



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 117**

## THE HANSARD

Wednesday, 4<sup>th</sup> December 2024

The House met at 9.30 a.m.

*[The Temporary Speaker (Hon. Martha Wangari) in the Chair]*

PRAYERS

QUORUM

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, there is no quorum. Ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Order, Members! We have quorum. We may proceed to the first Order.

PAPERS

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

1. Reports of the Auditor-General and financial statements for the years ended 30<sup>th</sup> June 2021, 30<sup>th</sup> June 2022 and 30<sup>th</sup> June 2023, and the certificates therein in respect of:
  - (a) Jomo Kenyatta Girls High School.
  - (b) Libin Nomadic Girls Public Secondary School.
  - (c) Ngao Girls Secondary School.
2. Reports of the Auditor-General and financial statements for the year ended 30<sup>th</sup> June 2024, and the certificates therein in respect of:
  - (a) Independent Policing Oversight Authority.
  - (b) Independent Policing Oversight Authority Mortgage and Car Loan Scheme.
  - (c) Receiver of Revenue Statements – Ministry of Defence.
  - (d) Witness Protection Agency Staff Motor Car Loan Scheme Fund.
  - (e) National Humanitarian Fund.
  - (f) Kenya Pipeline Company Limited.
  - (g) Establishment of Bus Rapid Transit Line 5 Project (EDCF Loan Agreement No.KEN-5) – Kenya Urban Roads Authority.
  - (h) Horn of Africa Gateway Development Project Grant/Credit Number 6768 – KE – State Department for Transport.
  - (i) Nairobi Intelligent Transportation System Establishment and Junctions Improvement Project Phase I (ECDF Loan Agreement No. KEN - 6) – Kenya Urban Roads Authority.
  - (j) Ethiopia – Kenya Electricity Highway Project (ADB Loan No. 2100150027845 – Mariakani Sub-station Project ID NO:P-ZI-FA0-044) - Kenya Electricity Transmission Company Limited.

- (k) Eastern Electricity Highway Project (IDA Credit No.5148-KE; AFD Loan No. CKE 1030 01B; ADF Loan No.2100150027845) – Kenya Electricity Transmission Company Limited.
- (l) Kenya Institutional Strengthening Project Phase XIII (No. UNEP/KEN/SEV/92/INS/66) – Ministry of Environment, Climate Change and Forestry.
- (m) Nairobi Rivers Basin Rehabilitation and Restoration Program P- KE-EBO – 010 Sewerage Improvement Project Phase II – Athi Water Works Development Agency.
- (n) Africa Environmental Health and Pollution Management Project (EHPMP) – National Environment Management Authority.
- (o) 220KV and 132KV Transmission Lines and Sub-station (EXIM Bank of India Funded) Projects – Kenya Electricity Transmission Company Limited.
- (p) Horn of Africa Gateway Development Project (IDA Credit No. 6768-KE) – Kenya Revenue Authority.
- (q) Public Debt Management Support Project (PDMS) – ADB Grant Agreement No. 5500155013708) – The National Treasury.
- (r) Supporting Access to Finance and Enterprise Recovery Project (IDA Credit No.7018- KE) – The National Treasury.
- (s) Rural Kenya Financial Inclusion Facility (RK FINFA) (IFAD Loan No. 2000004121 and IFAD Loan No.2000004122) – The National Treasury.
- (t) Kenya Social and Economic Inclusion Project No.P164654 IDA Credit No.63480 and Grant No. TF0A9527) – National Drought Management Authority.
- (u) Menengai Geothermal Project (Agreement No. 1038.01K) – Geothermal Development Company Limited.
- (v) Bogoria-Silali Geothermal Project (Loan No.2013.66.103) – Geothermal Development Company Limited.
- (w) Mwea Irrigation Development Project – Loan Agreement No.KE - P27 – National Irrigation Authority.
- (x) Kenya Social and Economic Inclusion Project Credit Number 6348 - KE – State Department for Social Protection and Senior Citizen Affairs.
- (y) Aquaculture Business Development Programme (IFAD LOAN No. 20000052 & 2000002614) – State Department for Blue Economy and Fisheries.
- (z) Kenya Youth Employment Opportunities Project Credit No.5812 - KE – State Department for Labour and Skills Development.

I beg to lay.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, we shall reorganise the Order Paper a bit for the convenience of the House. We will prosecute Orders 8, 9, 10, 11 and 12 and then revert to Order 7. Leader of the Majority Party, we are on Order 8, the Procedural Motion.

## MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER 43

**Hon. Silvanus Osoro** (South Mugirango, UDA): I beg to move the following Motion:

THAT, this House resolves to exempt the business appearing as Orders No.9, 10, 11, 12, 13 and 14 in today's Order Paper from the provisions of Standing Order 43, being a Wednesday morning, a day allocated for business not sponsored by the Majority or the Minority Party, or business sponsored by a committee.

As you and Members are aware, Wednesdays are preserved for Private Members' Bills and Motions. This rightly places the House to consider moving that Private Members' business of today and replace with businesses in Order 9, 10, 11 in today's Order Paper. That is to enable us dispense of the very important business that is ahead of us, owing to the fact that we are proceeding to recess from tomorrow. It is only important that we finish the very other important business ahead of us.

I beg to move and request the Hon. Chairman of the Committee on Delegated Legislation, Hon. Chepkong'a, to second.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Chepkong'a.

**Hon. Samuel Chepkong'a** (Ainabkoi, UDA): I thank you, Hon. Temporary Speaker. I rise to second what the Whip of the Majority Party has moved.

It is a very important Motion in the sense that we will lose certain businesses if we do not agree. On Friday, precisely at 12 O'clock, we have the Standard Gauge Railway (SGR) train journey. That is the Speaker's Special Train. We must dispense of this business so that we can go with the Speaker's train on Friday at 12 O'clock, without missing. It is very important.

As you know, we have the East African Community Inter-Parliamentary Games. I thank Hon. Osoro. He has been very active in visiting Mbaraki Stadium. He has ensured that the tartan turf has been fixed. In fact, he ensured that it was flown from Spain to Mombasa. I just saw the video this morning. The turf has now been laid. I can assure you that we have gone to other East African Games and that stadium will be the only one where participants run on brand-new tartan. This elevates Kenya to number one in the East African region. Others must follow.

I support.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Chepkong'a, I hope the performance will be as good as the facilities.

*(Question proposed)*

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

*(Question put and agreed to)*

Next Order.

## MOTION

CONSIDERATION OF SENATE AMENDMENTS TO THE  
STATUTORY INSTRUMENTS (AMENDMENT) BILL  
(National Assembly Bill No.2 of 2023)

THAT, the Senate amendments to Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) be now considered.

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*(Moved by Hon. Kimani Ichung'wah on 3.12.2024 – Afternoon Sitting)*

*(Debate concluded on 3.12.2024 – Afternoon Sitting)*

*(Question put and agreed to)*

Next Order.

## **BILLS**

### *Second Readings*

THE TAX LAWS (AMENDMENT) BILL  
(National Assembly Bill No.47 of 2024)

*(Moved by Hon. Kuria Kimani on 3.12.2024 – Afternoon Sitting)*

*(Debate concluded on 3.12.2024 – Afternoon Sitting)*

*(Question put and agreed to)*

THE PERSONS WITH DISABILITIES BILL  
(Senate Bill No.7 of 2023)

*(Moved by Hon. Alice Ng'ang'a on 3.12.2024 – Afternoon Sitting)*

*(Debate concluded on 3.12.2024 – Afternoon Sitting)*

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, for the convenience of the House, we shall defer putting of Question under Order No.12. We will revert back to Questions and Statements under Order No. 7. Before that, I have a Communication to make under Order No.2.

*(Putting of the Question deferred)*

## **COMMUNICATION FROM THE CHAIR**

WITHDRAWAL OF SPECIFIC PROVISIONS IN THE  
BUSINESS LAWS (AMENDMENT) BILL

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, this is a Communication regarding the withdrawal of specific provisions contained in the Business Laws (Amendment) Bill, (National Assembly Bill No.49 of 2024), which we will consider shortly in the Committee of the whole House.

As you may be aware, the Business Laws (Amendment) Bill, (National Assembly Bill No.49 of 2024), was published vide Kenya Gazette Supplement No.195 of 1<sup>st</sup> November 2024 to effect various amendments to nine statutes. The Bill, which is sponsored by the Leader of

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the Majority Party, was read a First Time on 13<sup>th</sup> November 2024. Thereafter, the Bill was referred to the Departmental Committee on Trade, Industry and Co-operatives and the Departmental Committee on Finance and National Planning for consideration of relevant provisions in accordance with their respective mandates, with the lead Committee being the Departmental Committee on Finance and National Planning.

The Departmental Committee on Finance and National Planning tabled the Report on the Bill in the House on Monday, 2<sup>nd</sup> December 2024.

Thereafter, the Bill was considered and passed by the House at Second Reading on Tuesday, 3<sup>rd</sup> December 2024 and committed to the Committee of the whole House. Indeed, as you may have noticed on today's Order Paper, the Bill is scheduled for consideration in the Committee of the whole House under Order No.14.

Hon. Members, before the House proceeds to consider the Bill in the Committee of the whole House, I wish to notify you that I have since received a request from the sponsor of the Bill, the Leader of the Majority Party, vide a letter dated 2<sup>nd</sup> December 2024, seeking my consent for the withdrawal of the proposed amendments relating to the Scrap Metal Act, Cap.503 as contained in the Bill. They seek to alter the composition of the Scrap Metal Council. In the letter, the Leader of the Majority Party notes that the House recently passed the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No.67 of 2023), which included amendments to the Scrap Metal Act, Cap.503. In passing the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No.67 of 2023), the House amended the very same provision that is now contained in the Business Laws (Amendment) Bill, 2024 and referred it to the Senate for consideration.

According to the Leader of the Majority Party, it will be untidy to consider amendments to Section 4 of the Scrap Metal Act, Cap.503 while the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 67 of 2023), awaits the consideration by the Senate. Having considered the justification by the Leader of the Majority Party, I have acceded to his request to withdraw the provisions relating to the Scrap Metal Act, Cap.503 as contained in the Business Laws (Amendment) Bill, (National Assembly Bill No.49 of 2024). In this regard, the Bill will, therefore, be proceeded with in the Committee of the whole House without reference to the withdrawn provisions. It will be considered as though the withdrawn amendments were not part of the Bill *ab initio*.

I thank the Leader of the Majority Party for being hawk-eyed in ensuring the effective processing of legislation, especially during this hectic period before we proceed on recess. The House is accordingly guided. We go back to Order No.7.

## QUESTIONS AND STATEMENTS

### REQUESTS FOR STATEMENTS

**The Temporary Speaker** (Hon. Martha Wangari): The first request for statement will be by the Member for Dagoretti North as annexed in the Order Paper, Hon. Beatrice Elachi. If she is not in the House, it is dropped.

*(Request for statement dropped)*

The next request for statement is by Hon. Wanjiku Muhia.

CONNECTION OF A TRANSFORMER DELIVERED TO  
KIPIPIRI TECHNICAL AND VOCATIONAL COLLEGE

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Energy regarding the connection of a transformer delivered to Kipipiri Technical and Vocational College in Kipipiri Constituency. In February 2024, the Kenya Power delivered a transformer to Kipipiri Technical and Vocational College as part of the electrification efforts in the constituency. Despite the progressive step, the transformer is yet to be connected to the grid. This has severely impeded the institution's ability to run critical training programmes, particularly those requiring electrical equipment and modern technology.

Furthermore, that situation has hindered the college from achieving its objective of equipping young people with skills necessary to compete in the job market. It is worth noting that technical and vocational training institutions play a pivotal role in fostering innovation, entrepreneurship and individual growth. Lack of power supply, therefore, undermines not only the development of Kipipiri Technical and Vocational College, but also the broader national agenda of advancing technical education and addressing youth unemployment.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Energy on the following:

1. Provide reasons for the delay in connecting the transformer at Kipipiri Technical and Vocational College to the grid thus hindering the access to power by the college and adjacent community too.
2. Indicate timelines for the connection of the transformer to the grid for the college to benefit from that critical infrastructure.
3. To indicate measures that have been put in place to ensure that such delays are avoided in future.

Hon. Temporary Speaker, I note that we have constrained time, and we are ending this session on Friday. That transformer was delivered in February. The school closed in April, August and December. I request you to guide the Chairman to ensure that it is connected by January.

**The Temporary Speaker** (Hon. Martha Wangari): I can see the Chairman of the Departmental Committee on Energy in the House. Can he give an undertaking?

**Hon. Vincent Musau** (Mwala, UDA): Hon. Temporary Speaker, if you allow me, I have the answer to this Question. I can give the response. The response from the Ministry will just be procedural because I have had a discussion with the Ministry as well as the Kenya Power and Lightning Company (KPLC) on the same issue.

Currently, the technical college is served by a 200kVA transformer that also serves the community. The KPLC has made an undertaking.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kawayu, Chairman of the Departmental Committee on Energy, do you have a written response?

**Hon. Vincent Musau** (Mwala, UDA): No. But, Hon. Temporary Speaker, you remember the substantive Speaker ruled that we do not have to wait for a written response if we have the answer. We must really understand our Ministry. I do not need to have a written response for me to comfortably respond to this particular request for statement.

I want to confirm to the Member that the transformer will be installed on Friday, which is the day after tomorrow.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wanjiku, is that satisfactory enough?

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Temporary Speaker, I appreciate the Chairman. I beg other chairpersons to work promptly as Hon. Kawayu.

**The Temporary Speaker** (Hon. Martha Wangari): They should be equally efficient.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): They should be as efficient as such. I know the residents of Kipipiri, especially those within Mawingu, will go for the Christmas season feeling very happy.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. That is very well done. Member for Noth Horr, Hon. Wario.

STATUS OF CONSTRUCTION OF SEGEL-MAIKONA  
ROAD IN NORTH HÖRR CONSTITUENCY

**Hon. Adhe Guyo** (North Horr, KANU): Thank you, Hon. Temporary Speaker. Pursuant to Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the status of construction of the Segel-Maikona Road that is connecting Saku and North Horr constituencies.

Hon. Temporary Speaker, on 17<sup>th</sup> August 2022, the construction of the Segel-Maikona Road commenced under Contract KeNHA/RD/D/3637/2022, which was awarded to M/S Zhongmei Engineering Group Limited and Midland Construction Company Limited at a cost of Ksh7,836,751,654.30.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members. Hold on, Hon. Wario. The consultations are too loud. Kindly, let us maintain some decorum. Continue, Hon. Wario.

