



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

Tuesday, 18<sup>th</sup> November 2025

The House met at 2.30 p.m.

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

### PRAYERS

#### PROCESSION IN HONOUR OF THE RETIRING CHIEF SERJEANT-AT-ARMS

**Hon. Speaker:** Hon. Members, remain standing. Today, you can see that we have an unusual procession and the Chief Serjeant-at-Arms, Mr Aloisio Lekulo, is the one bearing the Mace. I will give a Communication on the same later. Mr Lekulo is coming to the end of his service in Parliament through retirement, and not by any other means. Today is his last official function to the House, honouring his dedicated service to all of us - the institution of Parliament, the people and the Republic of Kenya. You are the representatives of the people of Kenya. By serving you, he has been serving the people of Kenya with dedication, dignity, humility and, above all, with total commitment to his call of duty.

We shall have the national anthem played, then he will place the Mace and be escorted out. He will then come back and sit at the Public Servants' Area. I will make a Communication about him. The House Business Committee has allocated 30 minutes to allow a few Members to pay tributes and homage and praise to the distinguished service that Mr Lekulo gave to this House.

*(The National Anthem was played)*

*(Mr Aloisio Lekulo placed the Mace on the Table)*

*(Mr Aloisio Lekulo was escorted by the  
Serjeant-at-Arms out of the Chamber)*

*(Applause)*

Hon. Members, you can watch the procession on the screen.

*(Mr Aloisio Lekulo sat at the Public Servants' Area)*

Hon. Members, we can start our business. We will proceed as follows: I will deliver a Message from the President and then make a Communication on Mr Lekulo. I will give you 30 minutes for tributes. After that, Hon. (Prof.) Jaldesa - although I do not see him here - will make a Statement on the passing on of our colleague Hon. Tubi Bidu of Isiolo South. We will also take 30 minutes to eulogise him. I want to inform you that Yours Truly represented the House together with about 25 Members of Parliament. I thank the Members for traveling to Isiolo where we laid the late Member to rest on Thursday at 1.00 p.m. Once we finish with those two matters, we will come back to the normal business of the House. Clerk-at-the-Table, we can start.

### COMMUNICATION FROM THE CHAIR

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**RECOGNITION OF DISTINGUISHED  
SERVICE BY MR ALOISIO LEKULO**

**Hon. Speaker:** Hon. Members, allow me to give a recognition of distinguished service of a retiring officer of this House. I wish to recognise the distinguished service of a humble and highly dedicated officer, one Mr Aloisio Nterepu Lekulo, OGW, who has been serving as the Chief Serjeant-at-Arms of the National Assembly and is due to retire from the Parliamentary Service in a week.

Mr Lekulo joined Parliament in 2006 as a Senior Serjeant-at-Arms and steadily rose through the ranks to become Chief Serjeant-at-Arms and Director. In this role, he played a pivotal role in enhancing specialised training including VIP protocols, which have equipped them with essential skills to address emerging trends in institutional security and events management. Those efforts have significantly strengthened security within the parliamentary precincts, improved estate management, and supported the smooth coordination of plenary proceedings.

Mr Lekulo spearheaded the efforts to professionalise the Serjeant-at-Arms Service by overseeing the registration of officers to professional bodies and associations such as the Commonwealth Serjeant-at-Arms Association and the National Legislative Serjeant-at-Arms Association-America (NLSAA). He has served as a member of the National Assembly Board of Management, where he made contributions on policy proposals that have informed key decisions in Parliament.

Hon. Members, prior to joining Parliament, Mr Lekulo was a District Officer in the Office of the President, Provincial Administration, from 1996. He served in various stations including Laikipia, Trans-Nzoia, Isiolo and Nyahururu districts. His administrative ability and leadership skills were evident in his public service and saw him being assigned various special duty roles, including in Shartuka Division, Transmara, in 1997 where he oversaw security operations and the sub-division of Shartuka Group Ranch. In Laikipia, he helped in the establishment of community lodges like Tarsia, Starbed and Lentile, which have evolved to community conservation projects.

Hon. Members, between 1992 and 1996, Mr Lekulo served as a teacher under the Teachers Service Commission (TSC) at Garbatullah High School. He was an inspiration to many young boys in the bandit-prone region and encouraged many to pursue education.

Mr Lekulo will officially leave the Parliamentary Service Commission on 24<sup>th</sup> November 2025. This week will be his last one in service as an officer of the House and quite significant to him. Indeed, his presence today in the Speaker's Procession was of great importance. We thank him for his diligence.

Joining Mr Lekulo are the members of his family who include his wife, Mrs Sadia Golo, and his two sons, Mr Isa Lemayan and Mr Austin Lemarat.

*(Applause)*

They are seated in the Speaker's Gallery.

*(Mr Lekulo's family stood in the Speaker's Gallery)*

Take your seats.

On behalf of the National Assembly, Parliamentary Service Commission, and my own behalf - for I have had a very cherished personal relationship with Mr Lekulo since he joined

Parliament - I wish to thank him for his close to two decades of service to Parliament and wish him well in his future endeavours.

In keeping with our usual parliamentary tradition, let us now now join in foot stamping in appreciation of the gallant service this gentleman has given to this House and Parliament as a whole.

(Applause)

I thank you.

(Several Members stood at the Bar)

Take the nearest seats quickly, Members.

(Hon. Ali Raso stood in the gangway)

Hon. Raso, I know you are a nomad, but you should take the nearest seat.

(Laughter)

Hon. Members, I will give an opportunity to the leadership, starting with Leader of the Majority Party, followed by Leader of the Minority Party. Is Hon. Lekuton in the House? The Member of Parliament for Mr Lekulo, Hon. Joseph Lekuton, is not in the House.

Okay. Go ahead, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Allow me to take this opportunity to thank Mr Lekulo for not only the long service that he has rendered to the National Assembly, but also to the people and the Republic of Kenya. We thank him for rendering public service in the National Assembly for the last 19 years.

Those who have bothered to dig a little bit about the service of the Serjeant-at-Arms of the National Assembly will appreciate the huge role that Mr Lekulo has played in bringing civility in the conduct of their work. Indeed, through him, there has been training of officers who are even serving in the Senate as Serjeants-at-Arms and officers who serve us with a lot of civility and diligence.

Hon. Speaker, as you have said in your Communication, Mr Lekulo came from the Public Administration and served as a District Officer. He brought with him that civilian service attitude into the National Assembly. Those who have learnt a little bit of the history of this House and have been here long enough like Hon. Speaker, know that there was a time when Serjeants-at-Arms were largely from the military and police service. I was told by your predecessors and older Members like Hon. Keynan that there was a time when there was some tiff between the officers who came from the military because there was a captain and a major who were serving. One was senior to the other, and there was a lot of friction. However, Mr Lekulo brought in very good order in this service.

He not only served his juniors, but also Members of Parliament with a lot of civility. He encouraged young officers who served under him to serve as diligently as he has served Kenyans and, most specifically, Members of Parliament. We have seen this over the years, right from the time when I joined this House back in 2013, and during the security laws fist-fight here. Hon. Speaker, at that time, you were a visiting Member in the Speaker's Gallery.

(Laughter)

It took these Serjeants-at-Arms a lot of effort...

**Hon. Speaker:** Yes! I will never forget that day! A Member from Nakuru called Hon. Kimani Ngunjiri boxed me up there.

(*Laughter*)

Go on.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, were it not for Mr Lekulo and other diligent servicemen who serve in the Serjeant-at-Arms Office, a lot of unpleasant things would have happened. I am saying this because in this House, we have 349 political leaders from diverse backgrounds, with different levels of egos. Dealing with a political class in a House like this one is not easy. At times, they may decide to be very dishonourable. It takes the civility and dignified conduct of work that Mr Lekulo has set out in the service that they serve in as Serjeant-at-Arms to bring order in a very disorderly place.

I must congratulate Mr Lekulo and thank him for the service he has rendered to the people of Kenya. He has rendered great service to the people's representatives who sit in this House.

In conclusion, he deserves a post-retirement job to serve in boards and the Government. The Head of Public Service and Cabinet Secretaries who have served in this House were served by Mr Lekulo. When there is an opportunity to identify men and women of integrity to serve in boards of our parastatals, Mr Lekulo is one such man who must not be left out. We will ensure that he serves in the boards of Government agencies because he deserves it.

Mr Lekulo is a man of unquestionable integrity who represents a very small community in this country. I am sure many Members of Parliament may not know that he comes from the El Molo Community, which is the smallest community in this country. If an El Molo could rise from being a student to qualify to be a public administrator as a District Officer and then rise to the high office of the Chief Serjeant-at-Arms of the National Assembly, it tells you that any child in Kenya can be anything that they desire and work to be. Mr Lekulo remains a shining example to not only the El Molo Community, but also to other marginalised and small communities in this country that they have a chance.

In conclusion, I want to address you as the Chairman of the Parliamentary Service Commission. The El Molo Community has lost one position in the National Assembly.

(*Technical hitch*)

Thank you, Hon. Speaker. I thought the microphone had gone off because I was addressing you.

(*Laughter*)

Hon. Speaker, this is a House that represents not only people, but also equity in our nation. It is important that this position that Mr Lekulo held, a man of great repute from the El Molo Community, that the Commission works to ensure that we get more El Molos to serve in the National Assembly so that all the people of Kenya, when represented by Members of Parliament, can also see the face of their communities in the staff establishment within the National Assembly.

I must congratulate the Parliamentary Service Commission for ensuring that this Houses becomes a hallmark of actual equitable representation of people within the staff establishment. With that, congratulations to you Mr. Lekulo, once again. In all your future

endeavours, may you continue serving with the diligence and dedication that you have served us with, as the people's representative, which is service to Kenyans. Thank you, Hon. Speaker.

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

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker. I want to thank you for granting me this opportunity to bid farewell to a distinguished officer of Parliament, the out-going Serjeant-at-Arms officer, Mr. Lekulo. This moment is very emotional because since I came to this Parliament, I have known Mr. Lekulo as the Serjeant-at-Arms. He looked soft spoken but was very firm when he wanted to make a decision. When there were issues of security or disorder in the House, that would be the moment you would know who Mr. Lekulo was.

Personally, I had an interaction with him in the 11<sup>th</sup> Parliament when I was a very vibrant and disorderly politician. I would have a lot of problems with the Directorate of Criminal Investigation (DCI). They would look for me in town and would not find me, and they would serve summons through Mr. Lekulo. One day, I was hiding in someone's house, and my wife called me - I do not know how he got her number. She told me that somebody called Mr. Lekulo has called and said that the police are looking for you. He had summons and I needed to collect them from Parliament the next day. I did not come to Parliament but went to Nation Media House for an interview in the morning. The Nation Media people had promised to hide me after the interview but when I walked out, I found the DCI inside the studio where we were doing the interview. I wish I had followed Mr. Lekulo's instructions to come to Parliament to collect the summons and go to the DCI's office. So, Hon. Speaker, this is a man who knew what he was doing. This is a man who has served this institution with dedication and we are going to miss him as parliamentarians.

Hon. Speaker, as the Hon. Leader of Majority Party has alluded to, this man comes from the smallest community in the country called El-Molo. Many of us did not know that. We were assuming that he is from Samburu, Maasai or somewhere else, until today when we did research on him because he is leaving and we realised that he is from El-Molo. That shows you how representative Parliament can be both in terms of representation in the House and the staff. This is a man that we should not let go even after retirement. There are these positions that are in the Parliamentary Service Commission that are normally filled through nomination by both the majority and minority parties. This man should be in the Parliamentary Service Commission. He will do better than some of them who are serving there currently. I can tell you, he has more experience, more knowledge and he knows how Parliament operates. I do not want to mention names but you know them.

(Laughter)

I do not want to mention names, but Mr. Lekulo will serve both the interests of the staff and the Members of Parliament. In the earliest opportunity there is a vacancy... I can make it happen because I have the constitutional mandate to remove a commissioner. Commissioners must know that they were appointed by this House and the procedure of removing them is also vested in this House constitutionally. So, in the event we decide to create a vacancy the same way we decided to create one in the Deputy President's office...

(Laughter)

Hon. Speaker, you remember we created a vacancy in the Deputy President's office and there is someone who is occupying it fully and is doing a good job, better than the one we removed. So, if we also create a vacancy there, which I foresee happening very soon, Mr. Lekulo should be the first person to occupy that office.

In conclusion Hon. Speaker, I would like to say that Mr. Lekulo is an example of how our staff in this Parliament are dedicated to their work. I came to realise later as a parliamentarian that the security of Members of Parliament primarily lies with the Serjeant-at-Arms. They are the ones who advise us on what to do and where not to go. Even when we attend national events, the first contact you have is the Serjeant-at-Arms. So, Mr. Lekulo, if we could extend the retirement age, you are one of the people we could have done that for. However, time has come and do not worry, we are together. Go and serve the country in another capacity. We wish you all the best and thank you for the service you have provided to this House. With those few remarks, Hon. Speaker, congratulations to Mr. Lekulo. Thank you very much.

**Hon. Speaker:** Thank you. The remaining Hon. Members, if I give you the chance, you will have just two minutes. Hon. Raso, two minutes.

**Hon. Ali Raso** (Saku, UDA): Thank you very much Hon. Speaker. I wish to join you in congratulating the Chief Serjeant-at-Arms, Mr. Lekulo. He comes from my county and, indeed, as the Hon. Leaders of Majority and Minority Parties have said, he comes from the smallest community within our county with less than 500 members. He has been a trail-blazer. The first person from El-Molo community to be in Government as a teacher and an administrator.

