



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 17, 2021

1. The House assembled at thirty minutes past two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication –

ON THE DEMISE OF SENATOR VICTOR PRENGEI

Honourable Members,

Today morning the nation woke up to the sad news regarding the untimely demise of nominated Senator The Hon. Victor Prengei, MP. The Honourable Member passed on last night, Monday, 16th August, 2021, after being involved in a fatal road accident in Nakuru.

Honourable Members, the late Sen. Prengei was a budding youthful legislator who attended his post-secondary education at Maseno University, where he earned a Bachelor of Arts Degree (B.A.) in Economics. He later pursued and successfully completed a Masters Degree in Business Administration (Strategic Management) at the Jomo Kenyatta University of Agriculture and Technology (JKUAT) in 2017.

Honourable Members, at the time of his death, the Late Senator Prengei was serving his first term as a Member of Parliament, having been nominated by the Jubilee Party to represent the youth in the Senate. He was an ardent and resourceful Member of the Senate Standing Committee on Energy; the Committee on Devolution and Intergovernmental Relations and the Committee of Powers and Privileges.

As a youthful legislator, the late Senator will also be remembered for his active membership in the Bunge Sports Club.

Honourable Members, prior to his brief political career, Senator Victor Prengei had previously served as the Chairperson, Nakuru Land Management Board and a Board Member of the Betting Control and Licensing Board.

Honourable Members, it is notable that, in the history of Kenya, the Late Senator Prengei was the first Parliamentarian from the Ogiek community, one of Kenya's indigenous minority communities whose participation in national leadership has been rare.

Without doubt, **Honourable Members**, the youth of this country, the fraternity of Parliament and the Nation at large have lost a vibrant, pragmatic and dedicated leader, who had a bright future ahead of him. Hon. Members will be informed in due course about arrangements towards according the fallen legislator a decent send-off.

Honourable Members, In honour of our departed colleague, the late Sen. Victor Prengei, MP, I request that we all stand and observe a minute of silence. May his soul rest in peace.

5. **PAPERS LAID**

The following Papers were laid on the Table of the House by –

a) The Leader of the Majority Party

- (i) The Petroleum Development Levy (Amendment) Order, 2020 and the Explanatory memorandum from the Ministry of Petroleum and Mining.
- (ii) List of Nominees to the National Government Constituencies Development Fund Committees for Bonchari Constituency.
- (iii) Final Audit Reports of the Office of the Auditor-general for the Financial years 2016/2017 and 2017/2018 from PKF.
- (iv) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein: -
 - a) Auctioneers Licensing Board;
 - b) Jomo Kenyatta University of Agriculture and Technology Noodles Limited; and
 - c) Kenya Medical Practitioners and Dentists Council.

b) The Hon. Pukose Robert, on behalf of the Chairperson, Special Funds Accounts Committee

-Report of the Special Funds Accounts Committee on the consideration of the Audited Financial Statements for the Local Authorities Provident Fund, the Unclaimed Assets Trust Fund, the National Environment Trust Fund, the Land Settlement Fund and the Petroleum Development Fund.

c) The Vice Chairperson, Select Committee on National Government Constituencies Development Fund

- Reports of the Select Committee on National Government Constituencies Development Fund on: -
 - (i) Stalled and/or Incomplete Projects initiated through the NG-CDF but falling under the County Government functions; and
 - (ii) Electrification of schools in Constituencies.

d) Vice-Chairperson, Committee on Delegated Legislation: -

- Report of the Committee on Delegated Legislation on its consideration of the Draft Election Campaign Financing Regulations.

6. NOTICES OF MOTION

The following Notices of motion were given:-

THAT, this House **adopts** the Tenth Report of the Special Funds Accounts Committee on Audited Financial Statements for the Local Authorities Provident Fund, the Unclaimed Assets Trust Fund, the National Environment Trust Fund, the Land Settlement Fund and the Petroleum Fund, *laid on the Table of the House on Tuesday, August 17, 2021.*

(The Hon. Pukose Robert, on behalf of the Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on stalled and/or incomplete projects initiated through the NG-CDF but falling under the County Government functions, *laid on the Table of the House on Tuesday, August 17, 2021.*

(The Vice Chairperson, Select Committee on National Government Constituencies Development Fund)

7. QUESTIONS

(a) The following Questions were asked –

- (i) **Question No.276/2021** by the Kisii County (Hon. Janet Ongera), regarding the steps being taken to end Gender Based Violence cases, which have significantly increased during the period of the COVID-19 Pandemic.