**Hon. Adhe Guyo** (North Horr, KANU): Thank you. This 74.3-kilometre infrastructure project was initiated to improve road connectivity in North Horr Constituency. However, in October 2023, the construction works were discontinued, with the contractor reducing operations and finally relocating equipment to other construction sites within the country.

North Horr Constituency is the largest constituency in Kenya and yet, it lacks a paved road infrastructure. The absence of tarmac roads continues to restrict mobility, particularly during rainy seasons, when existing roads become impassable for extended periods. This also impedes access to critical services including healthcare facilities, education and markets. Additionally, the delay in the construction affects the implementation timeline of multiple development initiatives in the region, including the KenGen Wind-power Project and the gas area.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure addressing the following:

1. Report on the status of the Segel-Maikona Road construction project, including the financial and administrative factors that have led to the delay in construction.
2. Interventions by the Ministry to ensure the completion of that road infrastructure, including the revised project implementation schedule, with specified completion dates.

The Temporary Speaker (Hon. Martha Wangari): This request for statement is directed to the Departmental Committee on Transport and Infrastructure. Hon. GK, are you as efficient as Hon. Kawaya? Do you have the response?

Hon. George Kariuki (Ndia, UDA): I do not have the response right now. However, if I am given time, I will respond as soon as we get back.

The Temporary Speaker (Hon. Martha Wangari): After how long?

**Hon. George Kariuki** (Ndia, UDA): After recess.



**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wario.

**Hon. Adhe Guyo** (North Horr, KANU): Hon. Temporary Speaker, this issue has been raised severally. We also had discussions with His Excellency the President and the Ministry. Therefore, I really need this issue to be sorted out and probably be responded to by tomorrow. It is a factor that affects the people of North Horr Constituency.

**The Temporary Speaker** (Hon. Martha Wangari): I will commit it to the Committee. Hon. GK, you realise we are taking a long recess. If you can do it before, the better. But it has to be satisfactory.

**Hon. George Kariuki** (Ndia, UDA): We only have a day, Hon. Temporary Speaker. However, if he requires the response within one day, we will do our best. We can give some little information on the same.

**The Temporary Speaker** (Hon. Martha Wangari): Do your best to get it before we break for recess.

We have some responses from some committees and the first one is the Question by Hon. Aden Wario, which is to be responded to by the Chairman of the Departmental Committee on Agriculture and livestock. Before we go to the responses, there is a request for statement by Hon. Ariko, who is not in the House. He is committed elsewhere, but he has delegated Hon. Joshua Oron, to request for the statement.

#### SETTLEMENT AND LAND TENURE FOR SQUATTERS IN BOMA SLUMS AND OL-JORAI FARM

**Hon. Joshua Oron** (Kisumu Central, ODM): Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker, this is request for a statement regarding the settlement and land tenure for squatters in Boma Slums and Ol-Jorai Farm. I am asking it on behalf of Hon. Ariko Namoit, Member of Parliament for Turkana South Constituency.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Lands regarding the re-settlement of squatters in Boma Slums in Eldoret and Ol Jorai Farm in Naivasha.

Marginalised communities across the country, including the Turkanas, have historically faced severe challenges in accessing secure and equitable land ownership rights. Article 40(3) of the Constitution guarantees every person the right to property and protection against deprivation of property or any interests in land. Despite this constitutional entitlement, many marginalised communities continue to face considerable barriers to secure land ownership, especially those that are located in Boma Slums in Eldoret and Ol Jorai Farm in Naivasha, Nakuru County.

The issue of land insecurity continues to undermine the well-being and social stability of the affected communities. In the case of Ol Jorai Farm, its ownership has been in dispute for over forty years, resulting in loss of life, property and even disruption of peace. As the tussle continues to drag on, the marginalised communities who were settled on the land by the Government risk being displaced. It is, therefore, essential that the land tenure rights of such marginalised communities are protected, and the principles of equity as enshrined in the Constitution are upheld.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Lands on the following:

1. A comprehensive report on the demarcation of Ol Jorai Farm indicating when title deeds will be issued to the minority communities such as the Turkanas, who have been settled on the land for over forty years.

2. The measures that have been put in place to ensure that the minority communities in Boma Slum and Ol Jorai Farm are consulted on any decisions that are taken on the said parcels that affect their livelihoods.
3. The steps being taken by the Government to resolve the long-standing land ownership dispute over the Ol Jorai Farm and the mitigation measures that have been put in place to ensure timely and lasting resolution of the dispute.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Let me just notify the House that Ol Jorai Farm is in Gilgil Sub-county. Some Hon. Members, including the Member for Narok East Constituency, have come to me because I had raised the issue yesterday, 3<sup>rd</sup> December 2024, as a Petition. This is a request for statement that also has its own life. Therefore, it will be committed to the Departmental Committee on Lands.

We will now go to the response to the request for statements on food crises in arid and semi-arid areas by Hon. Adhe Wario. The Departmental Committee on Agriculture and Livestock. Hon. Brighton.

## RESPONSE TO STATEMENTS

### FOOD CRISIS IN ARID AND SEMI-ARID LANDS

**Hon. Brighton Yegon** (Konoin, UDA): Thank you very much, Hon. Temporary Speaker. Pursuant to Standing Order 44(2)(c), Hon. Adhe Wario requested for a statement on 18<sup>th</sup> September 2024, regarding the perpetual food crisis in arid and semi-arid lands in Kenya. The Ministry of Agriculture and Livestock Development responded as follows to the issues raised in the Statement.

First, is on the plan on how the Government intends to leverage on demonstrated capacity of transformative projects in technology, water and large-scale infrastructure projects to prioritise food security and enhance the dignity of the population in North Horr and of ASAL regions in Kenya. The Ministry of Agriculture and Livestock Development, in collaboration with various stakeholders through the holistic approach of transforming food security, has put in place a number of strategies to tackle food insecurity in ASAL areas, guided by the Agriculture Sector Transformation and Growth Strategy (ASTGS). The Ministry is focussing on three key outcomes; namely, increasing small-scale farmer incomes, boosting agricultural output and value addition, and strengthening household food resilience. The key initiatives supporting the transformation of food systems include promoting sustainable farming practices and investing in irrigation and water management systems to mitigate the sector's vulnerability to drought.

The initiatives include the Food System Resilient Project (FSRP), which was initiated in March 2024, and is supposed to support the development and rehabilitation of water structures for increased water and livestock irrigation, livestock breeding and feedlots, demonstration of light in schools, institutions, market infrastructure like hay stores, production aggregation centres and roll out agri-preneur model that involves on-boarding of business accelerators and agri-preneurs in all wards.

There is also an enhanced water infrastructure. The National Irrigation Authority has built about 35,000 water pans across 31 counties, including the ASAL counties, and it is also rehabilitating small dams and water pans. The water pans can irrigate up to 48,000 acres.

There is also the Emergency Locust Response Project (ELRP). The first phase of the project was to respond to the threat to the livelihood posed by the outbreak of desert locusts and strengthening systems of infestation preparedness that impacted the ASAL counties. The second phase is supporting communities to regain their lost livelihoods. The key interventions in this phase are the provision of assorted crops and livestock input packages for individuals,

provision of emergency livestock feeds, provision of tracking water communities and human use, strategies supporting the treatment for livestock, improve pasture production, storage sheds and development and rehabilitation of water pans and boreholes.

There is also the digital extension service. The Ministry has rolled out the e-extension service to ensure the dissemination of agricultural technologies. The e-extension service is aimed at reaching out to over 7 million farmers. Through the various apps, farmers can get real-time access to information, weather updates and market prices for support of crop production, manage their farms and connect with the buyers and suppliers.

There is also the promotion of drought-tolerant crops. The Ministry is collaborating with county governments in promoting drought-tolerant crops like green grams, cow peas, pigeon peas, millet and dry land maize in both ASAL and non-ASAL counties. The ASAL counties received 395 metric tonnes of assorted relief seeds like rice, maize, beans, green grams and cow peas worth Ksh91,622,000. The target counties were Makueni, Machakos, Meru, Tharaka–Nithi, Kitui, Lamu, Isiolo, Wajir, Bungoma, Kakamega, Taita Taveta, Tana River, Mandera, Garissa, Marsabit, Baringo, Kwale, Nandi, Siaya, Laikipia, Kisii and Elgeyo Marakwet.

The assorted tree seedlings like avocado, mango, macadamia, coconut and cashew nuts worth Ksh524,770,000 were distributed to both ASAL and non-ASAL counties. The beneficiary counties were Embu, Meru, Kiambu, Lamu, Kilifi, Makueni, Kitui, Baringo, Bomet, Marsabit, Wajir, Laikipia and Samburu.

On access to financial services and credit, the Government, in collaboration with the private sector, has made significant strides in enhancing agricultural productivity through access to credit programmes like the *Kilimo* Biashara Programme, which provides low-interest loans to farmers, thus facilitating access to necessary inputs like seeds, fertiliser and equipment. There is also the crop and livestock insurance programme. The programme has benefited 16 counties including Kitui, Makueni, Tharaka–Nithi, Samburu, Marsabit, Kwale, Machakos, Embu, Mbeere North, Mbeere South and Meru. About 200,000 smallholder farmers have benefited.

Question No.2 sought an explanation as to why the Government allocates substantial resources for relief food annually, but minimal or no resources for specific measurable, achievable, realistic and time-bound smart food security programmes in ASAL regions.

The Government has been allocating substantial resources to relief food for food security programmes in ASAL regions. The Ministry has allocated resources to various programmes that are geared towards addressing food security in ASAL regions. However, there is no allocation of resources to mitigate risks that are associated with food and nutrition crises. The Ministry is spearheading the development of a national preparedness plan for the food and nutrition crisis in collaboration with stakeholders.

Response number three is a comprehensive report on all food security and drought resilient projects with corresponding budgets by both the Government and donor-funded projects that have been implemented or are ongoing in North Horr Constituency, and other ASAL regions. The Government approved funds for payment of salary arrears for employees of State-owned sugar companies. However, the funds are yet to be released due to lack of Exchequer. The funds will be released as soon as the money is available.

Response to question four is a comprehensive report on the status of sourcing a strategic partner to invest in the restoration of the company to profitability, hence improving the welfare of smallholder sugar-cane farmers and employees of Sony Sugar Company.

**The Temporary Speaker** (Hon. Martha Wangari): Hold on, Hon. Brighton. That is the next Statement. You have finished the first one. Let us hear from Hon. Wario as to whether he is satisfied. Take your seat, Hon. Brighton.

**Hon. Adhe Guyo** (North Horr, KANU): Thank you, Hon. Temporary Speaker. I have listened to the response by the Ministry, but the responses are inadequate and not satisfactory. Year-in, year-out, billions of shillings have been allocated for ASAL areas, especially for food security. However, every second year when we experience drought, we lose millions of livestock. People also die. The interventions that have been planned are not reflecting on the ground as supporting communities to transition from doses of relief food to food security.

I strongly feel that the amount of resources allocated is not translated on the ground. It is not meeting the needs of the people in ASAL regions. I request that the Ministry gives us concrete plans and strategies, with timelines, on when pastoralist communities in the ASAL areas will be made to stand on their own and produce their food. The ASALs possess immense land and water that can feed this country. Instead of always giving us food, the Government needs to invest in infrastructure and food security so that pastoralist communities can produce their own food.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Brighton.

**Hon. Brighton Yegon** (Konoin, UDA): Sorry, there was a mix-up regarding the responses to questions no.3 and no.4. I think he asked for a comprehensive report on food security and drought-resilient projects. My response to...

**The Temporary Speaker** (Hon. Martha Wangari): Are you confirming that you have not responded to question no.3?

**Hon. Brighton Yegon** (Konoin, UDA): Yes, I have not responded to questions no.3 and no.4. I do not have the request for a statement. I only have the response to Questions No.1 and No.2. I do not know if there were Questions No.3 and No.4 in the request for a statement. I can only see a continuation on the sugar issue.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wario, the issue of South Nyanza Sugar Company is totally different. It is a request for a statement by Hon. Owino.

**Hon. Adhe Guyo** (North Horr, KANU): Hon. Temporary Speaker, it is not mine.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wario, can you confirm whether all the questions have been responded to? The clarification you sought was on the allocated funds.

**Hon. Adhe Guyo** (North Horr, KANU): Hon. Temporary Speaker, firstly, the issue of sugar was not my question. Secondly, if you look at the allocations over the years, what is implemented on the ground is not commensurate. Most of the projects that have been mentioned in the detailed response do not exist. They have indicated billions of shillings are allocated for food security projects, but people in the ASALs are always facing perpetual food crises. They are dying and their livestock has perished and yet, no restock has been done by the Government. I strongly feel the response is inadequate and insufficient.

**The Temporary Speaker** (Hon. Martha Wangari): We want to make progress. Hon. Brighton, the Member is asking about the strategies the Ministry has put in place.

**Hon. Brighton Yegon** (Konoin, UDA): We requested the Ministry to give us all the ongoing projects and programs in the ASAL region, like the Emergency Locust Response Program (ELRP). We want to see which constituencies have benefitted and which programs are being implemented. That is why we invited the Ministry because previously, there was a similar question. We will combine both questions and bring a proper response.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Going forward, ensure you call the Member who has requested for a statement. Hon. Wario should attend the meeting so that he can seek further clarification. This will help him a lot.

Next response to statement.

REVIVAL OF SOUTH NYANZA SUGAR COMPANY AND  
OTHER STATE-OWNED SUGAR MILLS FACTORIES

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**The Temporary Speaker** (Hon. Martha Wangari): Let us have the Chairman of the Departmental Committee on Agriculture and Livestock.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I stand pursuant to Standing Order 44(2)(c) to respond to a request for a statement by Hon. Walter Owino on 14<sup>th</sup> November 2024 regarding the revival of South Nyanza Sugar Company (Sony Sugar) and other State-owned sugar factories.

The Ministry of Agriculture and Livestock Development responded as follows:

On the outline are the plans that have been put in place by the Ministry to urgently procure new crushing equipment for Sony Sugar Company to replace the old one, which was acquired in 1979 and now requires Ksh400 million for maintenance to keep it operating.

The response from the Ministry is that, there is no plan by the Government to buy new crushing equipment for the company. Plans are underway to lease the company and the other four Government-owned sugar milling companies. The leasing of the mills will inject private sector capital that will be used to both modernise the mills and restore efficiency.