**Hon. Speaker:** For those of you who are getting amazed at the El-Molo, they occupy the shores of Lake Turkana, a place called Loyangalani. I have some friends there and I have had very good visits there too. They are less than 600 people. Mr. Lekulo tells us as Eliud Kipchoge said: "No human is limited." Go on Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much Hon. Speaker. As a teacher at Garbatula High School, when it was a national school, he was actually a beacon to young boys and girls attending that school, who felt that if a young teacher from El-Molo could come and teach at Garbatula High School, then all of them could rise to the top. I say again, he was a trail-blazer. He was the first District Commissioner (DC), actually among the first, from the region. Though they were few from the major communities, but he was the first from amongst his people, including the Rendille, the Borana, the Gabra and the Samburu.

Hon. Speaker, in Parliament, he has provided a distinguished service. When you see him, he is the face of calm and composure. As Hon. Junet has said, wherever there is some disturbance around Parliament and you see him, he was the face of confidence. He would always say: "*Mheshimiwa hakuna shida. Tuko.*" Today as he retires, he is retiring as the senior-most person from El-Molo in Government and he is the face of his people. I want to join the Hon. Leaders of Majority and Minority parties in saying that the El-Molo people must be represented in Government. Thank you.

**Hon. Speaker:** Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. I first interacted with Mr. Lekulo in 1990 at Moi University, when both of us were pursuing a degree course and since then, we have been members of Moi University Alumni Association. Then, as fate would have it, later on, he also went back to my former High School, Garbatula High School, where he became a teacher. Then later on, I met him here in Parliament as a staffer while I was a parliamentarian. To many, retirement is synonymous with withdrawal, pulling out, pulling back, disengagement, recess, but Hon. Speaker, for Mr. Lekulo, I will say three things. This retirement provides an opportunity for you to go and relax, rest and go and find new avenues. I would like to pose a question to my colleagues here, and this is something that all of us as Members of the National Assembly of the Republic of Kenya, need to ask ourselves. If truly we were to subscribe to the politics of shareholding, would anyone from the El Molo community ever have risen to become the Serjeant-at-Arms of the then Parliament of Kenya

and today, the National Assembly of the Republic of Kenya? The answer is obvious. The answer is no! I will mention three or four things, and this will be my conclusion.

First, Mr Lekulo, you have earned this retirement and so, rest. Second, seek new adventures. Enjoy. Congratulations. Welcome to a new life.

As I conclude, Hon. Speaker, as our leader, I plead with you to communicate with His Excellency the President. I have known Mr Lekulo more than any other person. I have been a Commissioner for three terms, and I will say one thing that many Members do not know. I joined this Parliament when most of the staff were seconded from either the Special Branch or through special DOs. When Mr Lekulo joined this Parliament, he never behaved in a manner to demonstrate his background as a special DO. Throughout, he has been civil, and throughout, he has been down to earth.

We want to send a message to His Excellency the President. We do not want to wait for the long process of removing a commissioner. That is tedious! It is a very serious constitutional process. The moment you give him his last letter of retirement, from here, we want to send a message to His Excellency the President. As an honour to the El Molo community, before the month ends, we want Mr Lekulo, the first graduate ever to have stepped into a national university and to have been employed by a national institution like Parliament under your leadership, to earn another job.

Thank you for organising this moment. This, in itself, is unprecedented. It is something that truly deserves recognition, having been done under your leadership. Mr Lekulo, please, enjoy your life until you get the next appointment, and I am sure it will be very soon.

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

**Mhe. Daniel Nanok** (Turkana West, UDA): Ahsante, Mhe. Spika, kwa kunipa nafasi hii ya kuweza kumpongeza ndugu yangu, rafiki yangu, na kiongozi ambaye tulisoma naye pamoja tangu shule ya upili. Tulikuwa pamoja katika shule ya Kabarak *High School*. Namna nilivymjua Bw. Lekulo, tulikuwa watoto wa miaka 13 ama 14, tulipokuwa tukianza sekondari mwaka wa 1982. Kama isingekuwa shule ya Kabarak, pengine hatungekuwa na nafasi hii. Sasa hivi, tunampongeza kwa sababu ya ule msingi ambao masomo ya shule ya upili ya Kabarak yalitupatia.

Nilipochaguliwa mwaka wa 2013 kwa Bunge hili, nilimpata *Serjeant-at-Arms* wetu Bw. Lekulo hapa, na nilijihisi nimefika mahali ambapo ni nyumbani. Tumekuwa pamoja Kabarak kwa miaka sita na tukaenda Moi *University* pamoja naye. Heshima ambayo Bw. Lekulo amekuwa nayo tangu ujana wake ndiyo hii ambayo tunasherehekea anapoenda kustaafuli.

Kwa hivyo, nampongeza ndugu Lekulo. Ombi letu ni moja. Mimi kama Mbunge wa watu wa Turkana West, ambao ni kati ya wale tunaojua ni watu wamekuwa *marginalised*, naomba kuwa yale ambayo viongozi wetu wamesema hapa yawezekane. Hivyo ndivyo Kenya itakavyokuwa kama nchi ya jamii...

**Hon. Speaker:** Hon. Lesuuda.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Speaker, and Parliament as a whole, for honouring Mr Lekulo. I must say that just watching the procession and the whole ceremony, it was emotional and almost gave me goose-bumps. I am so happy, and I congratulate Mr Lekulo because this has happened while he is alive. Most of the time, we praise people and give accolades when they are gone. But I thank God that He has given Mr Lekulo the years, the time to be alive, to hear Members of Parliament give him his flowers while he is still alive. Thank you so much for your leadership, also, Hon. Speaker, for allowing us an opportunity to do this.

I must say that you would not even think Mr Lekulo is the Chief Serjeant-at-Arms. He has soft power. He has something that most of us can emulate from him: That you can be at the top but lead with grace, lead with humility, and lead to ensure that the troops that you lead also

follow in line by being humble and not too forceful. I also want to say this about the El Molo community. If you Google them, you will even see they are endangered. I do not know what is endangering them at the shores of Lake Turkana, but I can also see the amusement of some of my colleagues here. If you come from a point of privilege, you should also just accommodate, because this is what makes the nation, and all of us regardless of where you come from.

Mr Lekulo has shown us that it does not matter where you come from. It does not matter the circumstances that you have gone through. Given an opportunity in this country, each and every Kenyan can serve this country with dignity and with the diligence that is required. I must salute you, Mr Lekulo. I must salute your family for allowing you to serve this Parliament. I can imagine the long hours that you sometimes had to work in this House. Your family stood by you, and I am happy that they are all here to hear what we have to say about you.

I do hope that the values that you have shared with the other Serjeant-at-Arms will live on, and that your gap will not be felt. We will continue to see the same discipline that we are seeing amongst the Serjeant-at-Arms. I also want to agree and thank you so much for taking care of the Mace. I did not know the Mace was purely your job. I am told if there was a problem with the Mace, it was you. Thank you for taking care of this Mace. Otherwise, we would have gone into an election prematurely. Just as it has been said, I am sure the country can tap into his immense experience and knowledge in serving in other positions.

Thank you very much.

**Hon. Speaker:** Hon. Kamket. And do not tell us that Lekulo was a warlord like you. He was not!

(*Laughter*)

He is a very peaceful man. Go ahead.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker. I can confirm that Mr Lekulo is, indeed, a very peaceful man, just like me.

(*Laughter*)

I have had the privilege of serving with Mr Lekulo as a member of staff in this Parliament. I joined this Parliament in February 1997. He came much later. I can confirm that what has been said about him is, indeed, true, as we have observed over the years. Mr Lekulo, as it has been said, comes from a very small community. He has demonstrated that it does not matter where you come from. As long as you are given a chance, you are able to serve in whatever capacity you are given in the nation.

In paying tribute to Mr Lekulo, I remember the former Speaker, Hon. Kaparo. I thank him for identifying Mr Lekulo. In as much as Mr Lekulo has done a beautiful job for this Parliament, we must remember that the former Speaker also played a big role in identifying his talent and recruiting him to the Serjeant-at-Arms position. Just like some of us here in this life, Mr Lekulo has demonstrated that even somebody from a minority community can serve at the highest level in this country, just like the current Deputy President.

**Hon. Speaker:** Time up. Hon. Peter Oscar Nabulindo.

**Hon. Peter Nabulindo** (Matungu, ODM): Thank you, Hon. Speaker, for giving me this opportunity to offer a congratulatory message to my friend and colleague, Mr Lekulo. I knew Mr Lekulo when I was employed in Parliament here as a young graduate in 2002. He is one of the officers who welcomed and trained me. A training that enabled me to excel in my career here in Parliament, in the Hansard Department in the National Assembly, and later in the Senate. I want to take this time to thank Mr Lekulo for the service he has offered to this institution and to me as an individual.

I wish him all the best as he goes to his next phase of life. Chief Lekulo, as we used to call him, has transformed the Serjeant-at-Arms Department from what it used to be, a very rudimentary security organ, into an ultra-modern security organ for Parliament in modern times. As he proceeds ahead, I urge the leadership of this country not to leave him in the cold. We should not hear that a man who has offered service to Parliament for many years has faded into oblivion or some funny life. I take this chance again to wish him all the best. Mr Lekulo, as you proceed...

**Hon. Speaker:** Hon. Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Ahsante sana, Mhe. Spika. Hata mimi niunge mkono wenzangu kwa kumpa mkono wa buriani na kumuaga katika kazi yake ya Bunge, Bwana Lekulo. Ni vizuri sana tuweze kumsherehekeea kama Mpambe Mkuu sababu ameweza kufanya kazi yake vizuri. Wengi wetu hatukujua ametoka jamii ya El Molo kwa sababu hakuwa anaangalia watu kulingana na mahali wametoka. Alikuwa anatuhudumia sisi sote hata uwe wa kabilia gani.

Nataka nikushukuru sana pamoja na Katibu wa Bunge hili sababu mmeweza kumpa heshima yake na msafara wa mwisho na kuweza kubeba Siwa ambayo tunatumia hapa. Nikiangalia jamii yake pale juu, nafikiri bibi yake ama mke wake atakuwa anatabasamu kwa vile atawenza kurudishiwa baba yao na mume wake. Kazi ya kuwa Mpambe Mkuu katika Bunge siyo rahisi. Hawa Wabunge wametoka kwenye tamaduni na mahali tofauti na wanampigia simu hata saa sita ya usiku wakati kuna jambo lolote kuhusu usalama. Lakini sasa atarudi kwa jamii yake na aweze kukaa na watoto wake na vile vigezo ku-enjoy ama kusherehekeea kustaa fu kwake.

Naunga mkono viongozi wetu wa Bunge. Ikipatikana nafasi nyingine, apewe kazi ambayo siyo ngumu kama ile aliyokuwa nayo, lakini iwe kazi ambayo itampea nafasi ya kuhudumia jamii yake. Tunamuombea maisha marefu na Mola aweze kumzawadia kwa kazi ambayo amefanya umma.

**Hon. Speaker:** Hon. Korere. Hon. Martha, well done.

**Hon. Sarah Korere** (Laikipia North, JP): Nashukuru, Mhe. Spika. Naungana na wenzangu amba wamemlimbikizia sifa huyu Bwana Lekulo. Mimi nilimjua kabla ya kuingia Bunge. Alipokuwa Mkuu wa Tarafa ya Mukogodo ambayo makao makuu yake yako Doldol. Tangu nimjue hadi leo, amekuwa mtu mwenye nidhamu na bidii ya hali ya juu. Ijapokuwa ametoka jamii ndogo zaidi Kenya hii, ambayo inaitwa El Molo, ambayo huenda wengine wetu hawaijui, huyu Bwana Lekulo ameonyesha ukakamavu na uadilifu amba watu wengi hawana.

Si jambo la kawaida ufanye kazi hadi ustaafu na uwe na sifa zako jinsi ulivyoingia. Huyu Bwana ameweza kuhudumia Bunge hili bila kulalamika, bila kuchoka, na bila shaka. Hata anapostaa fu, anaonekana mwenye afya. Mwenyezi Mungu amemhifadhi. Kuna mahali Bwana Lekulo anaweza kuhudumia katika nchi hii yetu ya Kenya. Mhe. Spika, ningekuomba tuhakikishe kwamba wakati wafanyakazi wanapoajiriwa, tuweze kupata watu wengine kutoka jamii ya El Molo na jamii nyingine ndogo humu nchini. Tunapomuaga, tunashukuru sana familia yake kwa kumpa nguvu, kwa kusimama na yeye...

**Hon. Speaker:** Thank you, Hon. Sarah. Hon. Members, we will end it here on Mr Lekulo. I want to confirm that Mr Lekulo's file is blemishless. He has never received a caution, a warning, or a complaint from any member of staff for the years he has served in this Parliament. A man with a soft voice but a strong message. A man who dedicated his life ensuring that you are safe. I know one or two Members who once in a while walked through with their firearms, and Mr Lekulo politely told them that they were out of order. One Member defied him. Mr Lekulo walked to my Office and told me: "You know, I do not want to humiliate a Member of Parliament. There is a Member who is not obeying the rules." I called the Member and told him: "Even if you feel unsafe, not among your colleagues here! You do not have to sport a gun in the precincts of Parliament." That is the Mr Lekulo we are bidding farewell. A

great man, a great Kenyan, and above all, a man from one of the smallest, least-talked-about and least appreciated community, living on the shores of Lake Turkana, fishing, battling crocodiles, but emerged from there to become a teacher, a Division Officer, and your Chief Serjeant-at-Arms. He deserves a round of applause.