(to be replied to the Cabinet Secretary for Public Service and Gender, before the Departmental Committee on Labour and Social Welfare)

- (ii) **Question No.295/2021** by the Member for Kibra (Hon. Benard Okoth), regarding the status of settlement of the award granted by the Environment and Land Court (Kisumu) on June 9, 2021 to one *Shabban Opiyo Kassim* of ID No. 24865553, following a judgement under Petition No. 94 of 2019.

(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- (iii) **Question No.299/2021** by the Hon. Robert Pukose on behalf of the Member for Soy (Hon. Caleb Kositany), regarding the measures in place to ensure that issuance and renewal of Passports and National Identification Cards to citizens of Kenya in the diaspora is done promptly.

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iv) **Question No.305/2021** by the Hon. Benard OKoth on behalf of the Member for Kasarani (Hon. Mercy Gakuya), regarding steps being taken to stop the use of waste water and effluent from the sewerage system in Nairobi for food production, considering that the practice is alleged to account for production of more than 20% of the total food consumed in Nairobi City County, particularly vegetables and legumes.

(To be replied to by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Natural Resources)

- (v) **Question No.308/2021** by the Member for Kabuchai (Hon. Majimbo Kalasinga), regarding the steps being taken to address the cases of missing marks in public universities, where students are not awarded marks, forcing them to apply for special exams or retake the courses in order to graduate.

(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (vi) **Question No.309/2021** by the Member for Awendo (Hon. Walter Owino), regarding why the following administrative units, which were established in Awendo Sub-County in Migori County on June 21st 2017 *vide Gazette Notice No.5853*, are yet to be operationalized- *Miriwa Division; Waundha, Wawire, Kanyamgony, Kadera Kwoyo, and Kabondo Locations; West Waundha, Waware Central, Wanga, Nyarago, Waora, Wawire North, Kamaure, Kadera Kwoyo East, Kwe and Waundha Sub-Locations.*

To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (vii) **Question No.311/2021** by the Member for Subukia (Hon. Samuel Gachobe), regarding the criteria used in allocation and disbursement of monies under the School Infrastructure Fund in the country.

Departmental Committee on Departmental Committee on Education and Research)

- (viii) **Question No.313/2021** by the Member for Teso North (Hon. Oku Kaunya), regarding Considering the high cost of school uniform in the country, which has in turn significantly led to the increased cost of learning in schools,

could the Ministry consider regulating and standardizing the cost of school uniforms to make them affordable?

(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

(ix) **Question No.326/2021** by the Nominated Member (Hon. Godfrey Osotsi), regarding provision of a detailed list of licenced alcoholic drinks manufacturers in Kenya, indicating the names of the firms or persons, respective production costs, selling price, Excise Duty payable, Value-Added Tax (VAT) payable and recommended retail price of all liquor brands of 250 ml.

(To be replied to by the Cabinet Secretary for the National Treasury and Planning before the Departmental Committee on Finance and National Planning)

8. **STATEMENTS**

Pursuant to Standing Order 44(2) (c), the Member for Kiambaa (Hon. Njuguna Wanjiku), requested for a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the construction of the Nairobi Western Bypass.

9. **PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM PROVISIONS OF THE STANDING ORDERS**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 256 relating to Exemption of business from Standing Orders, this House **resolves** to exempt the Reports of the Departmental Committee on Administration and National Security on the Public Petitions listed hereunder, *laid on the Table of the House on Wednesday, August 11, 2021*, from the provisions of Standing Order 227(2) (*Committal of Petitions*) with respect to debate–

- (i) Public Petition regarding insecurity in Saku Constituency and the Larger Marsabit County;
- (ii) Public Petition by Residents of Wajir and Garissa Counties regarding lack of access to Citizen Registration Services; and,
- (iii) Public Petition regarding Recognition of the Pemba People of Kenya as Citizens of the Republic of Kenya.

(The Chairperson, Departmental Committee on Administration and National Security-17.8.2021)

Debate arising;

Question put and agreed to.

