



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 21, 2014

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **MESSAGES FROM THE PRESIDENT**

The Speaker conveyed the following Messages –

(i) **Nomination of Ambassadors and High Commissioners**

"Honourable Members, in accordance with Standing Order No.42, I wish to convey that I have received a Message from the President regarding nominations of the following persons as ambassadors and high commissioners. This is titled "New Appointees"

They are:-

1. Ambassador Prof. Sam Ongeru - UN Habitat
2. Ambassador Chirau Ali Makwere - Dar-es-Salaam, Tanzania
3. Hon. Robinson Githae - Washington DC, USA
4. Hon. Kiema Kilonzo - Ankara, Turkey
5. Mr. Richard Opembe - Dublin, Ireland
6. Mr. Mohammad Mohammed - Riyadh, Saudi Arabia
7. Mrs. Lucy Chelimo - Ottawa, Canada
8. Dr. George Masafu - Kinshasha, DRC
9. Prof. Julius Bitok - Khartoum, Sudan
10. Mr. Joseph Magut - Berlin, Germany
11. Mr. Isaac Njenga - Windhoek, Namibia
12. Mr. Sheikh Dor - Muscat, Omani
13. Miss Sophie Kadzo Kombo, - Lusaka, Zambia
14. Maj. Gen. (Rtd.) Jeff Otieno – Cairo, Egypt
15. Dr. Stephen Ndungu Karau - Geneva, Switzerland
16. Miss Rukia Subow - Tehran, Iran

Other Ambassadors in Missions

17. Ambassador Mohamed Gelo - Seoul, Korea

- 18. Ambassador Jean Kamau - Bangkok, Thailand
- 19. Ambassador Joseph Maikara - Luanda, Angola

Ambassadors in Headquarters

- 20. Ambassador Lazarus Ombayi Amayo - London, United Kingdom
- 21. Ambassador John Lanyesunya - Algiers, Algeria
- 22. Ambassador Solomon Karanja Maina - Tokyo, Japan
- 23. Ambassador Ali Abass - Kuwait City, Kuwait

Newly Appointed Diplomats

- 24. Mr. Richard Lemoshira - Harare, Zimbabwe

Honourable Members, you will note that this is the first time that the approval of the National Assembly is being sought for appointment of diplomats to serve in our missions abroad. The question that comes into mind is whether all the 24 nominees will now require the approval of the National Assembly given that some of them may have been serving diplomats. Indeed, I am informed that three of the nominees are currently serving in missions abroad while four who have served as ambassadors before are currently public officers serving in the headquarters, Nairobi. It is also possible that some of the persons who have served as diplomats may have been appointed under the provisions of the previous Constitution but, even if that was the case, Article 132(2)(e) of the Constitution of Kenya 2010 provides as follows and I quote:-

“The President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss –

- (e) High commissioners, ambassadors and diplomatic and consular representatives”

Honourable Members, Section 2 of the Public Appointments Parliamentary Approval Act 2011 defines the word “appointment” to include any reappointment to the same body whether or not in the same capacity.

Article 259(a)(d) of the `Constitution provides that:-

“This Constitution shall be interpreted in a manner that –

- (a) promotes its purposes, values and principles and,
- (b) contributes to good governance.”

Further, the Article requires that the Constitution be construed according to the doctrine of interpretation that the law is always speaking. August 21, 2014.

In my view, therefore, the spirit of the Constitution as read together with the Public Appointments (Parliamentary Approval) Act 2011 requires that all persons being nominated for appointment to the offices of high commissioners, ambassadors, diplomats and consular representatives be vetted by the National Assembly.

In this regard, the nominations of all the nominees now stand referred to the Departmental Committee on Defence and Foreign Relations for consideration in accordance with the provisions of the Public Appointments (Parliamentary Approval) 2011 and report to the House for consideration.

I thank you".

(ii) **Nomination of the Director-General of the National Intelligence Service**

"In accordance with Standing Order 42, I wish to convey that I have received a Message from the President regarding nomination of the Director General of the National Intelligence Service. The Message, which was submitted by way of a letter dated August 20, 2014, convey that in accordance with Section 7 (1) and (2) of the National Intelligence Service Act, 2012, H.E. the President has nominated Maj. Gen. Philip Wachira Kameru to be the Director General of the National Intelligence Service.