(Applause)

**Hon. Speaker:** Hon. Millie, what is it?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. You should have given me an opportunity to also acknowledge him because I also battled crocodiles as a fisherwoman. Otherwise, I wish to say...

**Hon. Speaker:** It is not documented, but we will give you the benefit of doubt.

(Laughter)

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. In this life, you must find ways of surviving. If you have not been given a chance, you must find a way of squeezing your way in. I just want to thank Mr Lekulo for serving us with distinction. It is not easy to deal with Members of Parliament. Each one of us here is predominantly choleric by nature, with huge egos from here to Timbuktu, but he has been able to manage very well. I wish you all the best. May God give you all the blessings...

**Hon. Junet Mohamed** (Suna East, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I have interrupted the Whip of the Minority Party because she is acknowledging and accepting that it is very difficult to deal with Members of Parliament, especially Hon. Millie Odhiambo. I remember a time here when Hon. Millie was almost removing everything, if it were not for Mr Lekulo.

(Laughter)

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Speaker, let me respond to Hon. Junet Mohamed. I am usually very difficult to deal with because I am a bad girl. More recently, we have been dealing with ODM and UDA. We are in a broad-based arrangement, and this is the most difficult thing to deal with in life because I am swimming in very unfamiliar waters. I know how to *twanga*. Hii ni *ngumu* but I am learning. Sorry for mixing up my contribution, but I am learning to swim *katikati kidogo*.

**Hon. Speaker:** Keep your contribution to Mr Lekulo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. Appreciating Mr Lekulo are waters that I can swim in very nicely. I thank him for serving Parliament with distinction. As Hon. Junet correctly said, Members of Parliament are by nature predominantly choleric, for those who understand personalities. Because of that, we are very difficult to deal with. Even when we are in the wrong, we insist that we are right.

I pray for God's blessings on Mr Lekulo. You are retired but not tired! So, continue serving humanity. You are still welcome to Parliament to offer advice to those who will take over.

Thank you, Hon. Speaker.

**Hon. Speaker:** I wanted to close there. I will give Hon. Wamuchomba and Hon. Milemba one minute each.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Speaker, for appreciating that I should say something. Many national accolades and awards have been given

to outstanding citizens in the public service. With your permission, Hon. Speaker, since we do not have a Speaker's Award, I recommend that the retiring officer receives national recognition and acknowledgement by the Government of Kenya.

**Hon. Speaker:** He has one already.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): I recommend that he gets another one for handling Hon. Millie Odhiambo and Hon. Gathoni Wamuchomba in this House.

**Hon. Speaker:** Hon. Milemba, you have one minute. I want to close there.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. There were very few national schools in the 1970s and the 1980s. Garbatulla High School was one of them. Mr Lekulo was a teacher at Garbatulla High School. It was difficult to get a chance to teach in Garbatulla High School. He is the epitome of how teachers can rise through the ranks. He epitomises the future of teachers, having started as a school teacher to serving as the Chief Serjeant-at-Arms in Parliament.

I wish him well as he goes back home. I hope that he will continue serving his El Molo community, which is made up of hardly more than 1,400 people according to the 2019 Census. The real El Molo people are just about 500 and they face the serious challenge of being assimilated by the Samburu and the Turkana. That community needs to be protected.

I wish you very well, Brother Lekulo.

**Hon. Speaker:** Thank you, Hon. Members. Let us end there. Mr Lekulo, we wish you well. We hope that you will have an opportunity to serve this country in other capacities.

The Leader of the Majority Party, Hon. Kimani Ichung'wa, in diplomacy, we say that you can go and whisper into the right ears on behalf of Mr Lekulo, so that he can be accommodated beyond this House.

I encourage the managers of this Parliament, starting with myself, to remember that Parliament is not for any exclusive communities. It is for all Kenyans. Mr Lekulo has been the only El Molo working in Parliament. Parliament should find a way of accommodating some of our minority communities. I want to see people from the Makonde, El Molo, Pemba and Shona tribes who fled from Zimbabwe and settled somewhere in Kinoo. I want to see those people represented.

**Hon. Member:** And the Suba!

**Hon. Speaker:** There are many Subas in the House. You are here and Hon. Caroli Omondi and Hon. Nyamita are here. There are many Abasuba. The Cabinet Secretary for Finance and Economic Planning is a Suba. You are not marginalised in any way.

Hon. Professor Jaldessa.

## MEMBER'S GENERAL STATEMENT

### DEMISE OF HON. MOHAMED TUBI BIDU

**Hon (Prof.) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Speaker.

Pursuant to the provisions of Standing Order 259(D)(3), on behalf of myself and the people of Moyale Constituency, I wish to extend my heartfelt condolences to the family, friends and the people of Isiolo County on the passing on of the late Hon. Mohamed Tubi Bidu of Isiolo South Constituency. His demise is a profound loss not only to the family and constituents, but also to the nation at large.

The late Hon. Tubi was an outstanding parliamentarian who served this country with great honour and distinction in various capacities, including as a County Council Clerk in Isiolo and Narok, and as the first Speaker of the Isiolo County Assembly. He was a humble leader, a principled Statesman, and a true defender of the rights and welfare of his people.

In the National Assembly, he distinguished himself through wisdom, courage and unwavering commitment to public service. His calm demeanor and firm dedication earned him deep respect across the political divide. Hon. Speaker, you saw the multitude of people who came to witness his burial.

Allow me to also express our sincere appreciation to the medical team at the Nairobi Hospital who took care of him with diligence and compassion, going beyond the call of duty. On behalf of his family, I wish to convey our gratitude to the entire parliamentary staff who responded swiftly and ensured that the late Hon. Tubi received the dignity and respect befitting his service to the nation. Parliamentary staff actually took over the security of Nairobi Hospital on that day.

I further wish to thank the Speaker of the National Assembly, Hon. Moses Wetang'ula, for his exemplary leadership, including personally attending the burial and standing firm with the family and the community during their moment of grief.

The people of Isiolo South and the community at large remain deeply grateful. I also acknowledge the more than 20 Members of this House who attended the funeral and conveyed their condolences to the bereaved family.

As we mourn his passing, we also celebrate a life of purpose, integrity and service. May the Almighty God grant comfort to his family. May the legacy of the late Hon. Mohamed Tubi continue to inspire all of us in the service of the nation.

I want to announce to the House that the Isiolo community has endorsed his son to take over the leadership of the constituency. His son is being prepared, and once it is done, he will be unopposed in the constituency.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Mumina, you have two minutes.

**Hon. Mumina Bonaya** (Isiolo County, JP): Thank you, Hon. Speaker. I rise today with a very heavy heart to join this House and Kenyans in mourning a colleague, a brother and a committed servant of the people, the late Hon. Mohamed Tubi Bidu. His passing has created a deep emptiness not only in Isiolo South, but also in this House, where he served with dignity and humility.

Hon. Tubi Bidu was a man who carried the dreams of his people with sincerity and courage. He believed in service that lifts others and in leadership rooted in compassion and fairness. He never sought the spotlight but, instead, he allowed his work to speak for him and it spoke loudly.

One of his greatest gifts to his community was in the field of education. He firmly believed that every child deserves a chance and that poverty should never close the door to learning. Under his leadership, all high school students in Isiolo South Constituency accessed free education. Many children who might have dropped out are in school today because of his efforts. He strengthened the school infrastructure, supported learning programmes and ensured that no child was left behind. For him, education was not just a Government function. It was a personal mission and a promise to the next generation.

Before joining this House, Hon. Tubi served as the first Speaker of the Isiolo County Assembly – a historic role which he approached with wisdom and calmness. He provided order where there was uncertainty, and direction where the path was new. The foundation he laid continues to guide Isiolo County today. He helped shape devolution at its birth and his impact will be felt for many years to come.

In this House, Hon. Tubi carried himself with grace and when he spoke, he did so with purpose, clarity and a deep sense of responsibility to his people. We will remember him as a humble, principled man who served with his heart. Isiolo South Constituency has lost a father figure; Kenya has lost a true patriot and his colleagues have lost a brother whose kindness, wisdom and warmth we deeply cherished.

Hon. Speaker, I extend sincere condolences to his family, to the people of Isiolo South Constituency and all the people who had the privilege of walking alongside him. May they find strength during this difficult time. May the good deeds of Hon. Tubi continue to shine through the lives of those he uplifted. May his soul rest in perfect and eternal peace. Thank you.

**Hon. Speaker:** Hon. Member for Lagdera.

**Hon. Abdikadir Mohamed** (Lagdera, ODM): Thank you Hon. Speaker for giving me an opportunity to eulogise and mourn a great friend, a neighbour and a peaceful man. I also thank you for being with us during the burial. We were there with you. You spoke with the family and the people of Isiolo South Constituency appreciated.

Hon. Tubi and I come from neighbouring constituencies that are about 100 kilometres apart, that is Isiolo South and Lagdera. In the three years we have been in this Parliament, we did something that has never happened in the last 20 years. We were able to make the people of Isiolo South and Lagdera constituencies to coexist peacefully. Before I came to Parliament, I knew Hon. Tubi because our families were friends. We lived together in Garbatulla. When we came in, we sat together and agreed not to have any more bloodshed along our border. We did something that has not been done for the last 20 years. Now people coexist, share grazing land and share watering points. For the people of Lagdera and Isiolo South constituencies, Hon. Tubi was a beacon of hope and peace.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, will you now be upstanding in honour of Hon. Bidu. I represented all of you at the burial.

*(Hon. Members stood in their places and observed one minute of silence)*

May his soul rest in eternal peace. Amen.

*(Several Members remained upstanding in their places)*

Take your seat, Hon. Keynan, and continue talking to your colleague from a seated position. Members on their feet, take your seats. The Member consumed in a conversation with Hon. Mama Machakos, take your seat. Hon. Charles Nguna and Hon. Kandie, take your seats.

Hon. Members, I have a Communication on the State of the Nation Address to Parliament by His Excellency the President of the Republic of Kenya.

## COMMUNICATIONS FROM THE CHAIR

### STATE OF THE NATION ADDRESS 2025

**Hon. Speaker:** Hon. Members, Standing Order 42(1) relating to Messages from the President provides that Hon. Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.

In this regard, I wish to inform the House that I received a Message from His Excellency the President conveying that he intends to deliver the 13<sup>th</sup> State of the Nation Address 2025 to Parliament, pursuant to Article 132 (1) of the Constitution, on Thursday, 20<sup>th</sup> November 2025.

Article 132(1) of the Constitution states that the President shall-

(b) address a Special Sitting of Parliament once every year and may address Parliament at any other time; and,

(c) once every year—

(i) report, in an address to the nation, on all the measures taken and progress achieved in the realisation of the national values referred to in Article 10;

(ii) publish in the Gazette the details of the measures and progress under sub-paragraph (i) and (iii); and submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.

Hon. Members, in accordance with the above provisions of the Constitution and Standing Order 22(2), I wish to notify all Members that a Special Sitting of Parliament will take place on Thursday, 20<sup>th</sup> November 2025 at 2.30 p.m. in the National Assembly Main Chamber, Parliament Buildings. A notification of the Special Sitting has since been published in the Kenya Gazette, Notice No.16519 of 12<sup>th</sup> November 2025. It has also been notified by way of newspaper notification published on 12<sup>th</sup> November 2025, for the information of Members and the general public. I am aware that the offices of Clerks of the Houses of Parliament have commenced preparations for the day and further logistical details will be communicated to Members in due course.

I thank you.

#### QUORUM DURING REPORTING OF THREE BILLS

**Hon. Speaker:** Hon. Members, it has been brought to my attention that during the reporting of the consideration of three Bills by the Committee of the whole House on Thursday, 13<sup>th</sup> November 2025, various claims arose as to whether a quorum of the House was present. Article 121(a) of the Constitution sets the quorum of the House, at any given time, at 50 Members. The requirement is replicated at Standing Order 34 of the National Assembly Standing Orders.

As per parliamentary practice and precedent, when presiding over the House, the Speaker has no eyes to see or ears to hear. As such, if a claim is made after the commencement of a sitting that a quorum is not present, our Standing Order 35 requires the Speaker to ascertain and pronounce the actual number of Members in the House. The Standing Order proceeds to guide on the steps to be taken where a quorum is not present.

I have perused *The Hansard* of the proceedings of the sitting in question. I know that there is no indication of whether the claims relating to quorum were addressed at that time. There is an undeniable link between the quorum of the House and the conduct of its proceedings and decisions. Consequently, I must give the benefit of the doubt to the Members who raised an objection.

I have, therefore, instructed the Clerk to prepare a Supplementary Order Paper for today's Sitting to address that anomaly which has also been approved by the House Business Committee.

Hon. Members will note from the Supplemental Order Paper that Orders No.8, 9, 10 and 11 relate to the consideration of the three Bills in relation to the Government Owned Enterprises Bill, (National Assembly Bill No.40 of 2025).

I have received a request for a re-committal of specific clauses of the Bill. This shall be considered in the usual manner as provided for in the Standing Orders. The request has nothing to do with the proceedings of the day. The request is from the Leader of the Majority Party to recommit.

