cent equitable share to counties relies on the latest audited accounts as provided to this House by the Auditor-General and approved by this House. Equally, the 2.5 per cent that is supposed to go to NG-CDF relies on the latest audited accounts that are provided by the Auditor-General. They come to this House for approval. Equally, the 0.5 per cent Equalisation Fund relies on what the Auditor-General does.

Hon. Temporary Speaker, since this Parliament has done its bit by allocating resources to the Auditor-General, we expect them to provide quality and timely reports to the House and to Kenyans. After looking at the Report, I also want to say that PAC did a good job. The Vice-Chairman has done a good job in bringing it to the Floor and moving it.

A procurement process that only raises two bidders in many aspects can raise eyebrows. The question we need to ask is why the many audit firms we have in this country fear to audit the Auditor-General and the reasons behind them choosing not to bid for this lucrative job. Truth be told; the winner of this bid makes a lot of money. However, you wonder why most of the reputable audit firms are not bidding for this job. This raises concerns that this Committee needs to look at. We may pass this Report for now but going forward, it should be clear. We should come up with a recommendation to have a minimum number of bidders, say five, such

that if it does not meet the required number we decline at very early stages. The PKF has been auditing the Auditor-General for some time now. Therefore, it looks like we may never change the auditor to the Auditor-General because he will be the only one who will be bidding and maybe one other that may not be as reputable and up to the standard we want. I, therefore, urge the Hon. Chairman and the Mover of this Motion to seek guidance on this matter. In future, let us not bring a report of this nature where we have only one bidder who looks like he is serious and the other one who looks like he is a seconder.

Having said that, I also want to add my voice on what my colleagues have said. We expect quality reports from the Auditor-General. When I was doing accounts, we were told that every organization needs to pursue or look forward to getting unqualified auditor's opinion. All the reports from the Auditor-General that come to this House are qualified. They go to audit counties and bring here advanced opinion of some counties. To some extent, even disclaimer opinions have come to this House. What I am saying is that the Auditor-General also needs to give a report on why in two years, none of the constituencies or counties has ever received an unqualified opinion. Public servants, state officials, leaders and CEOs of parastatals, managing directors, governors and those who run funds like the NG-CDF need to pursue an unqualified auditor's opinion.

However, we receive opinions here that already show that there is a problem in how we manage our financial resources as a country. Therefore, as we get an auditor to audit the Office of the Auditor-General, we are looking forward to the report that will come here. I know PKF has also been getting work from the Auditor-General to do special audits. The PKF has also got jobs for performance audit in some cases. Therefore, we must also investigate the conflict of interest. If PKF should be auditing the Office of the Auditor-General, they should cease to take any job from the Auditor-General so that there is no conflict of interest.

I imagine that PKF may give an unqualified opinion because it knows that this is a client and not only a client, but it knows that it will still get more jobs through the same client. We, therefore, need to separate issues here. If we honestly want to get quality reports and get an auditor who will look on the actual happenings in our financial management in parastatals and in Government, then the auditor who audits the Office of the Auditor-General must not be, at the same time, auditing books of parastatals and Government agencies. While auditing the Office of the Auditor-General, they can sit at a table and say, "I will give you an unqualified report because you will continue giving me jobs on this side."

As I finish, there is something called materiality in accounting. The auditors sent to audit NG-CDF come to constituency offices and harass everybody there. They pursue... Nowadays they do not do sampling, they visit all projects which is a good thing. I really support that. When they come to the constituency they visit all projects. Initially they used to do sampling, but now when they go out there to look at what happened in the previous years that they are auditing, they forget something very crucial called materiality in the county. Materiality in auditing means a situation where an auditor only looks at something that will cause your report not to meet the threshold. They come to the constituencies and go to a classroom and start saying, "this paint is not good paint" and yet the classroom was done two years ago. How could you know that a paint that was done two years ago was not good? I want to speak to the Auditor-General and say that they also need to be serious when they come to audit NG-CDF. They should also put a disclaimer in their reports that, Members of Parliament are not involved in the running and managing of day-to-day and any financial activities in NG-CDF. This is because, what has been happening is that a report is leaked to the public, someone picks it maliciously and publicly...