Honourable Members, section 7 of the National Intelligence Service Act, 2012 states that, and I quote- "*There shall be a Director-General of the Service who shall, with the approval of the National Assembly, be appointed by the President*". Further, subsection (3) require the National Assembly to consider the suitability of the nominee and either approve or reject the appointment within fourteen days. On the other hand, subsection (6) of section (7) states, and I quote-

"(6) If, after the expiry of a period of sixty days from the date of the nomination of a person for the appointment as a Director-General under subsection(2), the National Assembly has neither approved nor rejected the nomination of the person, the nominees shall be deemed to have been approved by the National Assembly"

In this regard Honourable Members, this nomination, including the *curriculum vitae* of the nominee now stands referred to the Departmental Committee on Defence and Foreign Relations for consideration in accordance with the provisions of National Intelligence Service Act, 2012 and the Public Appointments (Parliamentary Approval) Act, 2011 and report to the House.

Thank you".

5. **PAPER LAID**

The following Paper was laid on the Table –

Report on the Prohibition of Anti-Personnel Mines Bill, 2014

(Chairperson, Departmental Committee on Defence & Foreign Relations)

6. **NOTICE OF MOTION** – (Hon. Peter Shehe)

THAT, notwithstanding the provisions of Standing Order 258(2), this House resolves to extend the period prescribed for the Committee of Privileges to inquire into and comprehensively consider all the matters before it by an additional **thirty days**.

7. **STATEMENTS PURSUANT TO STANDING ORDER 44(2)(b)**

Pursuant to Standing Order 44(2)(b), the following Statements were issued –

- (i) by the Chairperson, Departmental Committee on Administration and National Security regarding non-deployment of Deputy County Commissioners in Habasweni and Wajir South sub-counties, in response to a request by the Member for Wajir South (Hon. Abdullahi Diriye);

The Chairperson informed the House that the non-deployment of the Deputy Commissioners has been occasioned by a dire shortage of national government administrative officers in all cadres in the field of administration and currently there are 77 to 50 Assistant County Commissioners in the whole country against an authorised establishment of 1,450 officers, while the Deputy County Commissioners are 219 against an authorised establishment of 289 sub-counties.

The Ministry of Interior and Coordination of national Government, in consultation with the Public Service Commission (PSC), is in the process of identifying suitable assistant county commissioners to be appointed.

- (ii) by the Chairperson, Departmental Committee on Administration and National Security regarding the *Nyumba Kumi* initiative, in response to a request by the Member for Mvita (Hon. Shariff Nassir);

The Chairperson informed the House that the Government has already developed a draft policy on community policing that is currently undergoing validation process. The Government, however, does not have any immediate intention to come up with any specific legislation on community policing as both the Constitution and the National Police Service Act of 2011, have specific provisions that support community policing and by extension *Nyumba Kumi* initiative.

- (iii) by the Vice-Chairperson, Departmental Committee on Administration and National Security regarding the killing of one Ibrahim Isaac Gutu, in response to a request by the Member for Member for Tana River County (Hon. Halima Ware);

The Vice-Chairperson informed the House that the police launched investigations immediately after the death and during the investigations, it was alleged that the deceased had earlier on been arrested by police officers from Madogo Police Station. It is not possible to reveal the names of the suspected perpetrators as the case file inquest No.2/2014 was forwarded to the Director of Public Prosecutions for advice.

8. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing August 26, 2014.

9. **LIMITATION OF DEBATE ON MOTION**

Motion made and Question proposed –

THAT pursuant to provisions of Standing Order 97, this House resolves that debate on the Motion appearing under Order No.10 on reports of the East African Legislative Assembly be limited to a maximum of one hour and 30 minutes with a maximum of five minutes for each Member and 10 minutes for the Leader of the Majority and Minority parties and 15 minutes for the Mover in moving and 15 minutes in reply.

(Hon. Cyprian Iringo)

Debate arising;

Question put and agreed to.

10. **COMMITTEE OF THE WHOLE HOUSE**

The Victim Protection Bill (National Assembly Bill No.41 of 2013)

Order deferred to another day

11. **THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL (NATIONAL ASSEMBLY BILL NO.28 OF 2013)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Protection Against Domestic Violence Bill (National Assembly Bill No.28 of 2013) be now read a Second Time

(Chairperson, Departmental Committee on Justice & Legal Affairs – 20.08.2014)

Debate interrupted on Wednesday, August 20, 2014 resumed;

Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House tomorrow;

12. **MOTION - ADOPTION OF THE REPORT ON CONSIDERATION OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY REPORTS**

Motion made and Question proposed –

THAT, this House adopts the Report of the Committee on Regional Integration on the consideration of the East African Legislative Assembly Reports on Single Customs Territory, the 2nd Parliamentarians Workshop on Climate Change, Internal Audit Systems of EAC Institutions, EAC Annual Report for the period 2011/2012 and the Budget for the East Africa Community for the financial year 2014/2015, laid on the Table of the House on Thursday, 31st July, 2014.

(Hon. Florence Kajuju)

Debate arising;

Mover replied;

Question of the Second Reading deferred to another day.

And the time being thirty minutes past Six O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, August 26, 2014 at 2.30 p.m.

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