Hon. Members, arising from the same proceedings of Thursday, 13<sup>th</sup> November 2025, I have received a representation from Hon. Robert Mbui and Hon. Julius Mawathe appealing against their suspension. In principle, the two Members are inviting the Speaker to consider whether the provisions of Standing Order 107A on grossly disorderly conduct were fairly exercised. Standing Order 107A (1) provides that:

A Member commits an act of gross disorderly conduct if the Member-  
(g) attempts to or remove the Mace from its place in the Chamber;

Standing Order 107A (3) provides:

“The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the National Assembly for a minimum of five days and a maximum of 28 days, including the day of suspension.”

The established practice in Commonwealth parliamentary jurisdictions, and in our Parliament, is that whenever an appeal is lodged against the action of a presiding officer, the officer who was presiding has the prerogative to satisfy himself or herself on the merits of the appeal.

I am not inclined to depart from this practice and will not, therefore, comment further on the matter other than to say that I have looked at the CCTV footage and, indeed, the Member interfered with the Mace. My able Deputy Speaker meted the lowest punishment provided for that offence. Five days is the least; 28 days is the maximum. If you want to be more drastic, the leadership of the House can also be invited to name the Member. She exercised her discretion and provided the most lenient punishment in the matter of that offence on that day. The House will, therefore, proceed as guided and as contained in the Supplementary Order Paper in circulation. We will dispose of Order Nos. 8, 9, 10 and 11 before we come to the statements.

## MOTION

### CONSIDERATION OF REPORT ON THE CAPITAL MARKETS (AMENDMENT) BILL (National Assembly Bill No. 30 of 2025)

THAT, the House do agree with the report of the Committee of the whole House on its consideration of the Capital Markets (Amendment) Bill (National Assembly No. 30 of 2025).

*(Moved by Hon. Kimani Ichung’wah on 12.11.2025)*

*(Resumption of consideration interrupted on 12.11.2025)*

*(Question put and agreed to)*

## BILL

### *Third Reading*

### THE CAPITAL MARKETS (AMENDMENT) BILL (National Assembly No.30 of 2025)

**Hon. Speaker:** Mover.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Speaker, I beg to move that the Capital Markets (Amendment) Bill, (National Assembly No. 30 of 2025), be now read a Third Time. I request Hon. Cynthia Muge to second.

**Hon. Speaker:** Hon. Cynthia.

**Hon. Cynthia Muge** (Nandi County, UDA): I second.

**Hon. Speaker:** For the record, say; “I beg to second.”

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Speaker, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

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

### MOTION

#### CONSIDERATION OF REPORT ON THE PROVISIONAL COLLECTION OF TAXES AND DUTIES (REPEAL) BILL (National Assembly Bill No. 18 of 2025)

THAT, this House do agree with the report of the Committee of the whole House on its consideration of the Provisional Collection of Taxes and Duties (Repeal) Bill, National Assembly Bill number 18 of 2025.

*(Moved by Hon. Kimani Ichung'wah on 12.11.2025)*

*(Resumption of consideration interrupted on 12.11.2025)*

*(Question put and agreed to)*

### BILL

#### *Third Reading*

#### THE PROVISIONAL COLLECTION OF TAXES AND DUTIES (REPEAL) BILL (National Assembly Bill No.18 of 2025)

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to move that the Provisional Collection of Taxes and Duties (Repeal) Bill, National Assembly Bill No.18 of 2025, be now read a Third Time. I also request the Member for Mwea, Hon. Mary Maingi, to second.

**Hon. Speaker:** She is walking out.

*(Laughter)*

**Hon. Speaker:** Hon. Mary Maingi.

**Hon. Mary Maingi** (Mwea, UDA): Hon. Speaker, I beg to second.

**Hon. Speaker:** Do you know what you are seconding?

**Hon. Mary Maingi** (Mwea, UDA): That the Bill be read a Third Time.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Take your seats.

*(Hon. Mary Maingi crossed the aisle)*

**Hon. Speaker:** Hon. Mary Maingi, you have made a very big mistake by just crossing the aisle. Can you go to the bar, bow and then cross the floor?

(*Hon. Mary Maingi bowed at the bar*)

**Hon. Speaker:** Excellent. Now you can take your seat on the side you want.

(*Question proposed*)

(*Question put and agreed to*)

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

## MOTION

CONSIDERATION OF REPORT ON THE GOVERNMENT OWNED ENTERPRISES BILL  
(National Assembly Bill No.40 of 2025)

THAT, this House do agree with the report of the Committee of the whole House on its consideration of the Government Owned Enterprises Bill, National Assembly Bill No. 40 of 2025, subject to the recommittal of the First Schedule to the Bill.

(*Moved by Hon. Kimani Ichung’wah on 13.11.2025*)

(*Resumption of consideration interrupted on 13.11.2025*)

(*Question put and agreed to*)

**Hon. Speaker:** Honourable Members, will you now be upstanding. Order. Be upstanding.

We now go to the Committee of the whole House to deal with the recommitted one clause.

## COMMITTEE OF THE WHOLE HOUSE

(*Order for Committee read*)

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

## IN THE COMMITTEE

[*The Chairlady (Hon. Gladys Boss) in the Chair*]

THE GOVERNMENT OWNED ENTERPRISES BILL  
(National Assembly Bill No. 40 of 2025)

**Hon. Deputy Speaker:** Hon. Members, we will now consider the Government Owned Enterprises Bill National Assembly Bill No. 40 of 2025, which is dealing with the recommittal of the First Schedule to the Bill.

*First Schedule*

**Hon. Chairlady:** Let us have the Mover.

**Hon. Kimani Ichung'wah (Kikuyu, UDA):** I beg to move:

THAT, the Bill be amended by deleting paragraph 9 of the First Schedule.

This is just to amend the Schedule to remove the Kenya Pipeline Company that is already undergoing privatisation. Therefore, it cannot be categorised as part of Government-owned enterprises.

Thank you.

*(Question of the amendment proposed)*

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

*(First Schedule as amended agreed to)*

**Hon. Chairlady:** Mover, go ahead and move reporting.

**Hon. Kimani Ichung'wah (Kikuyu, UDA):** Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the Government-Owned Enterprises Bill, (National Assembly Bill No. 40 of 2025), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

## MOTION

### CONSIDERATION OF REPORT ON THE THE GOVERNMENT-OWNED ENTERPRISES BILL (National Assembly Bill No. 40 of 2025)

**Hon. Speaker:** We must thank Hon. Kaluma for his enthusiasm.

*(Laughter)*

Well done, Hon. Kaluma.

Let us have the Chairlady of the Committee of the Whole House.

**Hon. Gladys Boss (Uasin Gishu, UDA):** Hon. Speaker, I beg to report that the Committee of the whole House has considered the Government-Owned Enterprises Bill, (National Assembly Bill No. 40 of 2025), and approved the same with amendments.

**Hon. Speaker:** Mover, proceed.

**Hon. Kimani Ichung'wah (Kikuyu, UDA):** Hon. Speaker, I beg to move that the House do agree with the Committee in the said report, and also request Hon. Rebecca Tonkei to second the Motion for agreement with the report of the Committee of the Whole House.

**Hon. Rebecca Tonkei (Narok County, UDA):** Hon. Speaker, I beg to second.

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

(*Question proposed*)

(*Question put and agreed to*)

## BILL

*Third Reading*

### THE GOVERNMENT-OWNED ENTERPRISES BILL (National Assembly Bill No. 40 of 2025)

**Hon. Speaker: Mover.**

**Hon. Kimani Ichung'wah (Kikuyu, UDA):** Hon. Speaker, I beg to move that the Government-Owned Enterprises Bill (National Assembly Bill No. 40 of 2025) be now read a Third Time, and request Hon. Irene Mayaka to second.

**Hon. Speaker:** Hon. Mayaka, proceed.

**Hon. Irene Mayaka (Nominated, ODM):** Thank you, Hon. Speaker. I beg to second.

**Hon. Speaker:** Yes, Hon. Oundo? What is out of order? I have not proposed the Question. What guidance are you looking for?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, it is just a matter of procedure. We have raised this in this House numerous times and, unfortunately, our voices have never been heard. I want to address you on two issues. When we were in Naivasha in February, we entered into a gentleman's agreement that, at no single time shall we ever disrupt the proceedings of the National Assembly on account of quorum, when there is serious business to be conducted. We agreed to that. We also agreed a reciprocal way, that whoever sits on that Chair must be courteous enough to listen to the voices and concerns of Members of Parliament who are here. Truth be told, many times I sit here and restrain myself from calling for Quorum Bell when we clearly do not have the numbers, out of due respect for you but, the way we are moving now, we may have no choice but to break that gentleman's agreement.

Secondly, the Standing Orders clearly indicate that the order of the day must be published 12 hours before the Sitting of the House. On the issue of the Government-Owned Enterprises Bill, the Order Paper that was published on Wednesday evening did not contain the Committee of the Whole House. Most of us therefore went to undertake other business. Yours truly, the Hon. Speaker, went to witness the interment of our colleague. Many of us went to Mombasa to attend to other matters as well as Parliamentary business only to be ambushed later at around 1.30 p.m., 2.30 p.m. or 3.00 p.m. by a circulating Supplementary Order Paper containing the details for Committee of the Whole House. I term this as legislation by ambush. This cannot happen. We beseech and beg you that, as a Parliament, let us maintain the long-held tradition. We visited the House of Commons - I think five of us, including Hon. Dawood and the Member for Laikipia County. The Order Paper is published early enough, and does not change unless there are exigencies such as call of duty. I did show the Clerk when we were travelling with him from London. That is the kind of tradition that we want to have. I know it is your prerogative and I cannot interfere with it, but just listen to us. Parliament must be held in its esteem and honour.

I rest my case.

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

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, the Hon. Member who is a member of my party has raised fundamental issues. Before you address them, allow me to also give my opinion. First, the issue of quorum is true and it is important. Nothing stops any

Member from raising a quorum issue whenever he wishes. That is just a point to note that if there is no quorum, the issue can be raised.

The substantive issue is the matter that we have just dispensed of. We had a House Business Committee meeting today, as usual every Tuesday, and that is where the business of the week is discussed. There is also a precedent in Parliament allowing for a Supplementary Order Paper. This comes after the normal Order Paper. The Supplementary Order Paper is allowed in the Standing Orders. This Business was properly contained in the Supplementary Order Paper, which was published on the Parliamentary website. The Standing Order will bear me clear that this matter was properly in the Supplementary Order Paper. When I came for the House Business Committee, I also did not know there was a Supplementary Order Paper until the Leader of the Majority Party informed me. I was still using the earlier Order Paper. It is, therefore, important for Members to be keen and check whether an Order Paper or a supplementary one has been published. Thank you.

Hon. Speaker, I know my Member is unhappy with what has gone through now, but that is how the business is conducted. House business is conducted in a manner that the Supplementary Order Paper is brought in. You need to marshal your numbers from the dining area. By the time we are going for lunch, the Supplementary Order Paper will be out. If you want to defeat the business that is in it, then you have to start talking to the Members. I will sit down with Hon. (Dr) Oundo and discuss the matter internally as a party and agree on which position to take.

(Laughter)

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Speaker. The issue raised by Hon. Oundo seemingly seems very legitimate. However, he has pointed out a practice in the House of Commons, yet he was elected by the people of Funyula in the National Assembly of Kenya.

We are guided by the Standing Orders in the National Assembly. He knows this since he has been here long enough. At least, I have been here with him since 2013.

**Hon. Members:** No, it is 2017.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): He joined Parliament later in 2017. At least, he has been here for the last eight years. He knows that over those years, Standing Order 38 (2) provides that the Order Paper shall be published on the parliamentary website and shall be made available to Members at least 12 hours before the House meets. But a Supplementary Order Paper shall be made available at least one hour before the House meets. I was wondering whether this Order Paper was not available an hour before the House sat. I can confirm that it was. Just like today, this afternoon we are using a Supplementary Order Paper. The one that was published last night is not the one we are using.

Hon. (Dr) Oundo should not be faulting the House for following what is already provided for in the Standing Orders. I would also want to advise him that if he wants us to work without Supplementary Order Papers like the House of Commons, it is within your right to approach the House Procedures Committee to amend our Standing Orders.

**Hon. Speaker:** First of all, both of you are wrong. The House of Commons publishes Supplementary Order Papers.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): I could be wrong since I was following the misinformation.

**Hon. Speaker:** Leader of the Majority Party, I wrote these Standing Orders. I went to the House of Representatives in Australia, the House of Commons in Canada and Parliaments in Zambia, South Africa, Jersey, the Isle of Man, Guernsey and Nigeria. These are all comparable jurisdictions that publish Supplementary Order Papers.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, what else would I add, considering that you have been in this House for over 30 years? You wrote these Standing Orders. A Member who just appeared here eight years ago now wants to lecture you on what is provided for in the House of Commons.

That is why I was very careful to say that the point Hon. (Dr) Oundo was raising may seem legit, but you have confirmed now that he should be apologising to the House for misleading on matters touching on the House of Commons. You have clearly said it is provided for even in the House of Commons.

On matters of quorum, nobody has said that any Member cannot raise it. We must be very honourable in the way we conduct business in the House. I do not want to delve into what you addressed on the issue of Hon. Robert Mbui. An attempt to grab the mace to attract the Speaker's attention is not part of what is provided for in our Standing Orders. I have seen all Speakers including Hon. Kaluma guiding Members. If you want to attract the attention of the Speaker, we have a digitised system where you can do it by just pressing the intervention button.