**The Temporary Speaker** (Hon. Omboko Milemba): Give him one minute. Let us hear him on that.

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Temporary Speaker. I was saying that when these reports are done by the auditors who come to constituencies, sometimes before they get to Parliament, they are leaked to the public. Then our opponents maliciously pick out these items, because many of them did not follow the materiality concept I talked about here. They start branding Members of Parliament as corrupt, to have misappropriated the NG-CDF money and bursaries and so on. This is the case and yet we know Members of Parliament do not have a role in managing the resources of NG-CDF. Therefore, I support this Report but with a rider that in future, if the bidders are not more than five, then this Report should not get its time in this House.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Before Dr Mutunga speaks on it, it is not necessary. The tone of Parliament more often than not becomes quite a lamenting one, yet you really have the powers when the question will be put, if you really believe that the threshold is not met, not to pass the Report or to reject the Report. And that is the business of Parliament. Hon. Dr Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for the opportunity to also contribute to the adoption of the Committee Report. We are speaking about an audit firm to be approved to audit the Office of the Auditor-General for several years. This is a very sensitive office. We rely upon the Office of the Auditor-General to know whether Government resources are properly utilised. We know that this House receives a number of reports from all over, having been the work of the Auditor-General. The Member for Wundanyi who has just spoken, Hon. Mwashako, has clearly said that the Budget and Appropriations Committee apportioned up to and including Ksh8 billion or more to this office. This is not little money and, therefore, we expect this office to be doing a very good job.

But then we are looking at somebody to actually audit the Auditor-General, or rather, look at the books of the Auditor-General of this Republic. The one who is the key eye of the scrutiny of the books of accounts of different institutions, ministries, departments and agencies, for and on behalf of the Republic. According to the Report, I have not been convinced about the procurement process. There are a few questions that we need to ask ourselves.

First of all, we have been presented with one name. I do not know whether that is the constitutional or legal provision, but we should probably have been given three or so names to pick one. Because we are Kenyans and we know these firms, we probably could even have background checks and propose a name that probably could be adopted to audit such an important office. We are talking about competitiveness. Was the procurement process competitive and transparent? Did they adhere to the freedom of choice of this firm? Why do we have one name present at this instance for us to just either choose or drop? If the process was competitive, transparent, and if there was no form of influence, then did it really meet the threshold? Was it above board?

PKF Kenya is being proposed to audit the books of accounts of the Auditor-General for the Financial Years 2022/2023, 2023/2024, and 2024/2025; three years. They are also the ones who will audit the mortgage, car loan scheme and the entire business of the Office of the Auditor-General. We know the importance of having a clean audit report. A clean audit report basically stipulates that money has been properly utilised and there is value for money. We have received many reports in this House by the current Auditor-General who is looking for a firm to audit their books.

I want to particularly look at the Auditor-General's report in relation to county governments, and the Auditor-General's report in relation to NG-CDF and maybe a few other cases. If I may focus specifically on the NG-CDF Report, I am privy to my own constituency's audited accounts, and I want to be clear that since I became a Member of Parliament, my

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oversight role has been thorough to the extent that we do not have a qualified account for those years I have been in charge of Tigania West. I say this without any fear of contradiction. I link this with a situation where we have all the county accounts being qualified. We know what a qualified account means. It means the statement that the Auditor-General writes as the summary statement of the account, says that “this account is okay, apart from the fact that some things were not done correctly.” This, therefore, means that the county accounts are not very clean. I am trying to bring to the notice of this House the statement made especially at the Senate.

Whenever Senators get a chance to speak about anything, they speak badly about the NG-CDF, why it should be done away with and how it has not assisted this country. I want to pick out a few Senators without mentioning names and especially, those who have been in this House. They have been Members of Parliament. They have had to oversee the NG-CDF and probably, have done a lot of good work in their backyards. However, without being personal but purely objective, if you hear the statements they make, they are so convinced that NG-CDF is misused by Members of Parliament yet there is a National Government Constituencies Development Fund Act, 2015 which governs how NG-CDF is supposed to be utilised and the process is very clear.

When they were Members of Parliament, did they misuse NG-CDF? Is that what they are telling Kenyans? Some of them appear in the morning, midday and evening on television shows, so emphatic on how NG-CDF has been misused. Sometimes you wonder because this Member has been a Member of Parliament for up to four terms overseeing NG-CDF yet he claims that it has been misused. This is a declaration to Kenyans that he or she has been misusing this money.