The second issue was the immediate and long-term strategies the Government plans to implement to curb the frequent equipment breakdown, which heavily impacts the company's output and results in low production and morale among workers and farmers. The response is that the recently enacted Sugar Act No.11 of 2024 provides for a Sugar Development Levy. The Act appropriates 15 per cent of the levy for factory development, rehabilitation and maintenance. Sony Sugar Company will be able to access the funds to facilitate rehabilitation and factory maintenance.

The third issue was why there has been a delay in paying the outstanding salary arrears of Ksh800 million for Sony Sugar Company workers who, in the past, have endured various economic hardships and poor working conditions at the factory. The response is that the Government approved funds for the repayment of salary arrears to employees of State-owned sugar companies. However, the funds have not yet been released due to lack of Exchequer. They will be released as soon as money is available.

The fourth issue was to be provided with a comprehensive report on the status of sourcing strategic partners to invest in the restoration of the company to profitability, hence improving the welfare of the small-holder sugar farmers and the employees of Sony Sugar Company. The response is that the Cabinet approved the write-off of debts owed by State-owned companies in July 2023 and adopted the leasing model.

Parliament approved the write-off of the debts, payments of suppliers, farmers, employees and arrears in September 2023. The leasing model was adopted, and the tender documents were prepared for a request for a proposal to be dealt with by the Ministry of Agriculture and Livestock Development. The request for proposal was floated with a closing date of 29<sup>th</sup> February 2024. The process was, however, stalled due to a petition filed in court by Mr. Martin Nyongesa Barasa, citing lack of public participation in the leasing model. Hon. Justice Chacha Mwita granted stay orders. The matter has been heard, and the ruling will be delivered on notice.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Awendo.

**Hon. Walter Owino** (Awendo, ODM): Thank you, Hon. Temporary Speaker. I have gone through the response as read by Hon. Dr Mutunga. However, I am not satisfied, especially with the issue of payment of salary arrears. They indicated they had requested for money from the National Treasury, and are still waiting for it. They have not given us an indication of when that money will likely be released or paid to farmers, considering that the farmers have been waiting for it for over five years. I think it would be important to get an indication of when those monies will be released, instead of telling us that they requested the Exchequer and are

still waiting for it. On the issue of leasing or rehabilitation of those factories, let us wait for the court ruling, which they said will be coming soon.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dr Mutunga, do you know when?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Hon. Temporary Speaker, the Ministry said that the money was apportioned but it was not released. So, they do not have the Exchequer. This is a going concern and not something they can give a definite date. I am not defending the Ministry. I will forward the request to the Ministry to expedite the push for the release of the Exchequer so that they can pay the workers.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Awendo.

**Hon. Walter Owino** (Awendo, ODM): Thank you, Hon. Temporary Speaker. I do not know whether it is possible to get an indication of when Hon. (Dr) Mutunga will effect this because without a timeline or a time frame, it is very difficult. I do not know what I will tell the workers who have been waiting for payment of their salary arrears for years - that they are waiting for the Exchequer. We need to know. We are talking about salaries for services that have already been rendered. Is it possible to know when the Exchequer will release the funds?

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Chairman, do you have anything more useful to add?

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): I may not be able to answer that question competitively. Only the Ministry can tell us.

**The Temporary Speaker** (Hon. Martha Wangari): I suggest that you consult the National Treasury and get back to the Member as soon as possible, considering that we are going for a long recess by tomorrow afternoon.

The next request for statement is about the status of the construction of Cheborge Junction – Kipwasituiya Market Road and the Sotik-Silalo Road by Amb. Sigei. Chairman Departmental Committee on Transport and Infrastructure.

#### STATUS OF CONSTRUCTION OF CHEBORGE JUNCTION – KIPWASITUIYA MARKET ROAD AND SOTIK-SILALO ROAD

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Temporary Speaker. I rise to respond to the statement request by Hon. (Amb.) Sigei. On Thursday, 2nd October 2024, the Member for Sotik, Hon. Sigei Francis arap Kipyegon MP, requested for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the un-marked bumps along the Cheborge Junction - Kipwasituiya Market Road and Sotik-Silalo Road.

In the request for statement, the Member for Sotik sought to establish, among other things:

1. The challenges experienced by the project led to prolonged delays in completing the upgrading of the said road.
2. Whether the full contract sum for the project was paid to the contractor and the justification for payment despite the project being incomplete.
3. An update on when the contractor will resume the works and the expected timeline for completion of the road, considering that the Sotik-Silalo section is impassable.
4. The measures being taken by the Ministry of Roads and Transport to ensure that value for money is obtained with respect to the project without causing

significant inconveniences to the locals and alternative measures for the impassable sections of the road.

The Committee received a response from the Ministry of Roads and Transport through the Clerk of the National Assembly, which I now wish to present.

With regard to the challenges experienced by the project leading to the prolonged delay in the completion of the upgrade of the said road, the Ministry acknowledges that the project for upgrading to bitumen standard and maintaining Cheborge Junction has suffered prolonged delays. The 18-month project, which commenced in August 2021, was intended to be completed in March 2023, but has since lasted 38 months. That is a 211 per cent time lapse. The main reason for the delay in the completion of the project is the inadequate financial capacity of the contractor, namely MSQ Construction Company Limited.

Concerning whether the full contract sum for the project was paid to the contractor and the justification for payment despite the project being incomplete, the contractor has so far been paid his advance payment amounting to Ksh59 million and is contractually obligated. He has since not raised another certificate for processing and has consequently not been paid any further amount.

Regarding the update on when the contractor will resume the works and the expected timeline for completion of the road, considering that the Sotik-Silalo section is impassable, the Ministry, through Kenya Rural Roads Authority (KeRRA), served the contractor the requisite notice of slow progress in August 2022, thereby commencing the process of terminating the contract due to non-performance. Furthermore, the agency has convened a management meeting with the contractor to identify ways through which the works of the project can be fast-tracked and completed in the shortest time possible. To this end, the contractor shall be further required to provide a detailed work schedule with clear timelines for the completion of the project. In the event that there is no immediate improvement in progress, KeRRA shall invoke the relevant contractual clauses and initiate mutual termination of the contract to repackage the remainder of the works to form a new contract and proceed to identify a contractor through a competitive procurement process.

With regard to the measures being taken by the Ministry to ensure that value for money is obtained with respect to the project without causing significant inconveniences to the locals and alternative measures for the impassable section of the road, the Ministry commits to ensuring that all work on the road adheres to acceptable engineering standards without fail to guarantee value for money at the project. This shall be through existing contractual and administrative controls that are designed to ensure the requisite quality is upheld.

Regarding maintenance, the contractor is under instruction to maintain the entire road ahead of works and shall be tasked to prioritise ensuring the road is passable in the immediate term.

I submit.

**The Temporary Speaker** (Hon. Martha Wangari): Amb. Sigei, is that satisfactory?

**Hon. Francis Sigei** (Sotik, UDA): Hon. Temporary Speaker, I appreciate the answer from the Departmental Committee on Transport and Infrastructure Chairman, but it has fallen far short of my satisfaction. Since 2022 is a very long time, and nothing has happened. The people are suffering. People coming from Cheborge area to Sotik have a big problem. We have had breakdowns of vehicles that are passing through that route, and there is a lot of wear and tear on the owners of vehicles on that road. Even passing there on foot is a big problem. I request the Chairman to give me more information, especially on what he has said, that the contractor has been instructed to continue maintaining the road. Nothing is going on. The road has never been maintained. It is in a bad state, and I would like to know what can be done so that the people can pass there and do their business.

**The Temporary Speaker** (Hon. Martha Wangari): Chairman.

**Hon. George Kariuki** (Ndia, UDA): I agree with the Hon. Member. Here, we are dealing with a crooked contractor who has been paid money to commence the work on the project, but has not done what is expected of him. We will do our best to ensure that, that contractor either pays back the money to KeRRA or does what is expected of him.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): There are always contractual responsibilities. Hon. Ambassador, the Chairman has committed that it will either be terminated or the person has to come to the ground. I would ask that the Chairman takes it up to expedite from the Ministry so that you can lessen the suffering of Amb. Sigei's people. Amb. Sigei, do you still have something else to ask?

**Hon. Francis Sigei** (Sotik, UDA): Hon. Temporary Speaker, I am satisfied. But I want to know how people can be passing there comfortably. It is in a bad state.

**The Temporary Speaker** (Hon. Martha Wangari): Do you have any mitigation, Chairperson?

**Hon. George Kariuki** (Ndia, UDA): Hon. Temporary Speaker, it is said that Government exists to do the greatest good to the greatest number of its people. We will ensure that the greatest good is done for the great people of Sotik. We will do our best as a Committee to help.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, we are done with Statements. We will go to the next Order.

### SPECIAL MOTION

**The Temporary Speaker** (Hon. Martha Wangari): This Motion will be moved by the Vice-Chair of the Departmental Committee on Justice and Legal Affairs, Hon. Eckomas Mutuse.

#### CONSIDERATION OF A NOMINEE FOR APPOINTMENT TO THE ETHICS AND ANTI-CORRUPTION COMMISSION

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker. I rise to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for appointment as the Secretary and Chief Executive Officer of the Ethics and Anti-Corruption Commission, laid on the Table of the House on Tuesday, 3<sup>rd</sup> December 2024 and, pursuant to Article 250(12) of the Constitution and section 16(1) of the Ethics and Anti-Corruption Commission Act (Cap 7H), as read together with sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, (Cap 7F), this House approves Mr Abdi Ahmed Mohamud, MBS, for appointment as the Secretary and Chief Executive Officer of the Ethics and Anti-Corruption Commission.

The nominee, Mr Abdi Mohamed Mahmoud, appeared before the Departmental Committee on Justice and Legal Affairs and the Committee is satisfied that he was recruited through an open, transparent and competitive process in accordance with the relevant provisions of the law. The Committee is equally satisfied that the nominee meets all the constitutional and statutory requirements, in particular, on citizenship, leadership, ethics and integrity and tax compliance.

**Hon. Rahim Dawood** (North Imenti, Independent): On a point of order, Hon. Temporary Speaker.



**The Temporary Speaker** (Hon. Martha Wangari): Hon. Rahim, what is out of order? Hold on Hon. Mutuse.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I would want the Vice-Chairperson to repeat the name because he has read the wrong name which is not in the Order Paper.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Mutuse, unlike the other time you were moving a Motion to remove someone from office, this time you are putting someone into office. So, be factual.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): I am not sure the Member was listening. I read the name of Mr Abdi Ahmed Mohamud, and that is what is in the Order Paper.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Rahim, it is not Mohamed. It is Mohamud as in the Order Paper.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): In case of any doubt, the nominee who was vetted by the Committee and whose name is in the Order Paper for approval by the House is Mr Abdi Ahmed Mohamud, MBS.

**The Temporary Speaker** (Hon. Martha Wangari): Continue, Hon. Mutuse.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): The Committee is satisfied that the nominee was recruited through the correct statutory procedure. He was recruited openly, transparently and competitively. Therefore, he satisfies the relevant provisions of the law. The Committee is equally satisfied that the nominee meets the constitutional and statutory requirements for appointment to the position of Chief Executive Officer of the Ethics and Anti-Corruption Commission (EACC). In particular, he meets the provisions of the Constitution on citizenship, leadership, ethics and integrity, tax compliance, as well as obligations under the Higher Education Loans Board (HELB). We are also satisfied that the nominee has the relevant abilities, experience, qualities and meets the needs of the office to which he has been nominated.

For the benefit of Members, the nominee has worked at the Ethics and Anti-Corruption Commission for the last 19 years, occupying different positions as a Senior Investigator, Director of Investigations and currently as the Deputy CEO. He is the first person to be nominated to be the CEO, while working at EACC. The rest have come from outside. In our questioning during the approval hearings, we were satisfied that he has the necessary qualities to take the war on corruption forward. He enumerated several achievements in terms of recovery of assets of about Ksh4 billion each year on cases that, as the Director of Investigations and the Deputy CEO, superintended all the way through the courts so that illegally acquired public assets are recovered.

We seek the House to approve Mr Abdi Ahmed Mohamud to be the next Secretary and CEO of EACC.

I call upon the Whip of the Majority Party, Hon. Member for South Mugarango, to second.

**Hon. Patrick Makau** (Mavoko, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Mutuse, hold on. Member for Mavoko, what is out of order?

**Hon. Patrick Makau** (Mavoko, WDM): Thank you, Hon. Temporary Speaker. When I was listening to the Mover, I did not hear him say how many persons applied for the position. He only spoke of that gentleman, who was the Deputy of the outgoing CEO.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Member for Mavoko, maybe, the Secunder will give that information and so, hold your horses.

Hon. Mutuse.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Hon. Temporary Speaker, there will be time for debate and the Member will voice any concerns he may have. Procedurally, it is

my time to move the Motion. The Motion gets seconded. You then open debate. In case there are any issues, they will be raised during the debate and we will be able to respond adequately.

**The Temporary Speaker** (Hon. Martha Wangari): I want to confirm that you can respond to the issues as you reply.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): As I reply, I will respond to those issues, with tremendous respect to the Member for Mavoko. He has been here for several years. I now call upon the Whip of the Majority Party, Hon. Osoro, to second.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Osoro.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. As I second, I wish to respond to my friend, the Member for Mavoko, that what is before us is the Report on the hearing that was done by the Committee for the nominee, a specific nominee. As you may be aware, the Committee does not conduct interviews for all candidates. There was a nominee before us and that is the person we are debating about their suitability to hold the specific office. To the question on other people who showed interest, which is in the public domain, there are other agencies that are mandated to do that. That is why we have the EACC Board chaired by Bishop Oginde, who submitted a nominee for vetting. That is the Report we are debating today.

I second this with tremendous respect. I support the Report of the Committee. The most important thing that should be stated is that there should be an element of motivation for junior officers whenever they work in public spaces. If you are a junior nurse or doctor in a hospital, your motivation is that someday you will rise through the ranks and become a CEO of the hospital. If there is no other reason that this House should support this candidate, this should be the only reason. If somebody finds no other reason, this should be the reason. Why?

That particular officer started as a career police officer and rose through the ranks. You all know that the responsibilities of a police officer are to investigate, arrest and take suspects to court. This nominee started as a junior police officer, joining the service in 1989, rising through the ranks up to 2005 when he moved to the Kenya Anti-Corruption Commission, now Ethics and Anti-Corruption Commission (EACC), as a Senior Officer in charge of Rapid Response Division, and rose through the ranks to become a Regional Manager in charge of the Coast Region, from 2005 and 2012.