10. **NOTICE OF MOTIONS**

The following Notices of motion were given:-

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding insecurity in Saku Constituency and the larger Marsabit County, *laid on the Table of the House on Wednesday, August 11, 2021.*

(Chairperson, Departmental Committee on Administration and National Security)

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition by residents of Wajir and Garissa Counties regarding lack of access to Citizen Registration Services, *laid on the Table of the House on Wednesday, August 11, 2021.*

(Chairperson, Departmental Committee on Administration and National Security)

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding Recognition of the Pemba People of Kenya as Citizens of the Republic of Kenya, *laid on the Table of the House on Wednesday, August 11, 2021.*

(Chairperson, Departmental Committee on Administration and National Security)

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker

The Foreign Service Bill (National Assembly Bill No. 8 of 2021)**SCHEDULE -**

Clause 3 - amendment proposed -

THAT, Clause 3 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause

—
“(2) The Foreign Service shall be headed by the Cabinet Secretary.”

(b) in subclause (3) by inserting the words “, international law and customs of diplomatic practice” immediately after the word “Constitution”.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed -

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

Composition
of the Foreign
Service.

- 4.** (1) The Service shall comprise officers serving at the headquarters and in Missions, who shall include—
- (a) high commissioners, ambassadors and diplomatic and consular representatives;
 - (b) Special envoys;
 - (c) Honorary Consuls;
 - (d) foreign service officers; and
 - (e) any other officer as may be designated by any written law or by the Cabinet Secretary in writing.
- (2) The composition of the Service shall reflect the gender, regional and other diversities of the people of Kenya.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed -

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

Functions of the
Foreign Service.

- 5.** In addition to any other responsibilities designated in writing by the President to the Ministry, the Service shall—
- (a) be responsible for the development and management of Kenya's foreign policy;
 - (b) conduct and coordinate the international relations and cooperation of the Republic at bilateral, regional and multilateral levels;
 - (c) enhance protection of Kenya's sovereignty and territorial integrity;
 - (d) enhance national, regional and international peace, security and stability;
 - (e) protect, promote and project national interests globally;
 - (f) establish and maintain good relations between the Republic and other countries, and international organizations;
 - (g) manage the Republic's Missions;
 - (h) serve and promote the legitimate interests of Kenyans living abroad;
 - (i) administer diplomatic privileges and immunities;
 - (j) administer all foreign representations in the Republic;

(k) be the primary interface between the Republic and foreign states and international organizations or entities;

(l) facilitate negotiation and conclusion of international treaties and agreements in consultation with relevant ministries;

(m) maintain custody of ratified international treaties and agreements;

(n) facilitate the integration of Kenya’s foreign policy in national security;

(o) coordinate, monitor and report on the implementation of the Republic’s international obligations;

(p) coordinate and provide protocol services to designated foreign and national dignitaries as prescribed;

(q) provide consular services as prescribed;

(r) coordinate relevant agencies in emergency evacuation of distressed Kenyans abroad; and

(s) perform any other function as may be necessary for the discharge of its mandate as prescribed by any written law.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed -

THAT, the Bill be amended by deleting Clause 6 and substituting therefor the following new clause—

Powers and functions of the Cabinet Secretary.	<p>6. In addition to any powers or functions designated in writing by the President, the Cabinet Secretary shall—</p> <p>(a) be the principal advisor to the President on matters relating to foreign policy;</p> <p>(b) provide strategic leadership and policy guidance to the Service;</p> <p>(c) consult and advise the Public Service Commission on appropriate officers to be appointed to the Foreign Service;</p> <p>(d) ensure that the Service and Missions pursue the foreign policy objectives of the Republic, in coordination with other ministries and agencies in the Republic;</p> <p>(e) advise the Cabinet on the establishment of Missions of the Republic;</p>
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- (f) provide policy advice to the Government on matters relating to foreign policy;
- (g) establish such consultative coordination mechanisms as may be necessary for the effective implementation of this Act;
- (h) conduct and coordinate communications between the government of the Republic and governments of other countries and intergovernmental organizations and agencies;
- (i) oversee and implement directives by the President relating to the appointment or recall of high commissioners, ambassadors and diplomatic and consular representatives;
- (j) administer, manage and develop the capacity of the Service;
- (k) issue guidelines on the coordination and alignment of matters relating to foreign affairs to National and County Governments;
- (l) approve the accreditation of a high commissioner, ambassador, diplomatic or consular representative to serve more than one country or jurisdiction; and
- (m) ratify international agreements on behalf of the Republic subject to approval by the National Assembly.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to.