Let me narrow down to the role of the Senate in as far as oversight of the resources is concerned. Senate oversees the county resources and it is important to note that county resources are qualified based on their audited accounts. That being the case, this morning, we took some time to discuss the report on additional allocations to the counties. The report was about giving counties more money, which is an additional allocation to the legally allowed share that we give them.

Most of the action development in all counties are from these allocations. Most of them are also donor funded. From the agricultural background, we have negotiated projects between the donor and the Kenyan Government. These negotiations go as far as saying who is going to implement what. When it comes to implementation, donors believe and understand the fact that devolution has to work and, therefore, devolved resources must go to the county, even if they are national Government resources. That is why we are discussing them at this point in time and calling them additional resources. They take these resources directly to the counties.

It is possible that the Senators might not know how much of these resources go to the counties directly as an arrangement between the donors and the county governments. It is also possible that the Members of the County Assemblies may not be aware of some of these issues. So, there is a likely lacuna that there are some resources that are handled by the governors and the oversight institutions are not aware. If they are not aware of them, are they thorough in their job? There is also a high level of wastage and corruption among counties, which has been cited in many cases.

As this House considers the issue of corruption this morning, we need to rethink accountability. And unless we do so, our resources will be misused. The Senate has failed Kenya as a nation for holding governors accountable. Can Senators tell us that they have been overseeing these Governors properly? Why do we have qualified accounts every time? Why do we have resources misused? Why do we hear of cases of money being embezzled from the counties yet they are overseeing? Even where the county assemblies have done their

constitutional mandate of holding governors to account, we have seen Senators sneak these governors through.

**The Temporary Speaker** (Hon. Omboko Milemba): I propose that you be added two minutes.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): When the governors are apprehended and Senators go ahead to clear those who have been accused of corruption, is that the kind of oversight we are talking about? When we have processes going through the Senate, sometimes we doubt whether the decisions made by the Senate are decisions that are not influenced in one way or another. We, therefore, ask our friends in the Senate to do their work well. Stop blaming the National Assembly for nothing. Just play your oversight role very well.

The Senate in this case, and I say this without any fear of contradiction, is the weakest link in promoting transparency and accountability in this country. We have seen resources being misused in this country and they stare and watch as resources are being misused over and over again. It has happened many times and it is now time that they took their roles seriously. They should look at how to make sure that accountability exists at the counties. The role of Senators is not just to look for money for counties. Their role is to oversee the counties and make sure that they do the right thing.

There is lack of seriousness in this Report that has been presented here. The lack of seriousness is not on the part of the Committee but on the part of the Auditor-General. We need the Auditor-General to be a little bit more serious. Next time, give us three names and let us pick from those names. We know these companies. We have interacted with them and know what each can do. We need to pick from a list.

With those very few remarks, I support the adoption, but we need a better approach next time.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Tindi?

**Hon. Nicholas Mwale** (Butere, ODM): Hon. Temporary Speaker, I am the one who moved the Committee Report. I wanted to inform my colleague and the House that the procuring entity was the National Assembly, and it was done by the Accounting Officer who is the Clerk of the National Assembly. The genesis of the Report is based on Article 226 (4) which gives this House the mandate to appoint...

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Tindi. Take your place. You being the Vice-Chairperson of this Committee and now the Acting Chairperson...

*(Hon. (Dr) John K. Mutunga consulted loudly)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. (Dr) Mutunga. You will have a chance to reply. Therefore, take your cool and do not be in a hurry. Let me further guide that following the speech of Hon. (Dr) Mutunga, I refer you to our Standing Order 87. Although I did not stop you in your speech, it must be noted as a House that in our Standing Order 87(5), it is out of order for a Member to criticise or call to question the proceedings in the Senate or the National Assembly. Therefore, in future, when you speak on these matters, just apply the laws of relevance and avoid calling out the other House unless we have a substantive Motion.

There being no further interest in this one, I call upon the Mover to reply.