*(Hon. Joyce Kamene consulted loudly)*

Standing and sitting in your place like what Hon. Kamene is trying to do now, shouting epithets at the Hon. Speaker is not part of the way we conduct business in this House. If you want to attract the Speaker's attention, you catch your attention, then you raise your quorum. I can confirm, and I did that on record, that by the time the question of quorum was being raised last week, we were 60 Members of Parliament sitting here. But you cannot start shouting from where you are sitting...

Hon. Speaker, if you can protect me from the Member for Machakos, Hon. Kamene. Hon. Kamene knows that I am the least of the people you can shout down to stop what you are saying.

**Hon. Speaker:** Wind up.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I do not want to look at her for obvious reasons, which many men in this House know.

*(Loud consultations)*

**Hon. Speaker:** Order Members. I do not want this to escalate. Hon. Kamene, take your cool mama. Order Members. Hon. Kamene, you know we have walked this political journey on the side for many years.

First of all, let me give credit to the team that we wrote these Standing Orders with, including Hon. Sunkuli, the late Hon. (Dr) Godana, the late Hon. Henry Obwocha, and Bishop Kimani from Nakuru. Hon. (Dr) Oundo, any Member, including now that we have quorum, can frivolously stand up and say there is none. Nothing stops us. But we agreed in Naivasha exactly what you said. I want to encourage Members to have probity in our informal agreement. If you go to the House of Commons that you have quoted, in many situations, you will find the Speaker on the Chair, three or four Members debating, and the other Members would be out there. When they see the Member on the floor concluding on their speech, they come in.

Unlike what we do here. I have told the Clerk of the National Assembly that our broadcasting unit must style up. In the House of Commons, the live coverage camera focuses only on the Speaker and the Member on the floor. We have had situations here where at the beginning, our cameras would zoom in on Members dozing, whispering on the phone, sitting badly and all manner of things. We do not want to encourage this in our House. Our

broadcasting unit must be professional. Business of the House goes on with the Speaker in the Chair and the Member on the floor. Any others are side issues.

On the issue of the Order Paper, the Standing Order 389(1) and (2) provides that the Ordinary Order Paper must be published at least 12 hours before the Sitting, while a Supplementary Order Paper will be published at least one hour before the Sitting. That is not a big issue. Certain urgent matters require to be dealt with. They may even come from you. House Business Committee sits from 12.00 p.m. to 1.00 p.m. The House starts at 2.30 p.m. If it authorises a Supplementary Order Paper, it will definitely not be within 12 hours. That is why we have that one-hour window.

Any other issues from both myself, my deputy and Members of my panel will be on the lookout to ensure that we enforce the rules of the House. Members, whatever agitation or displeasure that you might have, that mace there is the symbol of authority of this House. You may look at it as a piece of furniture, but that is the symbol of the authority of any House of Parliament anywhere in the world, not just in Kenya.

So, resist the attempt to go out of your way to touch the Mace. The only people who should touch the Mace are the Serjeant-at-Arms and the Speaker. In the 7<sup>th</sup> Parliament on this Floor – may God rest their souls in eternal peace – people like Hon. Nicholas Biwott and other Members fought here and injuries occurred because of the Mace. One Member sneaked to the Chamber with a *rungu* and struck another on the head and he bled here because of protecting the Mace.

*(Laughter)*

I will always give you time the way I have given Hon. Oundo. My Deputy and Panel Members will also do the same for any Member to raise any matter that they feel should be raised in this House. However, do not touch the Mace. I said that the Deputy Speaker was very lenient in meting punishment for touching the Mace. That is a matter that we must all condemn. You never can tell when you will be seated here and the authority of the House you are presiding on is undermined by somebody who goes for the Mace. My sister, Hon. Elachi has been a Speaker in the County Assembly of Nairobi and she encountered this kind of rowdy behaviour. Once in a while she comes to tell me how difficult it was.

The Mace is a symbol of your authority. If you are here and there is no Mace, the House is not constituted. So, let us bear that in mind.

Allow me now to propose the Question. Thank you, Hon. Oundo for raising that issue. I hope you have been adequately responded to. Take it with humility.

*(Question proposed)*

**Hon. Speaker:** Should I put the Question?

**Hon. Members:** Yes.

*(Question proposed)*

*(Question put and agreed to)*

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

## PAPERS

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Legal Notice No.170 relating to the Tax Procedures (Unassembled Motor Vehicles and Trailers) (No.2) (Amendment) Regulations and the Explanatory Memorandum from the National Treasury;
2. Reports of the Auditor-General and the Financial Statement for the year ended 30<sup>th</sup> June 2025, and certificates therein in respect of–
  - (a) Civil Servants Housing Scheme Fund – State Department for Housing and Urban Development;
  - (b) East Africa's Centre for Excellence for Skills and Tertiary Education in Biomedical Sciences Phase 1 – Project (Loan No.2100150031997 and Loan No.2100150043449) – Ministry of Health;
  - (c) Garissa Rural Water and Sanitation Company Limited;
  - (d) Garissa Teachers Training College;
  - (e) Global Fund – to reduce Malaria incidence and deaths by at least 75 per cent of the 2016 Levels by 2023 working towards a Malaria free Kenya KEN-M-TNT No.2064 - Ministry of Health;
  - (f) Global Fund - Reducing the Burden, Ensuring Sustainability and Accelerating Progress Towards Malaria Elimination in Kenya - Grant Numbers KEN-M-TNT-4149 - Ministry of Health;
  - (g) Kenya Co-operation and Partnership Facility (KCPF) Project No KE/FED 2019/014-712, Credit No. FED/2021/423-175 - State Department for Devolution;
  - (h) Kenya Devolution Support Program IDA, 7447-KE - County Government of Mandera;
  - (i) Kenya Electricity Modernization Project (KEMP) (IDA CR.No.5587 KE) - State Department for Energy;
  - (j) Kenya National Examinations Council;
  - (k) Kenya Off-Grid Solar Access Project (IDA Credit No.6135-KE) - Kenya Power and Lighting Company PLC;
  - (l) Kenya Social and Economic Inclusion Project Credit Number 6348-KE - State Department for Social Protection and Senior Citizens Affairs;
  - (m) Kenya Social and Economic Inclusion Project No. P164654 IDA Credit No.63480-KE and Grant No. TFOA9527 - National Drought Management Authority.
  - (n) National Drought Emergency Fund;
  - (o) National Employment Authority;
  - (p) National Land Commission Housing Scheme Fund;
  - (q) National Syndemic Diseases Control Council (NSDCC) Staff Car Loan and Mortgage Scheme;
  - (r) National Treasury Capacity Strengthening Project (Grant No. 5500155013902 ID No. P-KE-KOO-011) - the National Treasury;
  - (s) North Eastern National Polytechnic;
  - (t) Resilient Sustainable Systems for Health (RSSH) KEN-T-TNT-2067 Sub-Recipient - Ministry of Health;
  - (u) Resilient Sustainable Systems for Health (RSSH) KEN-T-TNT-4148 Sub Recipient - Ministry of Health;
  - (v) Sunset Hotel Limited;

- (w) Support to the attainment of Vision 2030 through Devolved Land Reforms in Community Lands of Kenya – National Land Commission;
- (x) The establishment of Bus Rapid Transit Line 5 Project (EDCF Loan Agreement No. KEN-5) - Kenya Urban Roads Authority;
- (y) Tobacco Control Board; and,
- (z) USAID Boresha Jamii Project No.72061521CA00004 - Jaramogi Oginga Odinga University of Science and technology.

Thank you.

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

*[The Deputy Speaker (Hon. Gladys Boss) took the Chair]*

**Hon. Deputy Speaker:** Chairperson of the Constitutional Implementation Oversight Committee:

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

The Third Report of the Constitutional Implementation Oversight Committee on the Status of Implementation of the Constitution by:

- (a) The Teachers Service Commission;
- (b) The Public Service Commission; and,
- (c) The Judicial Service Commission.

Thank you.

**Hon. Deputy Speaker:** Next Order.

## QUESTIONS AND STATEMENTS

### REQUESTS FOR STATEMENTS

**Hon. Deputy Speaker:** Hon. Members, we have a request for statement by Hon. Gitonga Mukunji. Is Hon. Mukunji here?

We will pass it.

### STATUS OF LEATHER INDUSTRY IN KENYA

*(Request for statement dropped)*

Next is a request for statement by Hon. Paul Biego, Member for Chesumei. Are you ready with your request for statement?

**Hon. Paul Biego** (Chesumei, UDA): Yes.

**Hon. Deputy Speaker:** Okay, proceed.

### STATUS OF TWO ROADS IN CHESUMEI CONSTITUENCY

**Hon. Paul Biego** (Chesumei, UDA): Hon. Deputy 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 Transport and Infrastructure regarding the status of Belekenya-Karlel-Kaptildil-Chepterit Road and Samoo-Kamobo Road.

In March 2025, JAICAR Ltd was awarded a contract for Belekenya-Karlel-Kaptildil-Chepterit Road in Chesumei Constituency under the Kenya Urban Roads Authority (KURA).

The contractor did partial works and left the site with an assurance to return soon thereafter and complete the remaining works. Despite the undertaking by the contractor and follow-up with KURA, the contractor has yet to return to the site. Further, the Bill of Quantities (BQs) unreasonably allocated only 850 metres for gravelling works against a contract sum of about Ksh5 million for the project. Considering that the major component of road construction is gravelling, there was need to review the scope of works to establish the justification for allocating only 850 metres for gravelling against a budget of Ksh5 million.

With regard to Samoo-Kamobo Road, which was also earmarked for gravelling, it was realised that both KURA and the Kenya Rural Roads Authority (KeRRA) had allocated funds for gravelling the same road, resulting in double allocation. Following consultations, KURA was requested to change the BQs and channel the funds for the construction of Kamurguywa Bridge along the same road, but construction has yet to be undertaken. Delays in undertaking works on the said roads are negatively impacting the region's economic development, thus calling for urgent intervention.

It is against this backdrop that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following—

1. A report on the reasons for the delayed gravelling of Belekenya-Karlel-Kaptildil-Chepterit and Samoo-Kamobo Roads and the outcome of the review of the scope of works *vis-à-vis* the allocated funds.
2. A report on the oversight by KURA on the gravelling of the said roads, whether the gravelled sections were certified to meet the standards and, if not, actions that are being taken on the substandard works.
3. A confirmation whether KURA undertook gravelling works on Samoo-Kamobo Road, despite being also funded by KeRRA or changing the scope of works to construct Kamurguywa Bridge as requested.
4. Routine maintenance plans by KURA for the two roads pending upgrading, including the budgetary allocation in the FY 2025/2026 and timelines for undertaking the works.

I thank you.

**Hon. Deputy Speaker:** Chairperson of Departmental Committee on Transport and Infrastructure?

**Hon. George Kariuki** (Ndia, UDA): Hon. Deputy Speaker, we will respond in two weeks.

**Hon. Deputy Speaker:** Okay. On the next one, I am told that the Member for Bumula has dropped his request for a statement.

#### DELAY IN RELEASE OF FUNDS FOR BUSOLO-TUNYA ROAD PROJECT

*(Request for statement dropped)*

We now go to Hon. Richard Kilel, the Member for Bomet Central.

#### EXPANSION AND DUALLING OF ROAD SECTION WITHIN BOMET TOWN

**Hon. Kilel Richard** (Bomet Central, UDA): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the

expansion and dualling of a road section stretching from Nyangores River Bridge to Chepkosa River within Bomet Town in Bomet County.

The current road design within Bomet Town was developed many years ago, when the town's population and traffic volumes were relatively low. However, Bomet has since grown into a major commercial and transit hub, linking several counties and serving as a critical corridor for both domestic and regional traffic. The road serves as a vital artery for movement of people, goods and agricultural produce within Kenya and across the East and Central African regions.

Despite its strategic importance, the section of the highway passing through Bomet Town remains a single carriageway that can no longer accommodate the ever-increasing volume of vehicles. The result has been persistent congestion, with motorists, especially those using the Kisii–Bomet–Narok–Nairobi route, often held up for several hours. This congestion spills into the town's inner roads, severely disrupting movement, business operations, and daily life. Traffic congestion also spills over to the main road that provides access to AGC Tenwek Hospital, formerly Tenwek Mission Hospital, which is the second-largest referral hospital in the country. This has not only impeded emergency response and patient transfers but also compromised access to critical medical services for thousands of people from across the region. The situation has not only reduced productivity, but has also led to frequent accidents, increased fuel consumption, and hindered economic growth.

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

1. Details on whether the Ministry or the Kenya National Highways Authority (KeNHA) has undertaken any feasibility study, design, or budgetary planning for the dualling of the highway section between Nyangores River and Chepkosa River and, if not, when such plans will commence.
2. Immediate and medium-term measures that the Ministry has put in place to manage the worsening congestion and ensure the safety of road users.
3. The timelines, funding arrangements, and implementation framework under which the proposed expansion and dualling project will be prioritised within the national roads programmes, and the level of stakeholder consultation undertaken on the project.

I thank you.

**Hon. Deputy Speaker:** Chairperson of Departmental Committee on Transport and Infrastructure.

**Hon. George Kariuki** (Ndia, UDA): Hon. Deputy Speaker, we will provide a satisfactory response in two weeks' time.

**Hon. Deputy Speaker:** We have another request for statement that has been approved, but has not been included in the Order Paper. Member for Samburu North. There is a microphone to your left.