Clause 7 - amendment proposed -

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

Functions of the Principal Secretary. **7.** The Principal Secretary in the ministry responsible for matters relating to foreign affairs shall be responsible to the Cabinet Secretary and shall—

- (a) provide administrative supervision to the Service;
- (b) co-ordinate the performance management of the Service;
- (c) oversee implementation of programmes;
- (d) provide foreign policy advice to the Cabinet Secretary;
- (e) be the principal accounting officer and ensure efficient utilization of funds and other public resources;
- (f) act as the point of contact for the Service;
- (g) advise the Cabinet Secretary on human resource matters; and

(h) perform any other functions as delegated by the Cabinet Secretary.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to.

Clause 8 - agreed to.

Clause 9 - amendment proposed -

THAT, Clause 9(1) of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

“(ba) providing legal advice and handling compliance matters;”

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to.

Clause 10 - amendment proposed -

THAT, the Bill be amended by deleting Clause 10 and substituting therefor the following new clause—

Establishment of Missions of the Republic.

10. (1) The Cabinet Secretary may recommend, and upon approval by Cabinet, establish a Mission in accordance with the provisions of the Vienna Convention on Diplomatic Relations, 1961, the Vienna Convention on Consular Relations, 1963, and the provisions of treaties and conventions establishing intergovernmental organizations and agencies.

(2) In recommending the establishment of a Mission and any office of the Foreign Service abroad, the Cabinet Secretary shall be guided by the Kenyan foreign policy.

(3) The Cabinet Secretary shall, with the approval of Cabinet—

- (a) prescribe the territorial accreditation boundaries of a Mission;
- (b) amalgamate two or more Missions; or
- (c) close or downgrade a Mission.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed -
THAT, the Bill is amended by deleting Clause 11.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - deleted

Part IV-Title- amendment proposed -
THAT, the title to Part IV of the Bill be amended by deleting the words “STAFFING AND CONDITIONS OF SERVICE” and substituting therefor the words “MANAGEMENT OF THE SERVICE”.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Part IV-Title - as amended agreed to.

Clause 12 - amendment proposed -
THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new clause—

- Recruitment. **12.** (1) The Cabinet Secretary shall, in consultation with the Public Service Commission —
- (a) determine the terms and conditions of service for members of the Service; and

- (b) establish a Foreign Service Personnel Scheme which shall guide the criteria relating to the recruitment and career progression within the Service.
- (2) A person shall not be recruited into the Service unless the person—
 - (a) is a Kenyan citizen; and
 - (b) has undertaken and passed Foreign Service Examinations administered by the Academy.
- (3) Recruitment and promotion in the Service shall be conducted through a competitive process to determine the competence, fitness and aptitude of candidates to serve in the foreign service.
- (4) The Public Service Commission shall, in consultation with the Cabinet Secretary, recruit—
 - (a) suitably qualified officers to execute the functions of the Foreign Service; and
 - (b) service staff to provide technical and support services to the Service.
- (5) The recruitment and appointment procedure under this Act shall comply with the values and principles of Public Service enshrined in the Constitution and the Public Service (Values and Principles) Act.

(No. 1A of
2015)

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to.

Clause 13 - amendment proposed -

THAT, Clause 13 of the Bill be amended by deleting sub clause (3).

Question of the amendment proposed;

(Chairperson Departmental Committee on Defence and Foreign Relations)

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 14 - amendment proposed -

THAT, Clause 14 of the Bill be amended by deleting the words “Principal Secretary” appearing at the beginning of the clause and substituting therefor the words “Cabinet Secretary”.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14- as amended agreed to.

Clause 15 - amendment proposed -

THAT, the Bill be amended by deleting Clause 15 and substituting therefor the following new clause—

Deployment of officers to Missions. **15.** (1) The Cabinet Secretary may, with notification to the Public Service Commission, assign any officer of the Service to any Mission.
(2) The Cabinet Secretary may extend or terminate any overseas assignment under subsection (1), and require an officer to return to headquarters.
(3) Any officer of the Ministry assigned overseas shall, in addition to provisions under his or her employment contract, continue to be bound by the regulations governing the public service.
(4) The Cabinet Secretary may recall an officer assigned to serve at a Mission prior to the end of his or her term as prescribed in regulations.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed -

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new clause—

Training.

16. (1) The Cabinet Secretary shall ensure that all officers receive appropriate diplomatic and other training relevant to their rank under the personnel scheme.

(2) The training and capacity building of officers shall be undertaken by the Academy and such other institutions as may be authorized by the Principal Secretary.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to.