This is a guy who has an institutional memory of the EACC, and from the tip of his fingers, he can highlight all the cases that are being handled by EACC. Even as we speak, the nominee is the Acting Director of investigations at the EACC. He has been serving in that capacity from 2012 to 2022. Honestly, what other motivation would you give a junior officer in the EACC other than promotion, or having him rise through the ranks to become the Chief Executive Officer (CEO) of that particular place? He should serve as the CEO and re-organise the structure because he knows the history and the facts of the office. There would not have been a better candidate to serve in that capacity.

We looked at his CV, history, and how he handles questions and answers. We also looked at his public relations and how he talks to people because an investigator is not just a commander; he also needs to have some very good public relations as they do investigations. We could not find any reason to deny that candidate an opportunity to serve the country.

Of importance is the fact that, that particular nominee has never been mentioned in any matter related to integrity. Serving under EACC comes with temptations. We all know that there are people around who are engaged in corruption. Police officers and investigative agencies have in the past been accused of taking bribes and money so that they can protect criminals and things like that. That is an officer who has served in his capacity as the Director of Investigation from 2012 to 2022 without a single complaint or any person raising any question on the integrity about his character. Serving as a Director of Investigation comes with

vast and immense responsibilities, where every file of serious financial and economic crimes falls on your table.

It is quite applaudable that in his capacity and 10 years of service, no one has come or raised a question in terms of his integrity. As we were doing this, we raised memoranda and invited Members to bring forth their challenges or complaints that they may have against the nominee, and not a single one was brought up on the issue of integrity or bribery. Nobody even complained that he was harassed when he was serving in his capacity. Honestly, we want to urge this House that if there is a nominee to help this country, it is him.

He is a person who speaks less but acts more. We have had a history under the EACC where we have had CEOs who talk too much, and do very little. You will see a lot in the EACC. We only want to urge him, going by the Presidential Address that His Excellency the President read here in the fight against corruption, now that EACC is independent, this House commits to allocating you more funds. Please, have several corrupt people arrested, whether governors, CEOs, cabinet secretaries or anyone who is involved in corruption. Have them arrested and tried. I wanted to comment on something, but let me not because there could be some interest.

Somebody raised an issue claiming that they have told him to arrest so-and-so, and he has not, and that he keeps walking with him. I do not want to say who, but what I am sure is that he will arrest all the corrupt officers and people who are engaged in matters of corruption.

With those many remarks, I request and urge this House to support this Report and approve the nominee. We have many pending businesses on investigation and corruption before the tables of EACC. Please approve that great gentleman and let him serve. Go ye and serve diligently.

I beg to second. Thank you very much.

*(Question proposed)*

*(Hon. Raphael Wanjala consulted loudly)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Wanjala! Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I want to thank the Committee for the vetting process and their Report. I have listened to the Mover and Secunder, and they have prosecuted their case well; more so the Secunder.

The way the Whip of the Majority Party has presented this case makes you imagine that he had known that gentleman for many years. I agree that it is important for the country to see those who have grown within the system being promoted. It gives them a lot of morale to work hard and hope knowing that one day, you can be the CEO of an institution if you have grown through the ranks.

What is very interesting about that particular officer is that he has been in the investigative department for many years. I know he knows what is supposed to be done. I want to share some statistics so that even as we approve that particular officer - because I have no problem with him taking over the position - we need to put some statistics out there so that he knows what to face in the near future.

The best way to test whether an institution is working is what Kenyans say about it. Every year, through Transparency International, we conduct what we call the Corruption Perception Index (CPI). The report comes out every year. Hon. Members, it is important for you to note the following:

The 2023 CPI for Kenya, where the range was from zero to 100, where zero means highly corrupt while 100 stands for very clean, Kenya scored 31 per cent out of that range, which is way below the half mark, which means we are in the class of highly corrupt.

Hon. Members, in terms of countries, Kenya was ranked 126 out of 180 countries. That is what it says about this institution. Corruption is a serious problem in many countries. It is serious because it diverts public resources to the pockets of very few people. In that case, we cannot grow the economy or address the issue of poverty. Mr Abdi Ahmed Mohamud is an insider who knows a lot. He needs to be aware of those statistics because, as he takes over, this House and Kenyans expect to see our country's Corruption Perception Interest (CPI) improving.

Whip of the Majority Party, we should note the baseline of where he is starting from to measure his performance in five or 10 years. In that way, we will be helping this country. I have no problem with him taking over the position, but I thought it was wise to share those statistics.

Lastly, we have seen some letters being exchanged between the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Public Prosecutions, which is not good for our country. We have been pushing for the EACC to get some prosecutorial powers for many years to investigate, arrest and prosecute the perpetrators. However, our Constitution does not allow that. That challenge needs to be addressed if we are to give "teeth" to the EACC.

With those many remarks, I support the appointment of Mr Abdi Ahmed Mohamud and wish him well as he improves those statistics.

I submit.

**The Temporary Speaker** (Hon. Martha Wangari): Major Bashir.

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Thank you, Hon. Temporary Speaker. First and foremost, I thank the Departmental Committee on Justice and Legal Affairs for the good and well-articulated Report.

At the outset, I support the approval of Mr Abdi Ahmed Mohamud as the CEO of the EACC. The candidate has worked at the EACC for a number of years. He has grown through the ranks to become the Deputy CEO of the same institution. That gives hope to many Kenyans that one can rise from the bottom all the way up and be recognised and appointed. Mr Abdi has previously served as an investigator. He has never had any integrity issues as he performed his duties. Mr Abdi is soft-spoken, but I know that he can bite.

I want to echo what other Members have said on the issue of the powers of the EACC to prosecute. I remember some time back, there were issues between the DPP and the EACC. The work of the EACC is to provide the DPP with files containing their investigative findings. That means they do not have prosecutorial powers. However, we need to remember that the EACC has recovered a number of properties over the years, whose value was to the tune of billions of shillings. That docket was under Mr Abdi Ahmed Mohamud.

I know that Mr Ahmed will be able to perform his duties as the CEO. He is an insider at the EACC. I am 100 per cent sure that he will be able to do his work very well. I want to urge this House to support individuals who have risen through the ranks in various institutions for promotion and appointment to various positions. We have previously made noise in this House about people being brought from other institutions to head certain institutions; about which they had no history or knowledge. Mr Abdi has vast knowledge of the EACC. Prior to this nomination, he was the Deputy CEO, just a heartbeat away from the CEO's position. That tells you that he performed very well as the Deputy CEO and can still perform as CEO.

With those few remarks, because I am sure many Members want to contribute, I want to urge this House to support the nomination of Mr Abdi Ahmed Mohamud as our next CEO of the EACC. I also urge him to do his work well and ensure that even with his soft-spoken nature, he fights corruption in this country.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kesses. If he is not in the House, let us have the Member for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Report of the Committee. The CEO of the EACC will fight corruption that is perpetuated by Kenyans of all origins. Let us not look at Mr Abdi as being from a certain region. We should not make the mistake of profiling people from certain areas. Let us look at Mr Abdi as a Kenyan who deserves to serve this country.

I am convinced beyond reasonable doubt that Mr Abdi has distinguished himself academically. I want to thank him because he has served as a constable and a cadet all the way up to the position of senior superintendent. He possesses a Master's Degree in Law. He has attended various leadership programmes in the world hosted by the Federal Bureau of Investigations (FBI) and Israel, just to name a few. He has brought out the image of what a real CEO of an institution like the EACC should be like.

I rise to support him because we are all fighting corruption. I am convinced beyond reasonable doubt that Mr Abdi has the experience. He has grown within the EACC and understands its operations. I did not come across any objections to his appointment when the vetting process was ongoing, stating that he was not qualified, had no experience, or would not succeed. I urge other Members to look at his appointment objectively. I saw Mr Abdi defending the position of the EACC. From an institutional point of view, we can trust him.

Corruption has really messed up our country. Mr Abdi knows the loopholes. I looked at the Report and saw that the Committee asked him many serious questions, particularly about areas he identified as key corruption loopholes in this country. I noticed that he came up with very serious strategies for fighting corruption. I urge the Members to facilitate, fast-track and approve Mr Abdi because a lot of work needs to be done at the EACC.

There has always been conflict between the DPP and the EACC. From what I have read in this Report, the nominee will work out a structure and relationship to reduce the conflict. Some time back, there was a conflict between the Directorate of Criminal Investigations (DCI) and the DPP. We do not want conflicts. The EACC is an independent commission. We trust it to fight corruption.

Somebody shouted and said we are giving that position to people from one region. I totally disagree with that statement, although it was not on record. We will not go in that direction. We want to give Kenya the best people. I believe Mr Abdi has the ability.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Umami Harun, Nominated Member.

**Hon. Umulkher Harun** (Nominated, ODM): Thank you for giving me the chance. I thank the Committee for the great work it has done in considering the candidate for the position of CEO of the Ethics and Anti-Corruption Commission (EACC).

I have followed the work he has done, having grown through ranks from the first time he joined the institution up to now. Coming from junior ranks to become a CEO or a head of an agency is very encouraging, even for the people who are working in other agencies. I appreciate the experience he brings to the institution, considering that he has institutional memory. If approved, I encourage him to ensure that all pending cases are executed with professionalism to give the support the country needs. I congratulate the CEO. I wish him all the best when this House approves him. We hope that many will benefit from his experience.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Adagala.

**Hon. Adagala Beatrice** (Vihiga County, ANC): Thank you for giving me the opportunity to speak about Mr Abdi who has been nominated. The Departmental Committee on Justice and Legal Affairs has vetted Mr Abdi to take over the leadership of the EACC. I was

in the Departmental Committee on Justice and Legal Affairs during the last Parliament when we vetted the outgoing CEO. He promised to do the exemplary work that I have seen him do. A lot of money, many assets and many other things have been recovered. I thank the Departmental Committee on Justice and Legal Affairs for vetting Mr Abdi and giving a good Report.

We are very sure that Mr Abdi will do a good job since he was the assistant of the outgoing CEO. He has been working with him. This is not an easy task. It will need dedication and a lot of his time. It will consume a lot of his family time and his friends' time. He has to work well for this country because corruption and other related cases are the ills that disturb us in this country. If this House approves him, we are very sure that he will do an exemplary job because he will pick from where the outgoing CEO has left and do more.

We have seen cases of many differences between the Office of the Director of Public Prosecution (ODPP) and the EACC. We hope they will work as one team to ensure that proceeds of corruption and other ill-gotten monies from corrupt means are recovered and that most cases are followed up and handled in a very good manner. I want to see the way he is going to work. He has risen through the ranks and this shows one can work in an organisation happily. That is when they are sure they can rise from a junior rank to the next level, including holding the position of CEO.

As a Kenyan and on behalf of the people who voted for me, I support this nominee. As he takes over, let him do exemplary work for Kenyans. Thank you. I support the Report by the Departmental Committee on Justice and Legal Affairs Committee.

**The Temporary Speaker** (Hon. Martha Wangari): Let us hear the father of the House, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): She is asking me to thank you. Thank you, Hon. Temporary Speaker. By tradition, you should have started with her.

**The Temporary Speaker** (Hon. Martha Wangari): You are out of order, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): I was just reminding you of the tradition.

*(Loud consultations)*

Can I have peace from my neighbours here?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, keep consultations to the minimum.

**Hon. Adan Keynan** (Eldas, JP): The history and evolution of the EACC has been turbulent and confusing. Luckily, the framers of the current Constitution decided to put it into perspective. Courtesy of the same Constitution, we now have a constitutional commission that is not at the direction of anybody. Only the Constitution directs the running of that organisation. In the past, the leadership of that commission has been dominated by people from academia and technocrats, all of whom have not been insiders of the Commission. Both their summative and formative performance is well known to the people of Kenya.

First, the current candidate meets all the constitutional requirements from Chapter 10 and Chapters 6, and Articles 77, 78, 108, 124, 232 and 250. The candidate meets all legal and educational requirements. According to his CV, the candidate is a practising lawyer. The candidate has a master's degree in security and a degree in public administration, meaning he is a go-getter. He has all the educational requirements. Also, the candidate has been subjected to public vetting and has gone through all the necessary vetting requirements. He has also been cleared by all critical investigative institutions.

It is consoling that this is the time the Commission and the appointing authority decided to reward professionalism and an insider - a person who has been part of the making of EACC. I think the institution lacked that. It now means that there is respect for professionalism. There

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are human resource phrases like vertical structure and horizontal structure in organisational structures. The candidate joined investigative agencies from being a cadet police officer all the way to an insider in the EACC. Today, he is the acting CEO. It is a remarkable journey. I thank the appointing authority and the panel that interviewed him for picking an insider. I hope that will translate into action.

On the face of it, the Kenyan society has been complaining. We, as leaders, need to appreciate the changing dynamics of the Kenyan face. Today, the social media effect is real to our governance platform. To anybody who wants to take the Kenyan community for a ride, we are not living in the past. The Kenyan society has changed. We must be part of changing realities. What are the changing realities? We have a highly well-informed society. As leadership, we must take that into account. We will be changed by force if we do not change. What are those changes? Everything that we used to hide under the carpets is now in public domain. Therefore, what is our responsibility as leadership? It is to make sure we align our thinking, behavioural activities and mandate with the changing realities of the people of Kenya.

I hope and pray that all of you will approve Mr Abdi because he has the competence. He has been an insider and meets professional qualifications. He has met every aspect of legal requirements. Having seen and reflected on the socio-economic and political dynamics of the Kenyan society, we need a neutral organisation that deals with corruption on its own platform. Not one that instigates politicians or any other person.

That is why I am happy that there are categories of leadership I describe as test-tube leaders. Such are manufactured in boardrooms but, this is a self-made technocrat. It means he sits on issues objectively, realistically, constitutionally and statutorily. Such issues will get the best consideration. What is the best consideration? Objectivity, professionalism and a legal mind that applies the law without fear, favour, any consideration or bias. I urge the House to wholeheartedly support this so that Mr Abdi takes that organisation to the next level.

What is the next level? It is a level where every Kenyan is subject to the direction of our constitutional requirement. It is where every Kenyan will get fair and objective treatment as dictated by the Constitution. With that, I support the approval of Mr Abdi Ahmed for appointment as the Chief Executive Officer (CEO) of the Ethics and Anti-Corruption Commission (EACC). I support the Report of the Committee and thank them for doing a good job within a very short time.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Rahim Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I join my colleagues in asking for the approval of Mr Abdi Ahmed Mohamud as the CEO of EACC. Many of my colleagues have called him Mr Mohamed, but it is Mohamud. They confuse Mohamud with Mohamed. But, that notwithstanding, he is qualified and should be in that office by right, being the current Deputy CEO. We are approving his appointment as the CEO.