**Hon. Nicholas Mwale** (Butere, ODM): Thank you, Hon. Temporary Speaker.

I want to thank my colleagues who have contributed on this report. I assure the National Assembly in general that the Public Accounts Committee is composed of Members who have the interest of the common Kenyan at heart. Therefore, any report that comes to this House is scrutinised in the best interests of the people of the Republic of Kenya. I agree with my

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colleagues that going forward, we allow the Accounting Officer of the National Assembly to advertise the tender beyond the boundaries of the Republic of Kenya. This way, we will have more audit firms and it would not feel like there is a conflict of interest when they are asked to bid to audit the Office of the Auditor-General. The basis of this report is Article 226(4), which gives the National Assembly the mandate to approve an accounting professional firm that is going to oversee the role, operations and efficiency of the Office of the Auditor-General. I am pleading with the House to approve the report so that we get a competent firm like PKF Partnership LLP to audit the operations of the Auditor-General.

In conclusion, for us to get prudent use and monitor taxpayers' funds, we must get proper audit reports. Therefore, we must get a proper audit firm that will give us the true picture of the expenditure of public funds. I believe that by supporting this report, we will give the PKF the chance to audit the Office of the Auditor-General and get the right feedback and productivity that we expect in the public sector. As the Vice-Chairman of the Committee and the acting Chairperson, I plead with the House to approve this report.

Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. We shall defer the putting of the Question until the next sitting.

*(Putting of the Question deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE MUNG BEANS BILL (Senate Bill No.13 of 2022)

**The Temporary Speaker** (Hon. Omboko Milemba): Mover? Hon. Paul Nzengu.

**Hon. (Eng.) Paul Nzengu** (Mwingi North, WDM): Hon. Speaker, I beg to move that the Mung Beans Bill (Senate Bill No.13 of 2022) be now read a Second Time.

The Bill was read the First Time in the Senate on Wednesday, 15<sup>th</sup> February 2023 and thereafter, it was committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

The Bill has 25 clauses and it seeks to provide for the development, regulation and promotion of the Mung Beans sector. It further provides for support of farmers of Mung Beans in each county in the production and marketing of their produce. It also encourages the use of Mung Beans as a food security item by the national government and county governments in their various feeding policies and programmes.

Hon. Temporary Speaker, the Bill will have a significant impact on food security by increasing production, diversifying crops, reducing dependence on imports and creating economic opportunities. The Bill also proposes to establish linkages with international research agencies for the adoption of the best Mung Bean farming and processing practices. This proposal is critical as it will increase the production of Mung Beans.

Under the Bill, there shall be County Executive Committee Members who shall enforce regulations and standards on the quality control of inputs and production of Mung Beans at the county level. The County Executive Committee Members shall also investigate complaints relating to unfair trade practices within the county.

The Bill is crucial because where the national and county governments implement feeding programmes within schools, institutions or areas falling within their respective mandate, they shall implement a homegrown feeding programme aimed at promoting efficient production of Mung Beans in each county. This will ensure adequate supply to schools, relevant institutions and food insecure areas in the country.

Additionally, the Bill requires the Cabinet Secretary for Agriculture to develop and adopt a policy for promoting growth and development of the Mung Beans industry in Kenya. The policy shall be reviewed at least once every five years.

This Bill seeks to establish county licensing committee of mung beans which shall consist of chairperson, one person representing growers of mung beans in the respective county, one public officer in the Department of Agriculture and two public officers in the department responsible for trade with relevant experience in matters relating to trade and finance. As I have mentioned, the Bill seeks to regulate the mung beans sector. Therefore, a person who intends to market, process, or carry out large-scale trading in mung beans or its products shall apply to be issued with a licence by the county licensing committee. The licence shall be renewable annually.

The Agriculture and Food Authority shall maintain a register of growers, buyers and other entities registered or licensed to undertake mung beans trading regulated by this Act. This Bill is very key as it will contribute to the diversification of crops and promotion of food security in the country.

With those few remarks, I move and ask the Chairperson of the Departmental Committee on Agriculture and Livestock to second.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Mutunga.

Chairperson of the Departmental Committee on Agriculture and Livestock, as you second, you may have to explain to the country what mung beans are.

Proceed.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker. This Senate Bill No.13 of 2022 was brought to this House on 22<sup>nd</sup> February. It has been here for a while and many discussions have been going on to see how we can manage this particular crop. It is an important crop, especially for the marginal areas of Kenya.