Clause 17 - amendment proposed -

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new clause—

Secondment
of officers
from other
Ministries.

17. (1) The Public Service Commission may, with the concurrence of the relevant Cabinet Secretary and the Cabinet Secretary, second staff from any other ministry to any Mission.
(2) Where a person is seconded to a Mission under subsection (1), the Cabinet Secretary and the relevant Cabinet Secretary shall agree on the employment and financial conditions that shall apply for the duration of secondment.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to.

Clause 18 - amendment proposed -

THAT, Clause 18 of the Bill be amended—

- (a) in sub clause (2) by deleting the words “including obtaining criminal records and relevant qualifications and references from previous employers”;
- (b) by deleting sub clause (3) and substituting therefor the following new sub clause—
“(3) The terms and conditions of employment of locally engaged staff shall be in accordance with the labour laws of the host country.”
- (c) by deleting sub clause (4);
- (d) by deleting sub clause (5).

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clause 19 - amendment proposed -

THAT, Clause 19 of the Bill be amended by—

(a) renumbering the existing provision as sub clause (1);

(b) inserting the following new sub clauses immediately after sub clause (1)—

“(2) A person who abuses any privilege or immunity granted under this section shall be subjected to disciplinary action as appropriate.

(3) A person shall not waive the privileges and immunities granted under this section without the express approval of the Cabinet Secretary.”

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to.

Clause 20 - amendment proposed -

THAT, the Bill be amended by deleting Clause 20.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - deleted.

Clause 21 - amendment proposed -

THAT, Clause 21 of the Bill be amended—

(a) in sub clause (1) by deleting the words “independent contractors” appearing immediately after the words “officers and” and substituting therefor the words “service staff”;

(b) by deleting sub clause (2).

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to.

Clause 22 - amendment proposed -
THAT, the Bill be amended by deleting Clause 22.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - deleted.

Clause 23 - amendment proposed -

THAT, the Bill be amended by deleting Clause 23 and substituting therefor the following new clause—

Appointment.

23. (1) The Office of a high commissioner, ambassador, diplomatic or consular representative shall be a State office for purposes of Article 260 of the Constitution.

(2) Pursuant to Article 132 (2) (e) of the Constitution, the President shall nominate, and subject to the approval of the National Assembly, appoint high commissioners, ambassadors and diplomatic or consular representatives.

(3) A nomination under subsection (2) shall reflect—

(a) a fair balance between career diplomats and other appointees; and

(b) the gender, regional and other diversities of the people of Kenya.

(4) A person nominated for appointment under subsection (2) shall be—

(a) a citizen of Kenya; and

(b) of a reputable character and standing.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23-as amended agreed to.

Clause 24 - amendment proposed -

THAT, Clause 24 of the Bill be amended by deleting sub clause (4).

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24- as amended agreed to.

Clause 25 - amendment proposed -

THAT, Clause 25 of the Bill be amended by deleting sub clause (2).

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25- as amended agreed to.

Clause 26- agreed to.

Clause 27 - amendment proposed -

THAT, Clause 27 of the Bill be amended by deleting sub clause (3) and substituting therefor the following new sub clause—

“(3) Each Honorary Consul shall report directly to—

(a) the Head of Mission responsible for that country; or

(b) where there is no Head of Mission, to the Cabinet Secretary.”

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27- as amended agreed to.

Part VI - amendment proposed –

THAT, the title to Part VI of the Bill be deleted.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Part VI-Title - deleted.

Clause 29- amendment proposed –

THAT, Clause 29 of the Bill be amended by—

- (a) deleting sub clause (2);
- (b) deleting sub clause (3).

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29- as amended agreed to.

Clause 30 - amendment proposed –

THAT, the Bill be amended by deleting Clause 30.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30- deleted

Clause 31- agreed to.

Clause 32- amendment proposed –

THAT, the Bill be amended by deleting clause 32 and substituting therefor the following new clause—

Functions
of the
Academy.