#### RECRUITMENT OF POLICE OFFICERS AT BARAGOI TOWN

**Hon. Letipila Eli** (Samburu North, UDA): Thank you, Hon. Deputy Speaker. The one to my left is short, but it will do. Pursuant to the provisions of Standing Order 44(2) (c), I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the recent recruitment of police officers at Baragoi Town in Samburu North Constituency.

Following the High Court's lifting of conservatory orders that had temporarily suspended the process, the National Police Service issued a directive confirming the resumption of its planned nationwide recruitment exercise. In a notice dated 14<sup>th</sup> November

2025, the National Police Service (NPS) announced that the one-day recruitment for 10,000 police constables would proceed as scheduled on Monday, 17<sup>th</sup> November from 8.00 a.m. to 5.00 p.m. at all the 427 designated centres across the country. This exercise represents a pivotal step in strengthening the NPS capacity through commitment to fairness, transparency and merit-based selection, ultimately fostering a more professional and community-oriented policing framework.

Hon. Deputy Speaker, despite the NPS public reaffirmation of its dedication to a transparent and accountable process, and its explicit encouragement for all qualified Kenyans to participate once the vacancies are advertised, female candidates from Samburu North Constituency were turned away at the Baragoi Town recruitment centre on 17<sup>th</sup> November 2025, solely on the basis of their gender. This disturbing incident directly contradicts the NPS stated commitment to gender inclusivity, which was clearly reflected in the advertised minimum height requirements of 5 feet 4 inches for men and 5 feet 3 inches for women. The incident also raises grave concerns about uneven application of policy at the ground level. It underscores the urgent need for an immediate independent investigation to establish the facts, hold those responsible to account and ensure that the integrity of the nationwide recruitment exercise is fully restored.

It is against this background that I request for an urgent statement from the Attorney General, through the Chairperson of the Departmental Committee on Administration and Internal Security, on the following:

1. Reasons why female candidates were explicitly barred from participating in the police recruitment at the Baragoi Recruitment Centre and the basis on which they were turned away.
2. Action being taken by the Inspector-General to discipline the officers in charge at Baragoi for the incident and the timelines for the accountability measures.
3. Measures being taken by the Inspector General to grant the affected female candidates from Samburu North an opportunity, like the rest of the country, which is their constitutional right, to participate in a make-up recruitment exercise at the earliest time possible.
4. Plans being put in place to launch an independent public inquiry into gender discrimination in the recent nationwide recruitment for police officers with findings released immediately or as soon as possible.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Chairperson of Departmental Committee on Administration and Internal Security.

**Hon. Ali Raso** (Saku, UDA): Hon. Deputy Speaker, we confirm that there was a nationwide recruitment of police officers yesterday. The flow is that it was largely successful. I do not want to respond to my colleagues request now, but I am aware that female candidates were not recruited in some areas. We will respond to the request for statement in two weeks' time.

**Hon. Deputy Speaker:** Will you not be time barred by that time?

**Hon. Ali Raso** (Saku, UDA): Hon. Deputy Speaker, I think we can respond as early as Tuesday next week.

**Hon. George Murugara** (Tharaka, UDA): On a point of order.

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

**Hon. George Murugara** (Tharaka, UDA): Thank you, Hon. Deputy Speaker. As Hon. Raso, the Office of the President and the NPS respond, it is a country-wide concern. Can we get a response that covers the entire country so that we know exactly where those anomalies arose to avoid repeatedly requesting for similar statements?

Thank you.

**Hon. Deputy Speaker:** Hon. Raso. There is an amendment to include the whole country.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Deputy Speaker. I think what the Hon. Member has stated is well within the means for the National Police Service. They can give us a countrywide through-put of what happened in yesterday's recruitment.

Thank you.

**Hon. Deputy Speaker:** Thank you.

## STATEMENTS

**Hon. Deputy Speaker:** Next are responses to requests for statements. The first one was sought from the Departmental Committee on Administration and Internal Security by Hon. Cynthia Muge. She is present. You may, therefore, proceed to respond, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Deputy Speaker. The Woman Representative for Nandi County, Hon. Cynthia Muge, requested to be apprised of the recent escalation of tension and killings in the Kimwani/Chebonet areas of Tinderet, Nandi County.

She sought as follows:

1. The circumstances leading to the alleged use of excessive force by police.
2. The steps being taken to investigate the killings and hold accountable those responsible.
3. The measures that are being put in place to de-escalate tensions and ensure the safety of residents.
4. Plans in place to resolve the underlying land dispute.

Hon. Deputy Speaker, regarding the circumstances leading to the alleged use of excessive force by police, on 28<sup>th</sup> September 2025, Mr. Samson Cherambos reported at Mberere Police Post in Tinderet Sub-County, vide OB.No.4/28/9/2025, that a group of squatters were planning to forcibly subdivide his parcel of land, claiming ownership.

On 29th September 2025, approximately 650 squatters invaded the farm in the Kimwani area and sub-divided the land among themselves. The squatters were armed with arrows, stones and other crude weapons. Police officers unsuccessfully attempted to restore order using non-violent means, prompting the use of live ammunition. Regrettably, two individuals were fatally shot during the confrontation. The bodies were transferred to the Nandi Hills Sub-County Hospital Morgue for preservation and further examination.

On 7<sup>th</sup> October 2025, a post-mortem examination was conducted by the Government Pathologist in the presence of close family members. The examination established that the cause of death was injuries sustained from gunshot wounds.

Hon. Deputy Speaker, regarding steps being taken to investigate the killings, the Officer Commanding Station (OCS) of Songhor Police Station submitted the incident report to his superiors and shared the details with the Independent Policing Oversight Authority (IPOA). IPOA subsequently commenced investigations, and the Service is fully co-operating. Once the investigations are completed, the Service will implement its recommendations.

Regarding measures being put in place to de-escalate tensions and ensure the safety of residents in Kimwani/Chebonet, the following measures have been put in place to enhance the safety of residents in Kimwani/Chebonet:

1. Both foot and mobile patrols have been strengthened to deter criminal activity.
2. Increased number of community policing meetings,
3. Community members are encouraged to report critical intelligence anonymously through the *Fichua kwa DCI* toll-free hotline (0800 722 203), with assurances of confidentiality and protection for whistle blowers.

4. Regular public forums (*barazas*) and consultative meetings are being held between the conflicting parties to foster dialogue, mutual understanding and peaceful coexistence.

The following plans are in place to resolve the underlying land dispute and prevent future conflicts:

1. The Directorate of Criminal Investigation (DCI) has intensified investigations into land disputes in the area to prevent such issues from escalating into violence.
2. The DCI has engaged relevant Government agencies to expedite land demarcation, ensuring that disputes are addressed promptly to prevent conflicts.
3. Communities are being sensitised on legal procedures to ensure disputes are resolved through lawful channels before they escalate.

I beg to submit this response from Hon. Kipchumba Murkomen, Cabinet Secretary for Interior and National Administration.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Muge, do you have any comments?

**Hon. Cynthia Muge** (Nandi County, UDA): Yes. Thank you, Hon. Deputy Speaker. I appreciate the Committee for bringing this particular response to the House today. I was a little concerned last week because, as we speak, another invasion is underway in Kimwani. The situation is not looking good. The response appears to have been given to meet the requirements of addressing the issues in question.

Hon. Deputy Speaker, I appreciate the mention of the Independent Policing Oversight Authority (IPOA) investigating the matter. However, they must consider the death that has already occurred. I understand this from the Ministry. On paper, the response looks really good and progressive. It even references sensitisation forums that are taking place. But there is no sensitisation that is happening on the ground as we speak. Instead, we are seeing running battles. Part of the question we sought to understand is: Who is fighting whom, and what are the issues? If you look at the Statement I sought on the Floor of this House, you will see that I wanted to know what activities would help us de-escalate the situation in Kimwani. As we speak, the problem is worse than it was when I initially sought this Statement.

The Ministry of Interior and National Administration should pay attention to this case, partner with the National Land Commission (NLC), and go to the ground to ensure the sensitisation that is referred to here is carried out. Let us hear of meetings where the parties involved in the land issue have come together to resolve their problems. If this cannot be resolved, at the very least, the people should know what is happening.

I am dissatisfied because something has to be done on the ground. A solution has to be communicated to the people of Kimwani, who are currently not sleeping in their houses. They are living in fear, uncertain about when a bullet might strike them on the leg, thigh or head. This response must demonstrate real action beyond the words on the paper.

**Hon. Deputy Speaker:** Yes, Hon. Raso.

**Hon. Ali Rasso** (Saku, UDA): Thank you very much, Hon. Deputy Speaker. After receiving this particular response from the Ministry, we sought further information on the matter. First of all, Mr Cherambus was a public servant who served this country with distinction. When we were saying goodbye to Mr Lekulo here, I was reminded of someone like Cherambus - someone who has risked his life to serve this country, only to find himself retired. He was a senior police officer. Therefore, this case concerns law and order. I want my colleague to agree with me on this point. It is also about safeguarding the lives and property. If individuals take the law into their own hands and attempt to seize land from others, we will be crossing a red line.

We have understood what the Hon. Member has said. We will refer this matter back to the Ministry so that the Deputy County Commissioners (DCCs) and the Settlement Executive Committees (SECs) can begin engaging with the local population. The use of arms to restore law and order is not good enough. They must initiate community conversations so that property is not violated and that lives are not unnecessarily lost because individuals are being misguided into taking the law into their own hands.

Thank you.

**Hon. Deputy Speaker:** Thank you. Next is the Chairperson of the Departmental Committee on Energy. You have a response to a request for a statement by Hon. Hussein Bare, the Member for Tarbaj.

#### IMPLEMENTATION OF THE LAST MILE CONNECTIVITY IN TARBAJ CONSTITUENCY

**Hon. Lemanken Aramat** (Narok East, UDA): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Is the Member for Tarbaj here?

**Hon. Lemanken Aramat** (Narok East, UDA): Yes, he is seated next to me. Hon. Deputy Speaker, I have a lengthy Statement, although I will try to summarise it.

The following letter is dated 30<sup>th</sup> September 2025, for Hon. Abdi Barre Hussein, the Member for Tarbaj. He particularly inquired about the Last-Mile Connectivity in his constituency and posed four questions, which the Ministry has responded to as follows.

He requested a comprehensive statement and status report on the current level of electricity connectivity in Tarbaj constituency, including connection rates, a comparison with the national average, and progress achieved to date under the Last-Mile Connectivity Programme.

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

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

Currently, electricity connectivity in Tarbaj is about 4.5 per cent, corresponding to approximately 1,245 households, compared with an average of 16.17 per cent in Wajir County, corresponding to approximately 26,232 households. The Ministry, through the Rural Electrification and Renewable Energy Corporation (REREC) and Kenya Power Limited, has implemented a programme worth Ksh17,673,422 across 10 schemes targeting about 875 households. All those programmes are located within the Tarbaj Constituency.

The second question sought information regarding the funds allocated and disbursed by the Ministry for the Last-Mile Programmes in Tarbaj constituency over the last three financial years. This includes a request for details on how such funds have been utilised, the projects implemented, their level of completion, and the reasons for any stalled or rejected programmes. The Ministry's response is as follows:

Over the past three financial years - specifically 2023/2024, 2024/2025 and 2025/2026 - REREC has allocated and approved Ksh192,533,143.94 towards the electrification projects in Tarbaj Constituency. This initiative aims to connect approximately 752 customers. All programmes in Tarbaj Constituency are implemented by the Government of Kenya (GoK) and the Kenya Off-grid Solar Access Programme (KOSAP).

Further, the Ministry has allocated Ksh392,086,668.24 under the KOSAP. Table three provides details of five mini-grids in Tarbaj, Wajir County. Table four consists of five stand-alone Solar PV programmes totalling Ksh6,306,779. Those details are here. I will share them with my colleague.

Under that question are detailed accounts of all ongoing programmes and those planned for implementation in the current financial year. It indicates timelines, target beneficiaries and the funding earmarked for completion. REREC has one ongoing Last-Mile Connectivity Programme, costing about Ksh11,636,263.02, which is currently under construction.

In addition, the World Bank-funded KOSAP is implementing Mashin Ben for borehole solarisation at a cost of Ksh1,347,541.32.

In the Financial Year 2025/2026, REREC has prioritised some towns, including Leheley, Aumsudule, Hungai and the Gunana area, for the implementation of the same programme. The projects are currently in the design stage and are expected to be completed on 30<sup>th</sup> June 2026.

Madam Speaker, next is the ongoing funded projects in Tarbaj. There is a table outlining the KOSAP cost of programmes. The projects are currently in the design stage and are planned to be financed in 2025/2026 at a cost of approximately Ksh44 million. They are under table six. I have discussed and elaborated the same to my colleague. In table seven, the projects are in the design stage and awaiting finance of Ksh284,541,130.04.

Finally, in the last question, the Member sought to know of the Ministry's long-term strategy and concrete measures to address and permanently resolve the persistent issues of low electricity penetration and poor connectivity in Tarbaj Constituency, and the wider northern region of Kenya.