The principal objective of this Bill is basically to develop, regulate and promote production of the crop across the areas that I will mention, where it can do best.

The Bill seeks to promote the use of the bean itself in various counties for purposes of food security and response initiatives when need arises. It further seeks to promote production of the bean itself to generate higher income for those regions and the growers of the crop while at the same time facilitating introduction of mung beans production technology and its general modernisation.

Hon. Temporary Speaker, coming back to your question on what mung beans are, mung beans are what we call *dengu*. They are green grams. Green grams grow in most parts of this country, especially in the Lower Eastern Kenya Region, Mount Kenya Region and most of the Eastern and Western parts of Kenya. It is a low altitude and medium altitude crop.

There are some objectives I would like to mention about this Bill. The Bill, specifically, seeks to provide a framework for co-ordination and implementation of national policies and strategies on development and regulation of the entire mung beans industry all the way from pre-production to the table. We are talking about co-ordination of activities along the entire value chain. The question is why we are bringing up co-ordination of a specific bean. This is a special bean that does well in the areas I have mentioned – medium and low altitude areas. Therefore, it is a bean that has not been scheduled as yet. If it is not in the schedule, it means

that it needs protection. It has a great potential to become a key cash crop for those areas. So, we need targeted interventions so that we can explore the potential in the production of this bean to develop those areas. It is a drought-tolerant crop that does well under very low rainfall regime.

Hon. Temporary Speaker, the other main objective is to facilitate and develop a framework to regulate and promote the development of the mung beans and entire industry for competitive production locally and internationally. It will also promote the productivity of the mung beans and generate higher incomes for the people who will be engaged in this process. It will also facilitate modernization of mung beans farming techniques, general modernization of the industry and for cost control and production improvement. It also seeks to provide a framework for implementation of marketing strategies for mung beans in those areas within Kenya and outside this country.

This is not a Money Bill. It is important for Kenyans to know that this Bill comes in under the regulation of the Agriculture and Food Authority (AFA). We are not creating an institution in this Bill. It does not propose a new institution. Instead, it proposes that responsibilities be shared between the county governments and the national Government. Therefore, it does not introduce other costs.

The AFA is tasked with the development of policies and standards, monitoring of implementation of policies and also collating, collecting and receiving data from the various counties and building the capacity of the counties for purposes of improving production and productivity. This entity has a Food Directorate. Mung beans fall under it. Therefore, mung beans will be managed under the Food Directorate. The counties will be required to provide extension services for mung beans production, enforce regulations and standards, and market them both locally and internationally. Therefore, it is advantageous to have mung beans because they give us extra sources of income.

Mung beans are locally known as *dengu*, which are widely grown in Kenya. There are several varieties of mung beans, which have been improved over time. Two main varieties are worth mentioning: the K20 mung beans, which matures in between 80 and 90 days after planting; and N26 mung beans – also known as nylon – which matures in between 60 and 65 days after planting. There is a potential for production of mung beans in most parts of the country. I can cite a few counties where mung beans can do very well. These are Kitui County, Makueni County, Tharaka-Nithi County, Machakos County, Embu County, Taita Taveta County, Meru County and Kirinyaga County. They can also do well in parts of Western Kenya, which share the agro-ecology of the counties I have mentioned. While it is produced as a dry green in Kenya, other forms also occur. Sprouts, noodles and a paste can be produced from mung beans. This is common in the Asian countries.

The plant can be used as both human food and a livestock fodder or feed, or green manure after it has been harvested. However, mung beans have not been categorised as seeded crops under Section 7 of the Crops Act. Therefore, they do not enjoy a special status or attention by the national Government and the county governments. That is why we have brought this particular legislation so that this crop gets due attention and be considered an important crop for those areas and in many other areas. A lot of work has been done by the Kenya Agricultural and Livestock Research Organisation, which has developed three early maturing varieties that are highly productive. There is need to promote dissemination of these technologies, innovations and management practices to various Kenyans so that they can apply them to produce mung beans.