We need to give EACC more teeth. I hope the Departmental Committee on Justice and Legal Affairs can bring an amendment to the laws, so that EACC can prosecute people. Recently, the Director of Public Prosecutions (DPP) withdrew a case right at the end. The EACC took a case to court, but the DPP withdrew it right at the end when one witness was left to testify. This is completely wrong. Many a time, the courts refuse to withdraw cases by DPP, when EACC is not comfortable. I hope Mr Abdi will pursue cases like Mr Twalib and work hard so that corruption suspects can be behind bars. The DPP should stop withdrawing cases. He should go to the legal conclusion so that this country can be corruption-free.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Leader of the Minority Party.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Temporary Speaker. I stand to support this Motion. I thank the Departmental Committee on Justice and Legal Affairs for a job well done. They have done a thorough job because their Report is very clear on what their mandate was. I have gone through the Report. They looked at every aspect that is required in a nominee.

*(Hon. Yussuf Farah and other Members consulted loudly)*

There is a Somali gathering here. I do not know what they are talking about in their mother tongue.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Wajir West, you look like the Chair of the *kamukunji*. Keep the consultations as low as possible.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, we are looking at the suitability of the nominee. Is he suitable for that job? Is he the right person? Does he have the right qualifications? Does he have the requisite papers to do the work? All those boxes were ticked by the Departmental Committee on Justice and Legal Affairs. Any other business here is a side-show. You do not get employment in Kenya because of the community you belong to. You get it on merit. You get it because you are qualified and you can do it. You get it because you are the right person to do it.

There were many applicants who applied for that job. There was a shortlist. There was a process that was followed. The job application was open to all Kenyans. Many of them applied. In the wisdom of the recruiting panel, they decided to shortlist and came up with his name. They sent it to the President who sent it to Parliament for vetting. This is the process of vetting. We are looking at the suitability of the person. He is suitable because from the Report of the Committee, it is very clear that he is a veteran investigator. It is somebody who has spent all his life investigating people and looking at corruption and criminal cases. Let us not derail that process. Let us not dismiss merit because of ethnic profiling and sensationalism.

In this country, we know there are offices that were occupied before by people from the same community. Some of them came from the same villages, but nobody complained. People said they would do the job because they were qualified. We are interested in the qualification of the person, but not where he comes from. We can only have one CEO. If they were eight, then we could give every region one person. But that is just one office. It must be occupied by one person at a certain time for a period of six years. For those people who are opposing his approval because he testified against you within the course of his duty, that is the nature of the game. That is his work. There is nothing we can do about it.

When we were dismissing the former Deputy President, Mr Abdi Ahmed Mohamud testified because he was the acting CEO of EACC. He had to do his job. Parliament requested him to come and give evidence. He did not come on his own volition. This is the Report of the Departmental Committee on Justice and Legal Affairs. It is not mine, even though I am a member of the Committee. It is not the Report of any other Member here. The Committee was given the mandate to go and inquire about the suitability of the candidate. They unanimously agreed that, that is the right person. He is qualified.

I do not want to create a trend here of profiling people and denying them jobs because I am worried for my child. After I leave office, my child might be brought here looking for a job and then you say this is Hon. Junet's son. He comes from a certain community. I do not represent my community. I am not interested in representing them. I will never do it. I am serving my third term. I have never been elected by my community. They will never elect me. I do not want them to elect me, unless I am running for presidency. When I run for presidency, they must elect me. That is a responsibility they must do. But when I want to be a member of parliament, governor or senator, I do not want their vote. I have other voters who are Christians,



non-Somalis and Kenyans who know what democracy is, what Kenya is, what cohesion is and what people living together is. They are not like people from my community who keep on fighting over small things, constituencies and municipalities.

*(Laughter)*

**Hon. Adan Keynan** (Eldas, JP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Leader of the Minority Party. What is out of order, Hon. Keynan?

*(Laughter)*

**Hon. Adan Keynan** (Eldas, JP): Hon. Temporary Speaker, Hon. Junet and I come from Mandera. That is our birthplace. The person who has the first right over you is the one who mentors you and takes you through the process, until you become someone whom everybody will be very proud of. Mr Sheikh, my good aunt and everybody else who mentored Junet at his tender age....

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Let me finish.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Can I finish?

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Keynan. You have already spoken to this Motion. Hon. Junet has described his voters. I do not think anything is out of order at all.

**Hon. Adan Keynan** (Eldas, JP): Can I finish? Is Hon. Junet in order? This is the point. He was elected by the good people of Migori whom we appreciate. However, he is also a product of a very good community called the Somali community.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Keynan, you are out of order totally.

**Hon. Adan Keynan** (Eldas, JP): He has said that the Somali community did not vote for him, but it is part and parcel of the making of the good Hon. Junet whom you see today.

**Hon. Silvanus Osoro** (South Mugirango, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): You are out of order, Hon. Keynan. Hon. Junet was very clear. He has not denied his heritage. He has only described his voters, which is totally acceptable.

What is out of order, Hon. Osoro?

**Hon. Silvanus Osoro** (South Mugirango, UDA): I am still on Hon. Junet, Hon. Temporary Speaker. He has stated that he does not need votes from his people. All the communities that live in Migori, including the Somali Community, voted for him. I want him to clarify which particular people he has called his people and those who are not his people.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Junet, you have heard the two points of order.

**Hon. Junet Mohamed** (Suna East, ODM): Let me respond to both of them.

**The Temporary Speaker** (Hon. Martha Wangari): Do you want to be informed by the Hon. Member for Buuri?

**Hon. Junet Mohamed** (Suna East, ODM): Yes.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Rindikiri.

**The Temporary Speaker** (Hon. Martha Wangari): Give Hon. Rindikiri the microphone.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Temporary Speaker, what Hon. Junet is saying is that he is not going to seek an elective position in Mandera where he came from, if I got him right. I am sure that he was implying that. He would not go to Mandera or where he belongs. Hon. Keynan should not fear anything. Hon. Junet is not going back to Mandera. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): I am not sure whether that information was for you, Hon. Junet, but I think he has helped you answer it. Kindly continue.

**Hon. Junet Mohamed** (Suna East, ODM): The information was meant for Hon. Keynan.

What Hon. Keynan has raised is what was raised when the Constitution was being passed. Does life begin at conception, or when you are alive? If he is talking about conception, that then is a different matter. As an old man, I belong to Migori. More importantly to note is that it is true I rely on the votes of all communities that live in my constituency. I, however, do not rely on the votes of the Somali community to be a Member of Parliament in my constituency. The community is negligible; small and minute. They cannot even make me a Member of the County Assembly (MCA). My votes are with the people of Migori.

I have lost my thoughts in the process. I was saying that the candidate we are approving in this House today is one who has all the required qualifications. Having said that, I tell the candidate that he must do his job. Whoever is given ...

*(Loud consultations)*

There is also a Kisii conference here, Hon. Temporary Speaker. The Somali one was behind me. He must do his job. Kenyans expect much of him. If much is given, then much is expected.

One of the cancers that has eroded the gains of this country is corruption. He is now the one who is mandated to take up the fight against that vice. If he knows and, perhaps, his conscience is not clear that he is able to do this job, he should decline it. But if his conscience is clear and thinks that he is capable and that he has done it before and can do it now, let him take it. He rose through the ranks in the institutions, from an assistant director to director, deputy CEO, and now to CEO, if he is approved by this House. If his conscience is clear that he can do this job, then let him take it up if this House approves him. I am requesting Members to approve him because of the Report that has been given by the Departmental Committee on Justice and Legal Affairs. The man has ticked all the boxes that were required of him. Let us, therefore, approve him so that he can do the job.

This is one institution that Kenyans are relying on to make their lives better. It is clear and has been said before that a third of our budget... Even the current Cabinet Secretary, Ministry of National Treasury and Economic Planning has said that Ksh2 billion is lost every day through corruption. That is the man who can stop it; do the change that this country requires and make sure that the resources of this country go where they are needed. You need to put your money where your mouth is, and that is the man who can assure us that he will do that.

The Ethics and Anti-corruption Commission (EACC) has gone through many phases. At one time, Senior Counsel PLO Lumumba just ran away. The House brought a Bill that removed him as CEO because of the confusion that was there. He did not even know how to deal with those people. People kept on talking about big fish, middle fish, small fish, white fish, black fish, *kamongo* and all the fish in Lake Victoria where we come from.

If we approve that man for the job, he must bring, at least, 70 per cent of corruption cases to conclusion. Many corruption cases in court have been lost because of lack of evidence and other issues. I want to assure him that he will get the support of this House financially through a budgetary support to make sure that corruption is eradicated in this country.

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In conclusion, he must work together with the Office of the Director of Public Prosecutions (DPP). The DPP is new and barely a year in office and he is doing his work. A lot of corruption cases have recently been withdrawn after the new regime came into place. Some of them were said to have been with for lack of evidence and in other cases the witnesses withdrew their papers. We do not know. What we know is that corruption must be fought. No other person is chairing the Commission other than a Bishop, a man of high integrity and one that is respected in this country. He is a Chairman who has had good career in the religious sector.

With those few remarks, I urge this House to approve that gentleman because he has worked in that institution for long and he will do his job. We will hold him accountable in this House because the EACC reports here. Under Chapter 15 of Constitution, the commissions are held accountable by Parliament and, therefore, we will hold him accountable through the Departmental Committee on Justice and Legal Affairs and also on the Floor of this House.

For now, since he is the best among the people who have been brought forward, I urge the House to approve him. With those few remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dorothy Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I thank the Chairperson and the entire Departmental Committee on Justice and Legal Affairs for a job well done.

That Commission is the lifeline for Kenyans. For us to redeem the image of this country, corruption must be fought. To assure the Kenyan community that things are working and make them have hope for a better future, corruption must be fought.

His Excellency the President of the Republic of Kenya, Hon. William Samoei Ruto, has pronounced himself on corruption. He is very clear in his mind that there should be zero-tolerance to corruption. At the outset, that is a Commission that requires a very bold, committed, selfless and self-motivated individual. A person who is a dare devil because the terrain of fighting corruption in Kenya is complicated.

The nominee has been proven because he has been in the system, he has the institutional memory and has grown through the ranks. We want to trust that he will redeem the image of this country. It is important for him to know, just like the Leader of the Minority Party has alluded to, that the task ahead of him is enormous. He must be ready to fight and break the cartels and, at the same time, deliver this country from the tight chains of people who think that they own it. Corruption, as we see it today, is so deep-rooted in this country that even in the international community, we are cited as one among the most corrupt countries.

As I support the Committee and the nominee, I wish him well and trust that he will take the mantle as the CEO of that very important body. All our eyes are set on him. We wish him well. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. It is very nice to be back in this House after such a break. I know they have missed me here.

For the person of Mr Abdi Mohamud, I unequivocally support this Motion. Mr Abdi is one such gentleman, technocrat, a dedicated servant of this country and one whom, if we put at the helm of the EACC, will do a commendable job.

At the outset, I support the Committee's Report. I have read it and think that they have done a wonderful job in assessing the quality of a person that we are putting in that office. I urge Members of this House, including my friend, Hon. Elisha, to support Mr Abdi Mohamud to be appointed the CEO of the EACC.

In his curriculum vitae, you find that he has a law degree. He has been properly trained, including training at the FBI. Very few Kenyans have received training at the FBI. That

gentleman, whom we are putting in charge of EACC, possesses the investigative authority and knowledge that is needed to ensure we cripple corruption in this country.

I also want to take this opportunity to thank the outgoing CEO, Mr Twalib Mbarak, who has held forte and done his best for the country. It is time to give Mr. Abdi Mohamud, who has risen through the ranks of EACC and gained valuable knowledge about this country and the profiles of corruption within it, the opportunity to lead the organisation. He has the ability to take it to the next level and make Kenya an example of how to fight corruption, both in Africa and globally. I believe that under the hands of Mr Abdi Mohamud, he can do a wonderful job for this country.

Many CEOs who have come to that organization get entangled with politicians and other interests, thus becoming ineffective. However, during the time that Mr Abdi Mohamud has been with the EACC, we have not seen any such issues.

We once had a Deputy CEO, Mr Michael Mubea, who was actually the face of corruption within the EACC. He perpetuated that, including trying...

*(Several Members spoke off the record)*

I can say that because the same Deputy was taken to court on issues of corruption. Those are facts. However, we have had Mr Abdi Mohamud, who has been in that seat, and we have not heard any issues. Therefore...

**Hon. Rahim Dawood** (North Imenti, Independent): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Deputy Majority Leader. Hon. Rahim Dawood, what is out of order?

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. The Deputy Majority Leader must withdraw his statement regarding Mr Michael Mubea. If he is alleging that Mr Mubea was corrupt, then he could not have passed through this House to be appointed the Ambassador to Ireland. He must withdraw his statement.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, the Deputy Majority Leader is my friend and a man I respect a lot. I kindly request him to withdraw that allegation because this is a House of records and procedure. Without any substantiation, you cannot say that Mr Michael Mubea was the face of corruption. He is, in fact, one of the most distinguished anti-corruption crusaders. Subsequently, he was appointed the Ambassador to Ireland. I believe the Deputy Majority Leader is referring to someone else and may have confused the names. That is not Mr Mubea that we know. I request that it be expunged from the record of the House.

**The Temporary Speaker** (Hon. Martha Wangari): You have made your point. The Deputy Majority Leader, be guided by Standing Order 91 on statement of facts, so that you are not injurious of another person with no facts.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I am not in the habit of withdrawing, but I want to withdraw that statement because of my respect for the Leader and also because of the statement of fact.

**The Temporary Speaker** (Hon. Martha Wangari): Continue, Hon. Owen Baya. You do not have to justify. Just continue.

**Hon. Owen Baya** (Kilifi North, UDA): Let me continue. I believe that when Mr Abdi Mohamud assumes that position, he will ensure that there is integrity within the EACC, an institution that has faced significant backlash. It has been accused of not fighting corruption vehemently in this country. Therefore, I urge him, as he takes over that responsibility, to work diligently. I also ask the Members here to support his appointment so that we can give him the job. However, we will hold him accountable for the actions that take place within the EACC.

Many a time, we hear that this Government is corrupt and that it has many corrupt officials and yet, we have an organization whose job is to ensure we do not fall into that pitfall.