32. The Academy shall—

- (a) be the principal institution for training and capacity building of members of the foreign service;
- (b) undertake foreign policy consultancy, research and analysis for the Service, Government and clients in the private and public sector;
- (c) develop and conduct periodic evaluation of training programmes to ensure relevance, quality and effectiveness;
- (d) undertake continuous foreign service training and other programmes to enhance skills, capacity and professionalism of Officers;
- (e) offer induction courses to all newly employed persons to help them transition into a career in the Service;
- (f) administer entry and promotional examinations within the Service;
- (g) undertake training of members of the Service before deployment for a tour of duty;
- (h) conduct examinations for the grant of such professional and academic awards as may be prescribed;
- (i) develop and maintain a repository of research resources on foreign policy and related issues;
- (j) develop linkages and collaborations with institutions of learning, professional organizations, private sector and other similar institutions across the world;
- (k) control the publication and use of research findings of the Service; and

- (l) perform all other acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 32- as amended agreed to

Clause 33- amendment proposed –

THAT, Clause 33 (1) of the Bill be amended—

- (a) by deleting paragraph (d) and substituting therefor the following new paragraph—
“(d) three persons competitively recruited and appointed by the Cabinet Secretary, one of whom shall be a person who teaches diplomacy or international relations in a university recognized in Kenya;”
- (b) by deleting paragraph (e);
- (c) in paragraph (h) by deleting the words “and secretary to the Council” appearing immediately after the words “ex officio member”;
- (d) in sub clause (3) by inserting the words “appointed under subsection (1)(d)” immediately after the words “members of the Council”.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 33- as amended agreed to.

34, 35 & 36 - agreed to.

Clause 37- amendment proposed –

THAT, Clause 37 of the Bill be amended in sub clause (1) by deleting the words “by the Cabinet Secretary, on recommendation” appearing immediately after the word “appointed”.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37- as amended agreed to.

Clause 38 - amendment proposed -

THAT, the Bill be amended by deleting Clause 38 and substituting therefor the following new clause—

Functions of **38.** The Director-General shall be—
Director-
General.

- (a) the accounting officer of the Academy; and
- (b) responsible for—
 - (i) implementing the decisions of the Council;
 - (ii) efficient administration of the Academy;
 - (iii) preparing annual reports on activities of the Academy;
 - (iv) the day-to-day administration and management of the affairs of the Academy; and
 - (v) the performance of such other duties as may be assigned by the Council or as may be prescribed by this Act, or any other written law.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 38- as amended agreed to.

Clauses 39, 40, 41,42,43,44 and 45 - agreed to.

Clause 46- amendment proposed -

THAT, Clause 46(2) of the Bill be amended by deleting the opening statement and substituting therefor the following—

“Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General the accounts of the Academy together with—”

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 46- as amended agreed to.

Part IX - Title- amendment proposed –

THAT, the title to Part IX of the Bill be amended by inserting the word “PROVISIONS” immediately after the word “MISCELLANEOUS”.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Part IX- Title - as amended agreed to.

Clause 50 - amendment proposed –

THAT, clause 50(1) of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b)—

“(ba) procedure for administering foreign service examinations, including written, oral, physical, foreign language, and other examinations for appointment to the Service;

(bb) procedure for termination or recall of officers assigned to Missions;

(bc) the terms and conditions applicable to a special envoy;

(bd) the provision of protocol services to designated foreign and national dignitaries;

(be) the provision of consular services;”

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 50- as amended agreed to.

Clause 51- agreed to

New Clause 23A proposed-

THAT, the Bill be amended by inserting the following new clause immediately after clause 23—

Head of **23A.** The Head of a Mission shall—
Mission.

- (a) actively pursue the foreign policy objectives of the Republic in the host country;
- (b) act as the personal representative of the Head of State in the host country;
- (c) act as an official representative of the Republic at official functions in the host country;
- (d) be responsible for the management and administration of the Mission and all members of the Foreign Service located at the Mission, including the locally engaged staff in the Mission;
- (e) be accountable for any expenditure of the Mission and ensure that the budget of the Mission is administered in accordance with the Public Finance Management Act, 2012 and all other applicable laws and regulations.

No. 18 of 2012.

(2) A Mission may have more than one person designated to serve as ambassador or high commissioner.

(3) Where a Mission has more than one ambassador or high commissioner, the ambassador or high commissioner designated as ambassador extraordinary and plenipotentiary shall be the Head of Mission.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Motion made and Question proposed –

THAT, the New Clause 23A be now read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 23A be part of the Bill

Debate arising;

Question put and agreed to;

New Clause 23A - agreed to.

New Clause 38A proposed-

THAT, the Bill be amended by inserting the following new clause immediately after Clause 38—

Corporation
Secretary.

38A. (1) There
shall be a Corporation

Secretary of the Academy who shall be the secretary to the Council.

(2) The terms and conditions of service of the Corporation Secretary shall be determined by the Council in consultation with the Salaries and Remuneration Commission.