A survey that was done at the national level in 2020 made recommendations. One of them was that the county governments should provide subsidised farm machinery and equipment like ploughs, harvesters and dressers to maximise yield and bring down the cost of production of mung beans in counties where they do very well. Another important



recommendation was that the Government should consider increasing the amount of certified seeds available to farmers by subsidizing their cost, and subsidizing the costs of other farm inputs like fertilizers and other agrochemicals to enable farmers to produce mung beans in large quantities. The other recommendation of this study was that the national Government and the county governments should provide crop insurance schemes to cushion farmers against losses attributable to weather variability, and pests and diseases. It is further recommended that the county governments should support the development of post-service management systems, technologies and aggregation infrastructure to support this Bill.

Many other countries have utilised mung beans. India, which is the major producer of mung beans, contributes to about 30 per cent of global production, with Myanmar as a state, leading. Mung beans are entirely consumed domestically in India. India, as a nation, imports mung beans even from this country. They are looking for quantities that we cannot supply because we consume most of the mung beans we produce. In India, production, marketing and export of mung beans is governed by agricultural laws such as the Essential Commodities Act, the Agricultural Produce Market Committee Act, and the Indian Trade Classification or what we call a 'harmonised system' that classifies agricultural products for import and export in the country.

Experiences from Myanmar indicate that it is one of the world's largest producers of mung beans, growing the crop in two seasons as happens in Kenya, starting from October and so on. The country has two rainy seasons just like Kenya. Mung beans are cultivated almost in all regions of the country and less than 10 per cent of the crop grown in Myanmar is consumed domestically. Most of it is meant for export and, therefore, it is possible to grow this crop even for export. There is a market in China, Indonesia, Malaysia and the United Arab Emirates.

In Thailand, if I may give another example, mung beans production levels have been increasing in the recent past, which means they are catching up with the demand in the world market. The main export markets for Thailand are Japan, China and the United States of America, which means we can sell these beans across our borders.

Hon. Temporary Speaker, the Committee has considered this crop and found it important that we look at it as important in this country and come up with legislation that will enable the development of regulations for purposes of the crop's development, promotion, regulation and marketing. In their memorandum, the Ministry of Agriculture and Livestock Development observed that the development and promotion of the mung bean value chain is aptly provided for in the Crops Act No.13 of 2013. Therefore, we need to link this legislation to the Crops Act. The Kenya Agriculture and Livestock Research Organisation (KALRO) has proposed amendments that will encourage consultation and collaboration between agriculture and food authorities and county governments to specifically and thoroughly look at how we can improve on production of mung bean.

Also, the Kenya Plant Health Inspectorate Service (KEPHIS) and the Kenya Bureau of Standards (KEBS) have come in. The Council of Governors has proposed amendments on what needs to be done and specification of the roles of the various institutions in terms of ensuring that mung bean does well in this country. Those amendments have been captured and will be relayed to this House during the Committee of the whole House for consideration before the Third Reading of the Bill to influence the regulation to do a better job in the country. The Committee tabled a report on 13<sup>th</sup> August 2024 and proposed some amendments aimed at enriching the Bill. I hope this House will support them during that stage.

With those remarks, I beg to second.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Some thorough job was done by both the Mover and the Seconder.

*(Hon. Nicholas Mwale spoke off the record)*

What is your point of order, Hon. Tindi Mwale? Are you on a point of order?

**Hon. Nicholas Mwale** (Butere, ODM): No, it is not a point of order. It is a contribution.

**The Temporary Speaker** (Hon. Omboko Milemba): Just take your seat.

*(Question proposed)*

**Hon. Jessica Mbalu** (Kibwezi East, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Mbalu.

**Hon. Jessica Mbalu** (Kibwezi East, WDM): Thank you, Hon. Temporary Speaker. I rise on Standing Order 96 to persuade you that, given the importance of the Mung Beans Bill, commonly referred to as *dengu*, grown in many parts of the country and consumed in almost every household, we postpone this debate to a future date.

I beg to move that the debate be now adjourned.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Mbalu. Your prayer is accepted. Therefore, we defer the debate on this Bill to the next sitting.