The contradiction we face is that we have an organization that is well-funded, well-established, and has been around for many years and yet, we still hear about corruption in this Government. Even today, when the churches speak, they highlight corruption within this Government, but we have an anti-corruption institution in this country. What is it doing? I want to urge Mr Abdi Mohamud that, as he takes over the mantle at EACC, to fight corruption with every drop of his blood. He should ensure that this country is never ranked among the corrupt, so that everybody else who will speak will say that action has been taken and those responsible for corruption are in jail, and that such issues no longer exist.

There have been many delays in investigations. A case, for example, takes seven years to be investigated. There is a recent case where the investigations dragged on until all the witnesses died, and there was nothing else to do. Investigations must be expedited, and people must be taken to court so that this country can move forward. You know there was a time when the former President said we lose Ksh2 billion a day through corruption. That is an indictment on the EACC. What are they doing? I want to believe that, as Mr Abdi Mohamud is approved by this House and given the job, he will ensure that this country moves forward in the fight against corruption and that we become corruption-free. We must cripple the monster called corruption.

I urge the Members of this House to support Mr Abdi Mohamud so that he gets the job and does it well. I thank you.

**The Temporary Speaker** (Hon. Martha Wangari): For proper record, Hon. Owen Baya, it is Mr Mohamud, as it had been corrected by Hon. Dawood Rahim. The next chance will go to Hon. Charles Nguna, Member for Mwingi West Constituency.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this special Motion by my brother and my friend, Hon. Mwingi Mutuse, together with the Committee. I want to appreciate them for the due diligence that was done to vet the candidate for that critical and so important office in our country. I would like to say that the person who is being discussed here is well known to me, and I have no doubt that he has impeccable credentials to run that office, if he is given a good environment to execute his mandate.

I would just point out that in Kenya, we are ranked 126 out of 180 worldwide in the corruption perceptions index and so, we can call ourselves one of the most corrupt countries in the world. Mr Abdi Mohamud has an uphill task ahead of him to ensure that we improve our standing, at least, moving below 100 out of 180.

Corruption has taken us backwards as a country. If we can effectively fight corruption, we will eradicate issues of inequality and ensure the equitable distribution of resources. That will reduce the need for constant allocation of funds for equalization. It is crucial to emphasize transparency and accountability in our offices, which is why that office is so important.

There is an issue which I want to raise with that Office. Once that gentleman takes office, we must fight extortion and blackmail, which have been prevalent in many of our offices, particularly in procurement. That should be done without hesitation as he is highly qualified. We have heard his academic credentials, his work experience, and he has been in that office for long. I would like to congratulate him and allow him to assume that office knowing that his key responsibility will be to improve our corruption index level which currently stands at 126 out of 180. Our goal is to get below 50 out of 180.

Thank you, Hon. Temporary Speaker. With those few remarks, I fully support his appointment.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Wajir West.

**Hon. Yussuf Farah** (Wajir West, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to this Report. At the outset, I want to thank the Committee for approving and recommending Mr Abdi Ahmed Mohamud for the position of CEO of EACC. As my colleagues who have spoken before me said, he is a career investigative officer. He started as a police officer, grew through the ranks and joined the Directorate of Criminal Investigations (DCI) before moving to EACC at its inception.

He has been serving as the Deputy CEO for the last four years. He has shown that he understands the processes and issues pertaining to corruption in this country. I have no doubt in my mind that he will perform exceptionally well compared to the others who have served in that position. He ticked all the boxes and has a good academic and professional background. The Committee has indicated in its Report that he is a lawyer. He has a master's degree in law. He has the experience that is required to undertake that task and knows exactly what Kenyans want.

He has been the Deputy CEO and always does his best. There is no iota of wrongdoing in his character. As has been said, being a Somali does not disqualify him from heading EACC. He has come from far not because he is a Somali but a Kenyan. He has all the qualifications, credibility and integrity. I am sure beyond reasonable doubt that he will serve Kenyans well. He will work hard to prove that for the first time, EACC can be changed and become better.

As has been said, Ksh2 billion is lost every day through corruption issues. That is unfortunate. I want to urge my brother, Mr Abdi, to pull up his socks. He should know exactly what Kenyans want from him. If approved, he should do things differently and perform the task as a patriotic gentleman. He should prove to Kenyans that EACC can do its work without political interference so as to restore its lost hope in Kenyans.

I want to also advise my brother that other people have served the same institution, failed terribly and left the docket unhappy. I want to advise him to pull up his socks and make us proud. He should understand the problems that Kenyans are facing like corruption. Kenyans are watching him and have bestowed their trust in him. He is the right person to lead that institution and make it better.

Thank you, Hon. Temporary Speaker. With those few remarks, I want to thank the Committee for the good Report. Let us approve Mr Abdi for that position.

**The Temporary Speaker** (Hon. Martha Wangari): The next chance goes to the Member for Gatanga, Hon. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to ventilate on this Motion. I want to confirm that I am a member of the Departmental Committee on Justice and Legal Affairs. We burnt the midnight oil while vetting that candidate. I want to assure Members that we found him fit to be the CEO of EACC. Allow me to give this House some statistics to show the extent of the job ahead for Mr Mohamud. Kenya scored 31 points out of 100 in the corruption perceptions index according to Transparency International. On a larger scale internationally, it is ranked position 126 against 180 countries.

The success index for that candidate is to ensure that Kenya moves from position 126 to 100. The countries that topped the list are Singapore, New Zealand and Finland. Transparency International Report indicates that the most corrupt countries in the world are Syria, South Sudan and Venezuela. I want Members to know the responsibility that is being given to the CEO if this House adopts the Report. Corruption has an angle to the welfare of the country. The countries mentioned as the most corrupt are the poorest while the least corrupt countries have the highest living standards. The duties and responsibilities of the CEO are enormous.

Corruption is not a disease, poverty issue or genetic inheritance. It is just bad manners. I know there are different ways of curing bad manners like the courts and judicial processes. I

urge the CEO to handle matters differently from his predecessors. Bad manners can only be addressed by creating awareness and linking corruption to poverty.

We need a curriculum in our schools to educate our children and grandchildren that corruption will make this country remain poor. They will miss education, employment and medical opportunities and so, they will not fully actualise their lives. We know that the proposed candidate has been the Deputy CEO of the Ethics and Anti-Corruption Commission (EACC). Therefore, the failure of that institution can also be associated with him. There is much work ahead, and I challenge him to be prepared for it. As a member of the Committee, I urge my colleagues to support this Motion. He is the best candidate, and I am confident that he will change the EACC and help make Kenya a great country once again.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I take this opportunity to lend my voice to the Motion before us, regarding Mr Abdi Ahmed Mohamud's appointment as the Secretary and CEO of the EACC.

Article 79 of the Constitution of Kenya on leadership and integrity establishes the EACC. The history of the fight against corruption in this country is a checkered one since the days of President Moi, and has continued for years. Regrettably, the results have remained unsatisfactory in the eyes of Kenyans and the international community. This may be the reason why our direct foreign investments have remained low. Corruption is a cancer that the country must fight. Various studies indicate that corruption comes in different forms, including bribery, embezzlement, graft, blackmail, influence peddling and abuse of discretion. We can only hope and pray that the new man in charge will have the guts, courage, and all that it takes to slay that dragon.

Many Kenyans have lost hope and confidence in the Government at all levels due to rampant corruption. It has become common to hear that before receiving services in a public office, individuals are expected to pay bribes to oil the process. Even something as simple as moving a letter from one office to another for approval often requires a bribe. You will not be surprised if a junior officer asks you for a bribe. We have got to a point where many people believe appointments can only be secured through personal connections. For instance, I received a call from a teacher who informed me that Members of Parliament have letters of appointment for teachers and that the Teachers Service Commission (TSC) cannot employ one unless through a letter of employment from a Member of Parliament. That mentality - that merit alone is insufficient for achievement - is something that, that Commission must fight.

The Commission might be focused on a narrow prism of their mandate and yet, their responsibilities are broader and encompass all matters related to ethics and leadership as outlined in the Constitution. We wish the new CEO well and ask him to remain vigilant. Kenya loses significant amounts of money annually through corruption. If you visit hospitals at both the national and county levels, you will likely find that they lack essential drugs despite the substantial funds that are allocated to the sector. It is time to take action. Mr. Mohamud must prioritise work over ethnic relations and political networks, and focus on apprehending those who are involved in corruption.

There is a lot of wastage in the county governments, the national Government and in State corporations. Train your eyes there and save this country. Our nation will only develop if we manage to save the amount of money that is lost every single year due to budgeted corruption. A comprehensive review of all spending is necessary.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): The Deputy Majority Whip, Member for Marsabit County.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this important Motion. I join my colleagues in supporting the nomination of the CEO of EACC, Mr Abdi Mohamud.

I have reviewed the Report, and I can say the Committee has done an excellent job. They provided us with recommendations and followed all the necessary steps. As we recommend Mr Abdi for the position, alongside many other members, we must strongly oppose corruption because it has destroyed our economy, compromised the future of many young people, and delayed the country's progress. Everywhere you go, from entrances to the highest offices, people solicit bribes. Kenya has, unfortunately, become known for that. It is a cancer that remains untreated. We believe that Mr Abdi can bring about significant change. He is qualified, experienced, committed and passionate about transforming the EACC.

Unfortunately, for many years, we have pretended to fight corruption without achieving meaningful results. The question we must ask is: Why? What is hindering us? The answer lies in our failure to appoint a committed individual to that office who can fight corruption to the end. As we encourage him to fight that vice, he needs a lot of support and security. Many corrupt individuals might resort to extreme measures against him. The Government must provide sufficient resources and security to Mr. Abdi, as many cases remain unprosecuted at the EACC. That Office requires adequate funding to fulfil our expectations.

It is disheartening that for you to enrol your child in one of the best schools in the country, you often have to corrupt the system. If you want your child to succeed academically, you must manipulate the system. If you wish to import any goods, you must engage in corrupt practices. That system has destroyed our country. Today, many religious leaders are speaking out against corruption. My question is: Did corruption begin today? No. It has been present since 1963.

Many people blame the Kenya Kwanza Government for corruption and yet, it has only been in office for two years. Our president has actively fought against corruption and has been transparent about his position on the matter. It is unfortunate that while various administrations have faced similar accusations in the past, they did not receive as much criticism as this current Government has. It is important to criticise and hold the Government accountable, and it is equally important for the Government to listen to its citizens and make the necessary changes.

However, it seems some people act as if corruption is a recent development. In reality, corruption has existed for many years. Where were we during all those years to condemn that vice?

The EACC was established some years ago and yet, it has not conducted serious investigations or prosecuted anyone effectively. As a nation and as a Parliament, we must demand thorough reports at the end of each year so that those found guilty can be presented to the relevant committees.

Hon. Temporary Speaker, with the promulgation of the 2010 Constitution of Kenya, it is like corruption was also devolved. There is even much more corruption in the counties than at the national level. Corruption has become normal such that everybody knows that for you to win a tender, you must pay 15 per cent. Where are we headed to? The young generation is looking for money to buy the tenders and corrupt the leaders so that they can do some shoddy work. A lot of money has been allocated to the counties, but it cannot be accounted for simply because corruption has been devolved. It is my prayer that, as Mr Abdi takes office, he knows what is happening in all the counties. The Ethics and Anti-Corruption Commission (EACC) has offices at the regional level and in different areas and yet, we know very well that those officers have been corrupted and are paid by individuals in the counties so that they do not take any action. We do not want to hear any of that. He should be firm, take the necessary actions and apply serious measures so that the corrupt leaders, governors and the whole system at the



county level can be controlled. If we do not do that, the idea of fighting corruption will be in vain.

We all sing the chorus that we need to fight corruption. Indeed, we need to fight corruption, but no one is taking serious action. That is why there are high expectations on Mr Abdi. Kenyans have a lot of hope in him and we expect him to take some serious measures on the corrupt leaders, be it politicians or Government officers. Kenyans need to see some serious action, especially given the high taxation where they are paying a lot of money, but everybody wonders where the money goes to. Many people say that it is the corrupt system that consumes our money. Let us make sure that, as Kenyans give their money, accountability must also be there. Kenyans are ready to sacrifice, but we must also sacrifice and make sure that corrupt leaders are brought to book. We cannot keep talking about that matter. As we approve Mr Abdi, we also have a lot of hope in him. He must join us in transforming this country and making sure that Kenya is free of corruption.

Hon. Temporary Speaker, thank you. I support.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Major Dekow.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the Motion that is on the Floor of the House. Many of those who have spoken before me have talked about Mr Abdi. I also want to say that I know him as an individual who has served for many years in the investigative department in this country. As a young police officer, he rose through the ranks to head the Anti-Corruption Police Unit before EACC came into being. He is also one of the officers who established EACC in this country. I am not surprised by the nomination of Mr Abdi, having known him for many years. Additionally, I am not surprised by the fact that he was selected and nominated by EACC, which is not a political appointment. If it was political, maybe, the results would have been different from what we are discussing today. He is a career civil servant who has sacrificed his time and energy by being in the forefront in the fight against corruption. That EACC itself is mandated to fight corruption, I did not expect any different result from what they have given us as a nominee for the position of Chief Executive Officer of EACC.

Mr Abdi cannot be the sole person who is expected to fight corruption in this country. Corruption is a cancer and a threat to our national security, values, service delivery and co-existence as communities and societies in this country. Corruption destroys the future generations. Therefore, as a country, we must think twice about how to fight it. It cannot be the responsibility of Mr Abdi, the President, or some individuals in this country. We must ask ourselves who the corrupt individuals are. It looks like it is every sector of this society that is involved in corruption. This is a network; a cartel. It cannot be left to an individual like Mr Abdi, his Commission and staff. They must involve many professional bodies for it to happen. What is the role of lawyers in this country, as a professional group, in the fight against corruption? We need to see the involvement of engineers, finance and accounts people, human resource personnel, teachers, security agencies, and even the Office of the Director of Public Prosecutions. So, we must bring all those professionals into play in order to stop corruption. It cannot be left to Mr Abdi, or the Commission. As Parliament, we must also be in the fore-front in the fight against corruption. We must fund that institution so that officers can perform their mandate. If we do not give them enough resources, they will not manage to fight that vice and cancer that is affecting our country.