Motion made and Question proposed –

THAT, the New Clause 38A be now read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 38A be part of the Bill

Debate arising;

Question put and agreed to;

New Clause 38A - agreed to.

New Clause 49A proposed-

THAT, the Bill be amended by inserting the following new clause immediately after clause 49—

Diplomatic reporting, notifications and communications.

49A. (1) Unless otherwise directed by the Cabinet Secretary—

(a) all diplomatic or official correspondences sent directly to the Republic’s Missions shall be forwarded to or channelled through the Ministry headquarters;

(b) all diplomatic or official correspondences originating from Embassies within the Republic to any Ministry or agency in the Republic shall be forwarded or channelled through the Ministry headquarters; and

(c) all diplomatic or official correspondences originating from domestic Ministries, agencies, or Missions and international organizations that are channeled through Ministry headquarters shall, where appropriate, be forwarded to relevant Embassies for their information.

(2) The Head of a Mission or his or her designate shall be the first point of contact for a Mission of the Republic.

(3) The Principal Secretary shall be the first point of contact for the Ministry headquarters.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Motion made and Question proposed –

THAT, the New Clause 49A be now read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the New Clause 49A be part of the Bill;

Debate arising;

Question put and agreed to;

New Clause 49A - agreed to.

Schedule - agreed to

Clause 2 - amendment proposed –

THAT, Clause (2) of the Bill be amended—

- (a) in the definition “attaché” by deleting the word “mainstream” appearing immediately after the words “other than a”
- (b) by deleting the definition “dependant child” and substituting therefor the following new definition—
“dependant child” means a biological offspring or a legally adopted child who is not married—
 - (a) and is under the age of twenty-two years;
 - (b) is in school and is under the age of twenty-four years; or
 - (c) has special needs and is wholly dependent on an officer.
- (c) in the definition “locally engaged staff” by deleting the words “abroad or within the Republic” appearing at the end of the definition;

- (d) by deleting the definition “Mission” and substituting therefor the following new definition—
“Mission” means a Kenyan Embassy, High Commission, Consulate-General or a duly accredited representational office abroad or within the Republic;
- (e) by deleting the definition “Officer” and substituting therefor the following new definition—
“Officer” means a Foreign Service officer;
- (f) in the definition “spouse” by inserting the words “and recognized under the Marriage Act” at the end of the definition;
- (g) by deleting the definition “tour of duty” and substituting therefor the following new definition—
“tour of duty” means the period of time between—
- (a) when an appointed Officer reports to a Mission; and
- (b) when the Officer is recalled to Ministry Headquarters”
- (h) by inserting the following new definitions in proper alphabetical sequence—
“career diplomat” means an Officer of the rank eligible for appointment as a high commissioner, ambassador, diplomatic or consular representative;
- “Headquarters” means the administrative centre of the Service in Kenya;
- “Honorary Consul” means an official representative of one country in the territory of another and does not include a career diplomat;
- “Service” means the Foreign Service of the Republic of Kenya established under Section 3;
- “service staff” means persons recruited to offer technical and administrative support to the Service other than foreign service officers;
- “special needs” means a physical or mental condition which necessitates special care for a dependant child.

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question on the amendment proposed;

Debate arising;

Question on the amendment put and agreed to;

Clause 2 - as amended agreed to;

Clause 1 - agreed to.

Title - agreed to.

Bill to be reported with amendments.

12. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

The Foreign Service Bill (National Assembly Bill No. 8 of 2021)

Bill reported with amendments;

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Foreign Service Bill (National Assembly Bill No. 8 of 2021).

(Chairperson Departmental Committee on Defence and Foreign Relations)

Question deferred.

13. **THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

Order for Second Reading read;

Rising in his place on point of order pursuant to Standing Order 95, the Member for Endeless (Hon. Robert Pukose) claimed that the mover be called upon to reply.

The Speaker having acceded to the claim;

Motion made and Question proposed -

THAT that mover be called upon to reply;

Mover replied;

Motion made and Question proposed -

THAT, the National Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021) be now read a Second Time.

(The Leader of the Majority Party - 10.08.2021)

Question put and agreed to;

Bill read a Second Time and committed to Committee of the whole House Tomorrow.

14. **THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2021)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021) be now read a Second Time.

(The Leader of the Majority Party - 17.08.2021)

And the time being seven O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on,
Wednesday, August 18, 2021 at 9.30 a.m.

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