The Ministry recognises that Tarbaj and the greater northern Kenya region have low electricity connectivity relative to other regions in the country. This is partly contributed to by the grid being too far away and the high costs of grid extension, as demonstrated by the Kenya National Electrification Strategy (2025). To address this disparity, the Ministry has adopted the following strategies:

1. Enhancement of the REREC's Renewable Energy Strategy by mapping out all potential areas for the installation of modern mini-grids in areas far away from the grid. This includes potential sites in Tarbaj Constituency and other regions in Wajir County, which will be considered.
2. Application of Affirmative Action in the allocation of budgets to under-served areas based on the prevailing electrification rates.
3. Adoption of alternative energy technologies like solarisation of boreholes to have a sustainable power solution to power the projects to provide water for domestic use, small-scale irrigation and livestock. In this regard, REREC is solarising 316 number of boreholes in the northern Kenya region through the Kenya Off-grid Solar Electrification programme (KOSAP).
4. To enhance electrification, REREC is also engaging the County Government of Wajir to cost-share in electrification programmes through the Shilling for Shilling Matching Fund

Thank you, Hon. Temporary Speaker.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): I hope that goes with the apology for referring to the Speaker as "Madam Speaker".

**Hon. Lemanken Aramat** (Narok East, UDA): Mr Speaker, I have just seen that you quietly sneaked into the Chair.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Hon. Hussein Barre

**Hon. Hussein Abdi** (Torbaj, UDA): Thank you, Hon. Temporary Speaker. I wish to express my appreciation for the Vice-Chairman's efforts. However, the response is disappointing and unsatisfactory. The Vice-Chairman has just read what the Ministry gave him.

I want to draw your attention to the coverage percentage as read in the response. Tarbaj Constituency's electricity coverage is at 4.5 per cent. How can a constituency that is 9,600km<sup>2</sup> have only 4.5 per cent coverage? It is really neglected not only in electricity coverage, but also

in other aspects of development. Except for the Kutulo maximisation and the electrification of Tarbaj Teacher Training College (TTC), most of the programmes he has read are just convoluted information that is intended to confuse the Vice-Chairman. This is not satisfactory. I am not happy about it. I seek further clarification on this matter or further follow-up from the Chairman.

The people of Tarbaj Constituency are suffering, considering that no farming is taking place, the roads are in poor condition and there is no electricity. They cannot even do any industrial work. Tarbaj gets electricity from two sources: Kutulo and Wajir Station. Currently, Wajir Town is in partial darkness. It is a problem. Some of us are ashamed of what we will tell our people when we go to campaign. What will we tell the people? We have been promising them heaven, and Wajir is in darkness. Additionally, the Kutulo Station is running on an extremely old gen-set that breaks now and then, defeating the purpose for which electricity was brought out in the first place.

I am appealing to the Chairman to listen. The surveyed areas awaiting funding should be given priority. Tarbaj Constituency has not been served well. I have sought the same for the past three years, and in each year's allocation, it is not budgeted. This response is just meant to confuse.

Tarbaj Constituency was not served well. I want proper attention given to the areas which were surveyed and are expecting funding. A special fund must be created to increase the coverage in each constituency.

Thank you very much.

*(Hon. Aden Mohammed raised his hand)*

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Who is the Member lifting his hand? I cannot see you on the list.

*(Hon. Aden Mohammed spoke off the record)*

If your card is not there, you cannot be recognised. Is that Hon. Aramat?

**Hon. Lemanken Aramat** (Narok East, UDA): Yes. Thank you, Hon. Temporary Speaker. Could you allow us to call the Cabinet Secretary and the Principal Secretary in person to address the Hon. Member's concerns, rather than have them issue a statement for us to read? That way, he might get satisfactory answers.

In their response, they have indicated that the designs for the big programmes are ready. Additionally, KOSAP has ongoing projects in the same area. Something is being done. However, it would be important for the Cabinet Secretary and the Principal Secretary to appear so that they can answer the Member's questions, even at the Committee level.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, do you want to speak to this? Hon. Victor Koech wants to joyride.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you, Hon. Temporary Speaker. I also support my Chairman in urging the Cabinet Secretary for Energy to come to this House and explain to the people of Kenya why some projects are designed and take an entire year to be implemented. It is an issue the House should note that the projects undertaken by Kenya Power with the support from the African Development Bank Group (AfDB) have taken longer than expected to be completed.

Hon. Temporary Speaker, we realise that the contract is expiring at the end of this month or early next month and yet, 10 per cent of those projects have been undertaken. The Cabinet Secretary must be invited to this House to give us a progress report on the remaining

projects and what will happen to them. Members of Parliament have been informed of the contractors' laxity and the shortage of materials. The contractors are also complaining about delayed payments whenever they raise invoices, which is why they have taken too long to implement the projects. It is said that if you want to remain in power, you give people power. If we do not give the people power now, we - as the Government and as Members of Parliament - are going to suffer moving forward.

It is also important for these Members who are sitting in this House today to realise that the only entity that is providing us with meaningful projects and development is REREC. If we want more projects, let us sit as a House and give more funds to REREC. This is because it is the only entity that has shown that whenever we provide them with a budget, they implement it as per the appropriation the House allocates to them. We must be deliberate in the budget we give to them.

Hon. Temporary Speaker, I wish to support my Vice-Chairman by requesting that we invite the Cabinet Secretary to explain why some projects take much longer than is required.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Hussein Bare, who is representing the Chairman? Is it Hon. Aramat?

**Hon. Victor Koech** (Chepalungu, CCM): He is the Vice-Chairman.

**The Temporary Speaker** (Hon. Peter Kaluma): This issue is cross-cutting. Even in my constituency, the electric power penetration is very low, though not as low as in Tarbaj Constituency. It is not fair to have 4 per cent while some parts of the country have 100 per cent electric power penetration. I direct that this matter be addressed in greater detail before the Committee beyond the statement. Call the Cabinet Secretary to the Committee. Let Hon. Hussein Bare and all Members who are affected, including the Speaker, appear before the Committee with the Cabinet Secretary and his Principal Secretary for Energy so that we can address the Last Mile Connectivity and jointly improve electric power penetration across the country.

Hon. Hussein Bare, will that not be a sufficient directive?

**Hon. Hussein Abdi** (Torbaj, UDA): It is okay, Hon. Temporary Speaker. Thank you. However, I will allow... Please allow my colleague, Muliro, to say something.

**The Temporary Speaker** (Hon. Peter Kaluma): You have no power to allow anybody to say anything on the Floor.

(Laughter)

Hon. Aramat, based on the directions I have given, when would you like to call the Cabinet Secretary before the Committee to address this matter?

**Hon. Lemanken Aramat** (Narok East, UDA): Hon. Temporary Speaker, allow us to do that in two weeks.

**The Temporary Speaker** (Hon. Peter Kaluma): Two weeks?

**Hon. Lemanken Aramat** (Narok East, UDA): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Within two weeks, call the Cabinet Secretary for Energy and the Principal Secretary for Energy before you and alert all Members of the House who are affected, so that the matter can be addressed in detail. Parliament will arrange a space that can accommodate all the Members, including the use of this Chamber if need be, for your sitting.

**Hon. Lemanken Aramat** (Narok East, UDA): Thank you, Hon. Temporary Speaker.

**Hon. Yussuf Farah** (Wajir West, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Yussuf, what is out of order? We have exhausted this one. We are *functus officio*. You want to raise your next issue?

**Hon. Yussuf Farah** (Wajir West, ODM): No, Hon. Temporary Speaker. Thank you for giving me the opportunity. Firstly, your direction is clear. As you have mentioned, this is a cross-cutting issue. The electricity issue in northern Kenya, specifically in Wajir County, is something we need to solve immediately. It cannot wait for two weeks. Forget about Tarbaj, Wajir West, Eldas or the outskirts, Wajir Town itself is suffering at the moment. It has a blackout. The electricity is being rationed. There was a presidential directive to provide new generators as a stop-gap measure. What happened thereafter, we do not know. The President gave direction, and the Ministry undertook to provide a short-term solution for the people of Wajir. However, nothing has happened. They have promised 12 Megawatts of solar power, which has not yet started. The electricity situation in Wajir is very critical.

Secondly, 13 KOSAP mini-grids were completed in different parts of the country. However, less than five years later, all 13 mini-grids are not functioning due to lack of maintenance, batteries and other excuses. One of the mini-grids is in my town headquarters called Hadado. We called the Ministry, the Cabinet Secretary, Kenya Power and REREC to the Public Investments Committee on Commercial Affairs and Energy to discuss the same matter. However, it took another six months to replace the same batteries.

I am curious to know, if we are given more mini-grids by Kenya Power or REREC, will we have the same problem after five years? The Government is not factoring in the maintenance of the constructed mini-grid. How are we sure that the mini-grids KOSAP will build will function forever without problems? Whose responsibility will it be? There is confusion about which entity is to handle those programmes. Kenya Power deals with maintenance, while REREC handles construction. So, it should be clear which entity is handling the programme.

With those few remarks, thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Yussuf, that is why we are taking the matter back to the Committee for further detailed consideration. Take all that information you have to the Committee when it sits. The Committee is directed, through the Vice-Chairman, Hon. Aramat, to inform the Members when that business will be transacted.

**Hon. Robert Basil** (Yatta, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Basil, what is out of order?

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I am raising the same concerns as my colleagues. If you look at some of our areas, for example, Yatta Constituency, the electricity connectivity has remained below 10 per cent since 1963. This tells you that we need to do business differently. Otherwise, we will deny people light for a long time. When you connect a new customer to the electric grid, you generate additional revenue for the Government. Therefore, the Chairman should call the Cabinet Secretary to come and give us a clear message on the steps they will take to ensure that most of the areas that have been marginalised, like my constituency and others, are prioritised in the forthcoming connectivity.

Kenya Power needs to use data to distribute power more effectively, as lack of empirical data has led to uneven power connectivity. When I heard that this matter would be debated on the Floor of the House, I made my way here to add my voice. I represent the areas that have been ignored or marginalised since 1963, when we attained internal self-rule.

Thank you so much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Basil and other Members, take all those concerns, including those regarding my constituency, to the Committee when it sits on the matter.

Next is the response to the request for statement by Hon. Farah Yussuf. Is the Chair, Departmental Committee on Justice and Legal Affairs in the House? Yes, Hon. Gitonga Murugara.

## COMPENSATION FOR WAGALLA MASSACRE VICTIMS

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I will start by tabling the response to the request for statement by Hon. Farah Yussuf, Member for Wajir West.

Pursuant to the provisions of Standing Order 44(2)(C), Hon. Farah Yussuf requested for a statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs regarding the compensation of victims of the Wagalla Massacre, that occurred on 9<sup>th</sup> October 2025. The Committee wrote to the Office of the Attorney-General vide a letter dated 15<sup>th</sup> October 2025, inviting them to submit their response on the matter that was raised in the request for statement. A response thereto was forwarded to the Committee by the Solicitor-General on 12<sup>th</sup> November 2025, of which I now beg to submit to the court. Sorry! I beg to submit to the House. I am sorry about the court bit. It is purely because of my background.

**The Temporary Speaker** (Hon. Peter Kaluma): Yes, for Members who do not know, Hon. Gitonga Murugara is one of the best barristers Kenya has ever produced.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I have provided the Member with the response. It is lengthy, but I will give an abbreviated version. He can review the response and, if not satisfied, raise any issues he may consider necessary for further consideration by the Attorney-General.

In particular, the Member sought the following:

1. A report on the status of implementation of the recommendations by the Truth, Justice and Reconciliation Commission (TJRC), specifically regarding the victims of the Wagalla Massacre.
2. An explanation for the inordinate delay in compensating the families and the victims of the massacre.
3. Measures that are being taken out or being put in place to provide support to the survivors, including providing rehabilitation programmes and fast-tracking the compensation.

In this regard, the Office of the Attorney-General responded as follows:

The role of the Attorney-General includes ensuring a legal and policy framework for the compensation, and collaborating with the Ministry of Interior and National Administration, the National Treasury, and other relevant Government agencies to ensure the effective and timely disbursement of compensation. The Attorney-General also provides legal advice on the nature and scope of appropriate reparations, including financial, medical support, and educational assistance.

The TJRC was instrumental in establishing the facts about the past violations that were perpetrated on the victims of the Wagalla Massacre by preserving evidence, identifying perpetrators, fostering accountability, recommending reparations and institutional reforms. The programme to provide reparations to victims of the Wagalla Massacre for the harm suffered will potentially provide concrete remedies, promote reconciliation and restore confidence in the State because of the said incident. Reparations sometimes include non-monetary elements, such as the restitution of property to victims, the restoration of legal rights, rehabilitation programmes for victims, and symbolic measures such as official apologies, monuments and commemorative ceremonies.

In this regard, the Government of Kenya has since offered an apology to the victims through the State of the Nation Address given by the then President of the Republic of Kenya, Uhuru Kenyatta, in March 2015. Also, the Government built a monument and conducted commemorative ceremonies in that area.

No single form of reparation is likely to be satisfactory to the victims. Instead, a combination of reparation measures is required. Notwithstanding the mode of transitional

justice adopted, the demands of justice and the dictates of peace require that something be done to compensate the victims. Despite the potential challenges posed by material forms of reparation, the Office of the Attorney-General is willing and able to implement the relevant framework.