Hon. Temporary Speaker, with those few remarks, I support the nomination of Mr Abdi. I have no doubt in my mind that he will perform his role. But, as a country, we must all play our role. I would like to advise him that Kenyans have lost faith in all the institutions in this country, from the Presidency, Parliament, Executive to Judiciary. Kenyans have lost faith and

hope in every institution in this country. It is for him, as the Chief Executive Officer, to restore that faith in that institution.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Ijara.

**Hon. Abdi Ali Abdi** (Ijara, NAP-K): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion which is a very important one in our country. First, I would like to appreciate and congratulate the Departmental Committee on Justice and Legal Affairs for conducting a thorough vetting process and presenting a comprehensive Report on the nominee. From their findings, it is clear that Mr Ahmed Mohamud is a man of integrity, competence and committed to the public service. Mr Ahmed hails from Ijara Constituency, a fact that fills us with pride, as a community. In his previous roles as Regional Commissioner, Senior Investigator, Director and Deputy Chief Executive Officer of EACC, Mr Ahmed demonstrated...

**Hon. Dekow Mohamed** (Garissa Township, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): There is a point of order. Hon. Major Dekow, what is out of order?

**Hon. Dekow Mohamed** (Garissa Township, UDA): Hon. Temporary Speaker, the Member of Parliament for Ijara Constituency is misleading the House by stating that Mr Abdi Ahmed Mohamud, the nominee for EACC, comes from Ijara Constituency. Mr Abdi Ahmed Mohamud is a voter in Garissa Township Constituency. He votes in Garissa Government Guest House Polling Station.

Thank you, Hon. Temporary Speaker.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Member for Ijara, you will have a friendly fire and one of you will have to give in. However, Member for Ijara, does the nominee come from your constituency or Garissa Township?

**Hon. Abdi Ali Abdi** (Ijara, NAP-K): Hon. Temporary Speaker, I want to make it categorically clear in this House that Mr Ahmed comes from Ijara Constituency. In terms of the genetical and geographical location, Mr Ahmed belongs to Garissa County, to Arid and Semi-Arid Lands (ASAL) counties and to Ijara. Even if he is a Kenyan...

**The Temporary Speaker** (Hon. Martha Wangari): Member for Ijara, let us agree that Mr Mohamud belongs to all of us. He belongs to Kenya. Please, continue.

**Hon. Abdi Ali Abdi** (Ijara, NAP-K): Thank you very much. Mr Mohamud is a Kenyan and he belongs to all of us. I support that.

In his previous role as a Deputy CEO at EACC, Mr Ahmed demonstrated exemplary leadership. He spearheaded an initiative to enhance public accountability, streamline institutional processes, and build partnerships to combat corruption. I believe if he is given an opportunity, he will not let Kenyans down. Corruption is a menace. It is killing our generations. With the capacity and experience of over 19 years as an investigator and coming within the system, Mr Ahmed will make sure the era of corruption ends in this country.

It is clear that our President and the Kenya Kwanza Coalition want zero-tolerance on corruption. Through Ahmed and EACC, with extra budgetary allocation, I believe they will deliver. I want to tell Mr Ahmed that Kenyans have high hopes in his leadership. It is his opportunity to make sure that Kenyans are satisfied with his work. I believe he can do it.

With those few remarks, I request the House to support Mr Ahmed as the CEO of EACC. Thank you.

**Hon. Njuguna Kwanjiku** (Kiambaa, UDA): On a point of order, Hon. Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kawanjiku, what is out of order?

**Hon. Njuguna Kawanjiku** (Kiambaa, UDA): Hon. Temporary Speaker, I rise under Standing Order 95. Reading the mood of the House, the majority of Members are in agreement with the Departmental Committee on Justice and Legal Affairs that Mr Ahmed Abdi be the Secretary of EACC. May the Mover be called upon to reply, so that Mr Ahmed takes the oath of office in the next few days.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kawanjiku, do not take the shortcut to debate. You only move that the Mover be called upon to reply. I will put the question to the House, as per Standing Order 95, to make a decision.

*(Loud consultations)*

*(Hon. Joseph Hamisi and Hon. Kwenya Thuku spoke off the record)*

Hon. Members, order. Hon. Denar, the Hon. Temporary Speaker is on her feet! You cannot possibly rise on a point of order. Hon. Kwenya, you do not shout in the House. We do things with decorum.

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

Hon. Mutuse, you have the Floor.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker. I notice that there is a lot of enthusiasm in this issue. But be that as it may, the matter must come to an end. In respecting the mood of the House that we put this matter to closure, allow me to reply as follows.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, please, be guided that if debate is closed under Standing Order 95, the Mover cannot donate minutes. Let me put that to a close. Kindly, reply.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): I am not able to donate minutes. I am properly guided. I thank Members for the robust debate on the approval for appointment of Mr Abdi Mohamud to be the next CEO of the EACC. In doing so, the Member for Mavoko asked whether there were other people who competed for the same position. I want to inform the House that upon placement of the advertisement, 172 Kenyans applied for that position and 14 were shortlisted by the Commission. Upon interviews, Mr Abdi Ahmed emerged the best among the 14 who had been shortlisted, and he scored 83.5 per cent.

Hon. Makali Mulu gave us statistics on the basis upon which Mr Ahmed's work will be predicated. We thank him for that. On the several Members who have spoken to the question of EACC being given prosecution powers, you are aware that prosecutorial powers emanate from Article 157 of the Constitution. That question was actually put to the nominee. I refer you to Paragraph 60 of our Report. We recommend that the DPP gazette lawyers working under EACC as prosecutors. The DPP has power to gazette prosecutors, so that lawyers who interact with cases at EACC may have an opportunity to prosecute cases in court.

I now wish to reply and request the House to approve the appointment of Mr Abdi Mohamud so that, at the appropriate time, he takes over from the current CEO, whom we congratulate towards the end of his contract.

Thank you, Hon. Temporary Speaker.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Martha Wangari): Next Order.

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[The Temporary Speaker (Hon. Martha Wangare) left the Chair]*

**IN THE COMMITTEE**

*[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) in the Chair]*

**SENATE AMENDMENTS TO THE  
STATUTORY INSTRUMENTS (AMENDMENT) BILL  
(National Assembly Bill No. 2 of 2023)**

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Order, Members! We are in the Committee of the whole House. We are going to consider the Senate Amendments to the Statutory Instruments (Amendment) Bill, (National Assembly Bill No. 2 of 2023).

*Senate amendment to Clause 2*

THAT, Clause 2 of the Bill be amended by deleting the proposed new subsection (5) and substituting therefor the following new subsection —

(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to —

- (a) publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and
- (b) submit the published notice to Parliament.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Senate amendment to clause 2 agreed to)*

*Senate amendment to clause 3*

THAT, Clause 3 of the Bill be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Senate amendment to clause 3 deleted)*

*Senate amendment to clause 4*

THAT, Clause 4 of the Bill be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Senate amendment to clause 4 deleted)*

*Senate amendment to clause 5*

**THAT**, Clause 5 of the Bill be amended by deleting the clause and substituting therefor the following clause —

Amendment of section 19 of Cap 2A. **5.** The principal Act is amended by deleting section 19 substituting therefor the following new section 19 —

**5.** The principal Act is amended by deleting section 19 substituting therefor the following new section 19 —

Requirements for publishing an annulment. **19.** (1) Where Parliament has adopted a report or a resolution that a statutory instrument be annulled—

- (a) the instrument shall stand annulled; and
  - (b) the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority.
- (2) Upon receipt of the communication from the Clerk in accordance with this section, the regulation making authority shall publish the annulment in the Gazette within fourteen days.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Senate amendment to Clause 5 agreed to)*

*Senate amendment to Clause 6*

THAT, Clause 6 of the Bill be deleted.

*(Question of the amendments proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Senate amendment to clause 6 deleted)*

*Senate amendment to Clause 7*

**THAT**, Clause 7 of the Bill be amended by deleting the clause and substituting therefor the following clause —

Amendment  
of section 11  
of Cap 2A.

**7.** Section 24 of the principal Act is amended in subsection (5) by deleting the words “twenty thousand shillings” appearing immediately after the words “penalty not exceeding” and substituting therefor the words “one million shillings”.

*(Question of the amendments proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Senate amendment to Clause 7 agreed to)*

**Hon. Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I would like to call upon the Mover. Please, proceed. Please, pass the microphone to the Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Senate amendments to the Statutory Instruments (Amendment) Bill, (National Assembly Bill No.2 of 2023), and its approval thereof without amendments.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you, Deputy Leader of Majority Party. I now put the Question.

*(Question proposed)*

*(Question put and agreed to)*

Hon. Members, as you may be aware, we have several Bills. We are going to move to the next Bill. I would like to find out whether the Chairmen on the Departmental Committee on Finance and National Planning and the Departmental Committee on Trade, Industry and Co-operatives are in the House. I can see the Vice-Chairlady. Is the Chairman for the Departmental Committee on Finance and National Planning in the House? Is there anyone who has been appointed? Deputy Leader of the Majority Party, kindly approach the Table.

*(Hon. Owen Baya consulted with Hon. Temporary Chairlady)*

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Hon. Members, the Chairman of the Departmental Committee on Finance and National Planning is finalising on some amendments. Clauses 1 to 20 concern his Committee. We have the Vice-Chairlady, Departmental Committee on Trade, Industry and Co-operatives who is here. She will be dealing with Clauses 20 to 38. We will hold some consultations, and then make a decision. Hon. Members, the Chairman of the Departmental Committee on Finance and National Planning is here. You are welcome.

THE BUSINESS LAWS (AMENDMENT) BILL  
(National Assembly Bill No.49 of 2024)

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Members, we are continuing in the Committee of the whole House. We are dealing with the Business Laws (Amendment) Bill, (National Assembly Bill No. 49 of 2024).

*(Clerks-at-the-Table consulted with  
Hon. Kuria and the Temporary Chairlady)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Members, be patient! We are consulting. We will start as soon as possible.

Hon. Members on further consultations, we have agreed to start with the Tax Procedures (Amendment) (No. 2) Bill, (National Assembly Bill No. 46 of 2024).

THE TAX PROCEDURES (AMENDMENT) (NO. 2) BILL  
(National Assembly Bill No. 46 of 2024)

*Clause 3*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Chair.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended in the proposed section 37E—

- (a) in subsection (1), by deleting the expression “31st December 2022” and substituting therefor the expression “31st December 2023”;
- (b) in subsection (2), by deleting the expression “31st December 2022” and substituting therefor the expression “31st December 2023”;
- (c) in subsection (3) by deleting the expression “31st December 2022” and substituting therefor the expression “31st December 2023” appearing in paragraph (a); and
- (d) in subsection (4), by deleting the expression “31st December 2022” and substituting therefor the expression “31st December 2023”.and substituting therefor the expression “31st December 2023”.

This amendment is seeking to extend the amnesty period in order to increase the period under which the proposed amnesty covers to ensure that more taxpayers take advantage in fulfilling their tax obligations without incurring interest and penalties and earn the Government more revenue in terms of taxes.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Members, those who want to contribute, place your interventions.

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Hon. Raheem Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. I agree with the Chair on this one. It has captured the proposal I made yesterday and I am happy that the Committee took note of it and made the change.

Thank you.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Before I put the Question, let us have Hon. Mayaka. Proceed.

**Hon. Irene Mayaka** (ODM, Nominated): Thank you, Hon. Temporary Chairlady. This is a very important clause. I am supporting the amendment on staggering the period that most of us spoke about yesterday. It makes sense and it is more realistic for the banking industry. So, in as much as we want to bring sanity in that space, we also have to be accommodative.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Mayaka, we moved to the Tax Procedures (Amendment) (No. 2), Bill (National Assembly Bill No. 46 of 2024).

*Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

#### Clause 4

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairman, you have an amendment. It is indicated in the Order Paper that you have an amendment. We also have two additional amendments from other Members. Please confirm whether your Committee has an amendment. We will give you a minute to consult.

*(Hon. Kuria Kimani consulted with the Legal Counsel)*

Hon. Chairman, are you ready? Okay, proceed.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move:

THAT Clause 4 of the Bill be amended in the proposed new Section 37F in subsection (1) by inserting the following paragraph immediately after paragraph (b)—

“(ba) it is in public interest not to recover an unpaid tax”

This makes it mandatory for the Kenya Revenue Authority (KRA) to ascertain that it is in the public interest to recover an unpaid tax.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairman, can we proceed?

*(Question of the amendment proposed)*

Is there any interest in this amendment? Hon. Shakeel Shabbir.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Temporary Chairlady. I can see the Chairman of the Departmental Committee on Finance and National Planning seems to be a little unsure about the amendment. The amendment states that it is in the public interest for the KRA not to recover an unpaid tax. It goes without saying that any unpaid tax must be recovered, which is in the public interest. I do not understand the amendment. However, if it is the spirit of the amendment that the taxman can decide not to



recover an unpaid tax because he feels that it is not in the public interest, and this particular amendment intends to solve that problem, then I am in full agreement. Otherwise, I am a little confused because the amendment is proposing what is already the case. It is in the public interest to recover all unpaid taxes.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, the other two Members who had raised interventions are not in the House. I will put the Question on this particular amendment.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

Let us go to the amendment by Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new clause —

Insertion of new  
section into Cap.  
469B.

**4.** The principal Act is amended by inserting the following new section immediately after Section 37E—

Relief because of  
doubt or  
difficulty in  
recovery of tax.

**37F.** (1) This section applies where the Commissioner determines that —

- (a) it may be impossible to recover an unpaid tax;
- (b) there is undue difficulty or expense in the recovery of an unpaid tax;
- (c) there is hardship or inequity in relation to the recovery of an unpaid tax; or,
- (d) there is any other reason occasioning inability to recover the unpaid tax.

(2) The Commissioner shall, on or before the 30<sup>th</sup> of June, submit a list of persons and amount of taxes that are in doubt or difficult to recover to the Cabinet Secretary.

(3) The Cabinet Secretary shall publish the list in the *Kenya Gazette* and transmit the *Kenya Gazette* Notice to the National Assembly for tabling within six sitting days from the date of publication.

(4) The relevant Committee of the National Assembly shall consider the *Kenya Gazette* Notice and make a report to the National Assembly on whether the Commissioner may refrain from assessing or recovering an unpaid tax.

(5) The Commissioner may only proceed in accordance with the recommendations of the National Assembly.

(6) The Commissioner shall report to the Auditor-General any abandoned taxes approved by the

National Assembly within fourteen days of such approval and the reasons thereof.

(7) The Auditor-General shall maintain a public register of all such abandoned taxes.