**Hon. Nicholas Mwale** (Butere, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Mwale?

**Hon. Nicholas Mwale** (Butere, ODM): Hon. Temporary Speaker, I do not intend to differ with my colleague, Hon. Jessica Mbalu. However, considering that there are Members who have sat here for many hours and their cards are still active, I suggest that you give them the remaining 15 minutes for them to speak on this Bill. This is because, after all, even if you say that we begin tomorrow, we will still queue with our cards, which will disadvantage the Members who have placed in their cards and waited to debate. The debate will not end right now. We can start it and continue next time. We only have about 10 minutes left before we adjourn.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. We have heard you, Hon. Tindi.

Hon. Members, Hon. Mbalu stood on Standing Order 96 and moved that this debate be adjourned to a later sitting. Having heard Hon. Tindi, who thinks otherwise, I will put the Question for the House to decide.

*(Question, that the debate be adjourned,  
put and agreed to)*

*(Debate on the Bill deferred)*

Next Order.

## MOTIONS

### ADOPTION OF REPORT ON ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of

Parliamentary Business on Online Platforms, laid on the Table of the House on Wednesday, 4<sup>th</sup> October 2023.

*(Moved by Hon. Daniel Nanok on 8.8.2024)*

*(Resumption of debate adjourned on 8.8.2024)*

**The Temporary Speaker** (Hon. Omboko Milemba): I have a report that the Mover of this Motion requested that it be deferred to the next Sitting.

*(Motion deferred)*

Next Order.

ADOPTION OF REPORT ON CONSOLIDATED FUND SERVICES EXPENDITURES FOR  
FIRST SUPPLEMENTARY ESTIMATES FOR FINANCIAL YEAR 2024/2025

THAT, this House adopts the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates I for FY 2024/2025, laid on the Table of the House on Wednesday, 24<sup>th</sup> July 2024.

*(Moved by Hon. (Dr) Makali Mulu on 8.8.2024)*

*(Resumption of debate interrupted on 8.8.2024)*

**The Temporary Speaker** (Hon. Omboko Milemba): Equally, the Chairman responsible for moving the debate on this Report had requested for its deferment.

*(Motion deferred)*

Next Order!

**BILL**

*Second Reading*

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

**The Temporary Speaker** (Hon. Omboko Milemba): I can see the Mover in the House. Proceed, Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker for giving me an opportunity to speak on this Bill. This is a very important Bill that touches on very critical issues. As the co-sponsor and Mover of the Bill, I propose that it be deferred to the next sitting when we have more Members. This is to ensure that Members get the gist of the matters as I move and help us in making a good decision.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Your request is accepted.

*(Bill deferred)*

Next Order.

### MOTION

#### ADOPTION OF REPORT ON FUNDS SPENT CONTRARY TO PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.4 of 2022 regarding Funds Spent by the National Government Contrary to the Provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12<sup>th</sup> March 2024

*(Moved by Hon. Nimrod Mbai on 20.6.2024 – Afternoon Sitting)*

*(Resumption of debate interrupted on 8.8.2024)*

**The Temporary Speaker** (Hon. Omboko Milemba): Mover? Very well. This one is also deferred to the next sitting.

*(Motion deferred)*

Hon. Members, while requesting for deferment of his Motion to the next sitting, Hon. Mutunga seemed to imply that there are not enough Members to continue transacting business in the House. Once a Member pronounces himself on the issue of quorum, I have to look around to see if we have quorum. I have since looked around and I now confirm that, indeed, there is no quorum in the House. Therefore, I ask the Serjeant-at-Arms to ring the Quorum Bell for 10 minutes.

*(Loud consultations)*

Order, Hon. Members! I am directing that once a Member rises in his place and seems to indicate that there is no quorum in the House, as the presiding Chair, I have to confirm whether there is quorum. While requesting for deferment of debate on his Bill, Hon. Mutunga mentioned the issue of quorum. Therefore, we are very much in order to ring the Quorum Bell. Thank you.

*(The Quorum Bell was rung)*

### ADJOURNMENT

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, we have already done ten minutes of the Quorum Bell.

Hon. Members, my attention was drawn to the issue of lack of quorum in the House. I requested the Serjeant-at-Arms to ring the Quorum Bell for ten minutes, which was done.

I confirm that we still do not have quorum. Therefore, the House stands adjourned until tomorrow, Thursday, 15<sup>th</sup> August 2024, at 2.30 p.m.

The House rose at 7.02 p.m.

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