*(Subject to Article 114 of the Constitution)*

I would like to refer the House to Article 210 of the Constitution, which states that there are only two ways of not collecting tax – either through a waiver or a variation. Article 210 also states that whenever there is a reason to waive or vary any tax due, there must be a public record, and reasons for that waiver or variation must be given and recorded. That also applies to Section 77 of the Public Finance Management (PFM) Act. However, there is a more fundamental constitutional issue in play. The power to impose taxes is reserved for this House. In our constitutional organisation, there is no other entity that can impose taxes. Consequently, the power to forgive taxes rests with this House, not with the Commissioner-General of the Kenya Revenue Authority (KRA) or the Cabinet Secretary for the National Treasury and Economic Planning.

Therefore, I propose that any decision to waive or vary taxes must be made by this House. In other words, where those four sets of circumstances arise, the Commissioner-General should prepare a list, share it with the Cabinet Secretary, who should then submit it to this House for approval, for any waiver or variation of tax. That is according to our Constitution. Any proposal to do it otherwise is illegal and would be challenged in a court of law. That is the gist of my proposed amendments.

There was a similar clause in last year's Finance Bill, which caused us a lot of problems. It has now been improved a bit, but if you read the way it has been configured, the decision is now being made exclusively by the Commissioner-General of the KRA and the Cabinet Secretary for the National Treasury and Economic Planning, who then report to Parliament. Whether we annul the *Kenya Gazette* notice or not, whatever has been done will still apply. That is not what our Constitution requires.

*[The Temporary Chairlady (Hon. Martha Wangari) left the Chair]*

*[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) took the Chair]*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Yes, I will come to you. Let me first propose the amendment.

*(Question of the amendment proposed)*

I will start with the Leader of Majority Party, and then I will come to the Chairperson.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I oppose that amendment. I completely disagree with the argument being advanced by Hon. Caroli. The Bill already provides for the process of approval or annulment by the National Assembly. I would not want to mention some things, but there are situations when the KRA is not required to first come to the National Assembly for approval. A *Kenya Gazette* Notice regarding any abandoned tax will come to the National Assembly for approval. The National Assembly should never seek to micromanage either the KRA or any ministry.

Therefore, if we agree with the waiver or variation of tax, we will approve the *Kenya Gazette* Notice. If we do not, we will annul it. An annulment is a reversal of that process. It does not mean that there was tax being paid at that point. It simply means that there was an

abandonment of the tax. I propose that we maintain the provision as it is in the Bill. In fact, Hon. Caroli Omondi agrees that the Bill is an improvement of what was in the Finance Bill. Therefore, I strongly oppose the amendment. We should maintain the provision as it is in the Bill.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I would like to hear the voice of the Chairman. Let the House also hear the voice of the Chairman.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I agree with the Leader of the Majority Party. Hon. Omondi raises an important matter. However, the taxpayers mentioned some of the challenges that they are going through. For example, perhaps, you are supposed to pay taxes before the 20<sup>th</sup> of the month, and on that day, the KRA system is down and, therefore, you are not able to pay, or the system is not able to accept your payment. You then start attracting interest and penalties even when it was not your error or your intention to delay that particular payment. That interest or penalty will automatically accrue to the taxpayer. The KRA has no power to correct or amend that interest or penalty. Therefore, this provision is giving the Commissioner-General some leeway to correct such a situation.

However, we are also providing for that register to be gazetted and to come to this House after gazette, as long as the House is in session. So, the amendment is trying to correct that complexity. It is trying to correct the complexity the taxpayer goes through by denying the Commissioner-General power to make a decision to remove the interest.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman. I would like to put this to the House to make a decision. Hon. Caroli, let me give you one minute as you look at the clock. We have five minutes left.

**Hon. Caroli Omondi** (Suba South, ODM): Give me just one minute.

Read the abandonment decision in Clause 34(f)(2) of the current draft. It says that it shall be deemed extinguished once the Commissioner-General communicates with the Cabinet Secretary. In other words, the waiver has already been given even before the gazette notice is brought to the House. If you go further and read Paragraph 5(b), anything that is done without prejudice to the validity of that shall not be invalidated thereafter even if we annul the gazette notice. In other words, this House is completely made a eunuch. We have nothing to do. Read it. It is there.

Even if you disagree with me, let it go on record that what is being proposed here is unconstitutional. Let us not pretend about it. The power to tax rests with this House. The power to forgive taxes rests with this House. Not any other entity. That is the law.

*(Question, that the words to be left out be left out, put and negated)*

*(Question, that the words to be inserted in place thereof be inserted, put and negated)*

*(Proposed amendment by Hon. Caroli Omondi negated)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. John Kaguchia is not in the House. His amendment was proposing a deletion.

*(Proposed amendment by Hon. Kaguchia John dropped)*

*(Clause 4 as amended agreed to)*

Clause 5

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**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

**Hon. Kuria Kimani** (Molo, UDA): I beg to move:

THAT, Clause 5 of the Bill be amended—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph —

(a) in subsection (1), by deleting the words “and registered manufacturers whose value of investment in the preceding three years from the 1<sup>st</sup> July, 2022 is at least three billion.”

(b) in paragraph (b), by deleting the words “fifth working day after the deduction was made” appearing in the proposed new subsection (4C)

(b) and substituting therefore the words “fifth day of the following month”.

Here, we seek to give additional time when withholding tax is paid towards the fifth day of the following month and not within five working days as is currently contained in the Income Tax Act.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 5 as amended agreed to)*

#### Clause 6

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

**Hon. Kuria Kimani** Molo, UDA): I beg to move:

THAT, Clause 6 of the Bill be amended by deleting the word “six” and substituting therefor the word “twelve” appearing in the proposed new subsection (1)(b)(ii).

This amendment seeks to extend the period in which a taxpayer may apply for tax refund of an overpaid tax, other than income tax, to 12 months. This amendment aligns the Bill with the Excise Duty Act that provides for one to claim a refund within 12 months from when the duty was paid.

*(Question of the amendment proposed)*

*Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 6 as amended agreed to)*

#### Clause 7

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**Hon. Temporary Chairlady:** Hon. Chairman.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended—

(a) in paragraph (a), by inserting the following new subsection immediately after subsection (1A)-

“(1Aa) The Commissioner shall not require a person to integrate or share data relating to—

(a) trade secrets;

(b) private or personal data held on behalf of customers or collected in the course of business;

(b) in paragraph (b)—

(a) in the proposed new subsection (5), by deleting the words “five hundred” and substituting therefor the words “one hundred”; and,

(b) in the proposed new subsection (6), by deleting the words “five hundred” and substituting therefor the words “one hundred”.

This amendment seeks to provide for a commensurate penalty for the offence committed, which is failure to comply with the notice given by the Commissioner. The proposed penalty was Ksh500,000 which the Committee found to be too punitive. So, we are reducing it to Ksh100,000. It also excludes the need for integration of data for trade secrets and other private information. Entities like hospitals will not declare or give Kenya Revenue Authority (KRA) access to medical records. Trade companies will not give their trade secrets.

It is important to also pronounce that I am moving this amendment in the amended form, but not as it is in the Order Paper. We are omitting Clause 7(a)(1A)(1Aa)(c) which is not part of the amendment I have moved.

*(Question of the further amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I just want the Chairman to go on record once again. Clause 7(a)(1A)(1Aa)(c) of the Bill says that the Commissioner shall require a person to integrate or share information relating to—

In the case of multi-national companies, information relating to the parent company.

Hon. Chairman has indicated that he has moved the amendment in an amended form, excluding (c). For record purposes, he needs to be very clear that particular section has been omitted, so that we have no confusion here. If it is retained, then we will tread on dangerous grounds, considering that he has withdrawn it. Let us go on record so that we do not doubt it.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): For the record, he moved (a) and (b) and withdrew part (c).

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 7 as further amended agreed to)*

*(Clauses 8, 9 and 10 agreed to)*

*New Clause 1A*

THAT, the Bill be amended by inserting the following new clause immediately after Clause 1:

Amendment of  
Section 6A of  
Cap. 469B

1A. The Tax Procedures Act, hereinafter referred to as “the principal Act”, is amended in Section 6A by inserting the following new subsection immediately after subsection (3)—

“(4) A provision in any multilateral agreement or treaty that has been entered into by or on behalf of the Government of Kenya, or made pursuant to such agreement or treaty, relating to the imposition of import duty on—

- (a) imported steel billets of tariff heading 7207.11.00; and,
- (b) imported wire rods of tariff headings 7213.91.00 and 7213.91.90, shall not apply for a period of two years from the commencement of this subsection, or for such other longer period as the Cabinet Secretary may, by notice in the Gazette, prescribe.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Please go ahead and move Second Reading.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move that the new Clause 1A be now read a Second Time. It is an amendment of the Tax Procedures Act, the principal Act, by inserting the provision for a multinational agreement or treaty that has been entered into on behalf of the Government of Kenya, and made pursuant to such agreement or treaty relating to those tariffs.

This is to ensure our local industries have preferential treatment better than the multinational entities that operate in Kenya.

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I do not see any interest in this. You can say something Leader of the Majority Party.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I support. Considering Kenya has signed quite a number of bilateral and multi-lateral trade agreements, for instance, African Free Continental Trade Area (AFCTA), you will find a lot of competition coming from the region and other countries like South Africa. Therefore, this amendment seeks to protect our local industries from unfair practices by companies in the region.

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*Clause 2*

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**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Chairman, you have an amendment in Clause 2.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairlady, I beg to move;

THAT, Clause 2 be amended—

(a) in paragraph (b), by deleting the words “whose turnover does not exceed one million” and substituting therefor the words “whose annual turnover does not exceed five million”;

(b) by inserting the following new paragraph immediately after paragraph (b)—

“(c) in subsection (4) by inserting the words “payment of withholding tax” immediately after the words “airline passenger ticketing”.”

This is one of the issues that has been of great debate especially for tea, avocado and macadamia farmers. We are now exempting them from Electronic Tax Invoice Management System (eTIMS) and providing them with what we call reverse invoicing. The reason why we are talking about Ksh5 million is because it is also the Value Added Tax (VAT) threshold. So, we are putting them at the same VAT threshold like all the other VAT business so that those that have a turnover of less than Ksh5 million do not require to be integrated there. So, that sorts out the challenge we will have with tea, dairy, avocado and all those other farmers.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I would like to start with Hon. Wakili Muriu because he has an amendment which was proposing a deletion, which is going to fall if the one for the Chairman goes through. So, Hon. Wakili Muriu first.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Chairlady.

I propose an amendment that Clause 2 be deleted bearing in mind this is what we call reverse invoicing, and it has not been used in this jurisdiction. However, I agree with the Chairman of the Departmental Committee on Finance and National Planning that it is a better replacement of the eTIMS which previously was charging avocado, macadamia, banana and those other small-scale businesses and farmers whereby they were obliged to raise an invoice before they sell their products. Therefore, reverse invoicing satisfies my amendment. I wish to withdraw my amendment to allow the vendors of goods and services to be the ones who are invoicing the suppliers, avocado, macadamia and poultry farmers as opposed to where the farmers are the ones who are raising invoices. Allow me to echo...

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Muriu. You are now debating. You are doing very well but you know this is the Committee of the whole House and you have agreed with the Chairman. Now, can you go on record and withdraw.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Much obliged.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Your amendment is withdrawn.

*(Proposed amendment by Hon. Wakili  
Edward Muriu withdrawn)*

Yes, Leader of the Majority Party, what is it?

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I support that particular amendment by the Chairman, Hon. Kuria Kimani. As I said yesterday, this is in

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response of the qualitative and quantitative public participation that we spoke about. Some Hon. Members have been speaking in funerals, weddings and *ruracios*, pretending to be speaking for the avocado farmers and small-scale traders, but they are never in the House. The Chairman of the Departmental Committee on Finance and National Planning has done what the public asked for.

Indeed, by raising the threshold even to the same threshold as VAT, he has addressed that qualitative aspect of public participation and I must thank the Chairman and support the amendment.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): I will give a chance to Hon. Rindikiri, Member for Buuri, now that he is in the House. Make it one minute.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Chairlady. By raising the threshold from Ksh1 million to Ksh5 million, we are accommodating the thriving businesses, majority of whom are start-ups and small-scale entrepreneurs. If we put them on the same scale, the vatable criteria, it means that the majority of our upcoming businesses and, more so, among the women and the youth, will have no opportunity to grow.

I support the amendment.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Hon. Members, I would now like to call upon the Mover to move reporting. The Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the Tax Procedures (Amendment) (No.2) Bill, (National Assembly Bill No. 46 of 2024), and its approval thereof with amendments.

**The Temporary Chairlady** (Hon. (Dr) Rachael Nyamai): Thank you.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

*[The Temporary Speaker (Hon. Martha Wangari) in the Chair]*

## MOTIONS

### CONSIDERATION OF REPORT ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL

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**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, we will start with the Statutory Instruments (Amendment) Bill, (National Assembly Bill No. 2 of 2023). Chairlady.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Speaker. I beg to report that the Committee of the whole House has considered the Senate Amendments to the Statutory Instruments (Amendment) Bill, (National Assembly Bill No. 2 of 2023) and approved the same without amendments.

**The Temporary Speaker** (Hon. Martha Wangari): Very well. Mover of the Bill.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Kimani Ichung'wah to second this Motion for agreement with the Report of the Committee of the whole House.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, I will defer the putting of the Question on that Report.

*(Putting of the Question deferred)*

We will then go to the next, which is the Tax Procedures (Amendment) (No.2) Bill, (National Assembly Bill No. 46 of 2024). Chairlady.

CONSIDERATION OF REPORT ON THE  
TAX PROCEDURES (AMENDMENT) (NO.2) BILL

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Speaker. I beg to report that the Committee of the whole House has considered the Tax Procedures (Amendment) (No.2) Bill, (National Assembly Bill No. 46 of 2024), and approved the same with amendments.

**The Temporary Speaker** (Hon. Martha Wangari): Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that this House do agree with the report of the Committee of the whole House on its consideration of the Tax Procedures (Amendment) (No. 2) Bill (National Assembly Bill No.46 of 2024). I also request Hon. Donya to second this Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dorice.

*(Hon. Dorice Donya consulted loudly)*

Be on record.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I must be on record. I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): Again, we will defer the putting of the question on this Motion.

*(Putting of the Question deferred)*

### ADJOURNMENT

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, be upstanding. The time being 1.15 p.m., this House stands adjourned until today, Wednesday, 4<sup>th</sup> December 2024, at 2.30 p.m.

The House rose at 1.15 p.m.

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