The Office of the Attorney-General recommends that Parliament consider and adopt the Report of the TJRC, which will enable the Office of the Attorney-General to successfully develop a reparations policy and the reparations of historical injustices Bill. This law will be enacted. The policy will guide the granting of reparations to the victims of the Wagalla Massacre. At the same time, the Bill, once passed, will provide a legal basis for reparations and establish the proposed reparations for historical injustices fund—a fund to be established once the legal mechanism is in place. The success of the reparation framework will be determined by ensuring a common basis in international norms and standards, and by mobilising the necessary resources for the sustainable investment in justice.

That is an abbreviated version of the response. The complete response is with the Member. He may ask about any other matters that are not clear. We will answer what we can and what we cannot answer, we will seek further clarification from the Office of the Attorney-General.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Farah Yussuf.

**Hon. Yussuf Farah** (Wajir West, ODM): Thank you, Hon. Temporary Speaker. I have listened to my colleague, the Chairman of the Departmental Committee on Justice and Legal Affairs, respond to my request for statement. I understand he is just reading what he was given. But this is an unfortunate matter. It is a matter that happened and needs to be buried once and for all. The victims of the Wagalla Massacre, from 1984 to date, have not received any justice. Unfortunately, the Attorney-General has issued a shallow and insensitive statement on this matter. It is as if the Attorney-General is trying to divert the whole issue. I have asked for specific questions regarding this issue. The Attorney-General has thrown in the towel and sent the matter back to Parliament to adopt a new policy - one that the Office of the Attorney-General does not want to develop. This Parliament cannot just come up with a policy unless it is anchored in the Constitution.

Hon. Temporary Speaker, this matter needs to be concluded once and for all. The President recently gave a directive and constituted a committee to compensate people who died during the protests at the hands of the Kenyan Government and the military.

The TJRC Report did its bit, but it was not adopted. Part of it was implemented when the former President apologised, which was okay. What about the rest? Why can we not include the victims of the Wagalla Massacre in the list of those who are currently being compensated, instead of limiting the compensation to the 2017 victims? Why do we not expand the compensation scope from 1984 to date? Those victims are also Kenyans, and the ones who are currently being compensated are also Kenyans.

I do not see why the Wagalla Massacre victims are being taken around. They have not been compensated, and the Attorney-General is also giving a blanket explanation that is not satisfactory to Kenyans, particularly the people of Wajir West. I demand a better response from the Attorney-General.

Thank you, Hon. Temporary Speaker.

**Hon. George Murugara** (Tharaka, UDA): Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Chairman, before you butt in, is there any joyrider on this particular one? Hon. Yussuf, I heard the Chairman say that it would be better if the House adopted the TJRC Report because the House will then use its budgeting authority to determine what needs to be done and to create the structures for identifying the

victims, so that we do not have a situation similar to what happened in 2007/2008, where some claimants were compensated multiple times, while others have not been compensated at all.

I do not know whether you are aware that the victims of the 2007/2008 post-election violence from Nyanza and Western have not been compensated, except those from Gusii, who were partially compensated before the fresh elections of 2017. He says it may be difficult without a structure in place for adoption, system development and budgetary planning. He is now inviting the House of Representatives of the people to take those steps. I do not know what you think about that.

Hon. Oundo, did you want to joyride?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. I join my colleague in empathising with the victims of the Wagalla Massacre. While working in 2016, I travelled by road from Moyale to Wajir. Along the way, one of the guides showed us the famous Wagalla Airstrip, where the massacre occurred. There was a white monument, which appeared on my Facebook page. My phone is off. Otherwise, I would have shown it to him to let him know I have been there.

This country has suffered many historical injustices, inhumane treatment and breaches of human rights. We must find a way. We currently have a Government that believes in God and is headed by a Messiah whom God supposedly sent. We had hoped by now...

**The Temporary Speaker** (Hon. Pater Kaluma): Hon. Oundo, that statement is sacrilegious. The only Messiah is God.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I withdraw that particular statement. We have a Government that came in “holding the Bible” while promising all the good things in this world. It is tellingly unfair that, all this time, we have had no concerted efforts to address historical injustices from Independence up to now. It took the intervention of *Baba Raila Amolo Odinga* for a mockery of a committee to be formed to assess and compensate victims. The Government has the records of the perpetrators of injustice and their individual culpability. We should never saddle Kenyans with offences and crimes committed by people we know. We must get to a point where we hold people responsible for their crimes without hiding behind an Executive Order.

A photo has been circulating of the policeman who aimed his gun at *Baba Raila Amollo Odinga*’s car in the Quarry area. You cannot tell me that the Government ought to have compensated for the damage to the vehicle, yet the perpetrator was captured everywhere and is well known. We must stop punishing taxpayers to pay for offences committed by identifiable people.

When *Baba* came back from the United States of America during the “*Baba, while you were away*” chant, the people who stoned him on Jogoo Road...

**The Temporary Speaker** (Hon. Pater Kaluma): Hon. Oundo, you were to ask a supplementary question or seek clarification. You are now debating issues which will raise more questions and further blur the issues.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): This is my supplementary question. Let me rephrase it.

**The Temporary Speaker** (Hon. Pater Kaluma): You are now calling that team “a mockery of a committee” and yet, you know it is very important, and has only been stopped by the courts. I thought you would remind the courts to let that team work.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Let me rephrase my point of concern for further clarification, which might not have an answer now. But when the Departmental Committee on Justice and Legal Affairs sits, they can apply their minds to it.

What can we do as a country? First, we need to identify individual culpabilities. Secondly, we need to ensure that those responsible for human rights abuses against Kenyans

are held personally liable, rather than saddling the National Treasury and Kenyans with the burden of paying for their heinous crimes.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Pater Kaluma): Thank you, Hon. Oundo. Member for Tharaka-Nithi County.

**Hon. Susan Ngugi** (Tharaka-Nithi County, TSP): Thank you, Hon. Temporary Speaker. I also rise to support the Member for Wajir West, Hon. Farah. It has been 41 years since the Wagalla Massacre happened. I was in class II or III, but we later learnt about it. I am aware that no amount of reparations will heal the souls of those who lost their beloved ones, but this will give them some comfort. The Government did the massacre, and so, the Government should compensate them.

Many compensation schemes have been ongoing, even for tragedies that are caused by natural disasters. Since the Government committed the Wagalla Massacre, why can they not own up to their mess and compensate the people of Wajir West? I imagine that when the Member was vying for the Wajir West parliamentary seat, one of his promises was to do what his predecessors had failed to do. Now that we are nearing 2027, he has to go and explain to the people of Wajir West why that compensation has not yet been carried out.

Let the Government own up to the matter, set up a commission, and implement some reparations, so that the people of Wajir West can heal.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Pater Kaluma): The Chairman of the Departmental Committee on Justice and Legal Affairs.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. You have done very well. The report summarises what the Attorney-General has said. Unless we anchor the compensation scheme in law, we will have difficulties compensating victims of such incidents. Even in pre-colonial times, we had issues with compensating the Mau Mau.

We had to go all the way to the United Kingdom and there was also no law to be used. But the United Kingdom Government was magnanimous enough to give some form of reparation, which actually ended up not reaching the Mau Mau.

Even after Independence, we have had many misfortunes. We must, however, make a distinction between disaster management and reparations regarding the wrongs that are done to human beings, purely because the Government has made an error, or Government officers have overreached themselves in the course of their employment. In disaster management, when disasters occur, we have state departments that deal with that. This is why it is now very necessary that we come up with a law. We do not have a policy in the first place. The first step for the Hon. Member should be to urge the Government to come up with a policy. After which, we will have reparations on historical injustices, where a Bill may come into law with its own regulations. If that happens, it becomes uniform for the country. It will not be a repetition of 2007/2008, where victims were compensated selectively; and at the whims of the persons in power. We do not want it that way. We want a law that applies to every Kenyan, so that if you are wronged by the Government in a manner that falls under historical injustice, there is a legal framework which will be used to compensate you.

Therefore, Hon. Member, you should not be asking this question because, once you receive this answer, you will not have anything else to do. You do not have a law to fall back to. Everybody else and myself should be supporting the effort of the Member of Parliament to come up with a reparations law. We will then use it to compensate those who are injured in such circumstances, or those who suffer loss, damage or loss of life in respect to those circumstances.

I sincerely sympathise with the people of Wagalla area in Wajir West. That was totally unfortunate, uncalled for and extreme on the part of the Government. But, unfortunately, there is no law that is tying the Government down to compensation. This is why we should now move away from this question to having the policy, the law in form of a Bill, and a fund. For that fund, this House will set aside resources to be used to compensate such persons. Even if we tell the Attorney-General to give us any other response, it will not be any different from what has been provided today.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Yussuf, there is a law dealing with compensation of victims. Is it the Victims Protection Act or the Victims Compensation? Hon. Millie has been quoting this law a lot on the Floor as having been... Is it Victims Compensation?

**Hon. George Murugara** (Tharaka, UDA): It is Victims Compensation, which is a State Department in the Office of the Attorney-General. It is not with the Victims Protection Agency.

**The Temporary Speaker** (Hon. Peter Kaluma): And that law does not cover this?

**Hon. George Murugara** (Tharaka, UDA): The law would not cover this because this looks like an historical injustice. That law is in respect of persons that have suffered loss and damage, and have possibly gone to court and been awarded damages for that. It may not cover this particular one, but I invite him to check with the Office of the Attorney-General. However, the best way to deal with this is to have a reparations law which will have its own regulations. We would then have a policy on the part of the Government. But most importantly, this House would set aside resources in a fund to compensate the Mau Mau victims, the Wagalla Massacre victims, or others who may make claims. Like those from the Shifta War, the 1992, 2007, and 2008 victims, and any others that may arise. We need a law on reparations so that we do not get it wrong.

Thank you.

*(Hon. Yussuf Farah spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Yussuf, I thought we are done. Just give Hon. Yussuf the microphone because of the gravity of the matter.

**Hon. Yussuf Farah** (Wajir West, ODM): Hon. Temporary Speaker, we are not yet done. Whenever an issue from northern Kenya is presented to a public office, they come up with excuses. This is what we call selective justice. When you say that we need a law to compensate the victims of the Wagalla Massacre, and yet you have powers to compensate people who suffered the post-election violence without a law, it is not fair to the people.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Yussuf, post-election violence was done under the National Accord and Reconciliation Act.

**Hon. Yussuf Farah** (Wajir West, ODM): But even the Wagalla Massacre is part of the National Accord and Reconciliation Act. It cannot be outside that. It is the Government of Kenya which carried out that massacre. It is the police and military that carried out that act. It is not the people who did it to themselves. It is just one and the same. What we are compensating is post-election violence. It is the brutality that the police did to the people of Kenya. This is exactly the same thing. It is unfair to take us around in circles whenever we have an issue. In this country, we must be equal in the law.

We cannot be segregated. There should be no hurdles. We were just talking about electricity of 4 per cent while others have 98 per cent. There are people who are being compensated now. Why can you not add the people of the Wagalla Massacre to be compensated by the same panel?

I hear what the Chairman has said. However, I do not have any other answer from the Attorney-General. I will have no option but to hire him to go to court to get justice for the people of the Wagalla Massacre.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Farah Yussuf. As you pursue this matter, kindly also look at the law we were referring to. If there is completely no law you can rely upon, consult the Chairperson of the Committee and come up with a way forward, so that that scar in the nation is addressed and Kenya can move forward.

Let us now go to the fourth response by the Chairperson, Departmental Committee on Transport and Infrastructure. It is a response to the request for statement by Hon. Wanjiku Muhia, Member for Kipipiri. The Chairperson, Departmental Committee on Transport and Infrastructure has sat in the House from 2.30 p.m. I saw him somewhere seated. You know the consequence of his absence.

*(Hon. Wanjiku Muhia spoke off the record)*

Nothing stops you. You do not need the leave of the Speaker to do so. Do we have any member of the Departmental Committee on Transport and Infrastructure? Is the Vice-Chairperson in? Or any member of the Committee? I am being lenient on this one because it is the last one, and the Chairperson has been very patient in the House to address the request for statement.

Hon. Wanjiku, have you seen the Chairperson of the Departmental Committee on Transport and Infrastructure anywhere around the precincts?

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Temporary Speaker. I have sought assistance from the Serjeant-at-Arms who has said that he is looking for him in the next one or two minutes. I have also been waiting all day and had alerted the people of Kipipiri to wait for this statement. I, therefore, beg your indulgence to give us a few minutes.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wanjiku Muhia, I have to give direction on these requests for statements. The Hon. Chairman has been sitting in the House up to a short while ago when the last request for statement was being transacted. Because Hon. Wanjiku has also been sitting in the House throughout, under the provisions of Standing Order 1, I defer the response to this request for statement to Wednesday, 19<sup>th</sup> November 2025, during the morning Sitting.

*(Response to request for statement by Hon. Wanjiku Muhia deferred)*

Next Order.

## MOTION

**The Temporary Speaker** (Hon. Peter Kaluma): The Chairperson of the Departmental Committee on Trade, Industry and Co-operatives, move the Motion.

### ADOPTION OF REPORT ON RATIFICATION OF AGREEMENT BETWEEN KENYA AND UAE ON COMPREHENSIVE ECONOMIC PARTNERSHIP

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 48, I beg to move the following Motion in an amended form:

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Co-operatives on its consideration of the Comprehensive Economic

Partnership Agreement between the Republic of Kenya and the United Arab Emirates, laid on the Table of the House on Thursday, 13<sup>th</sup> November 2025 and, pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, Cap.4D, approves the Ratification of the Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates subject to reservations of Article 13:33 (Protection of undisclosed test or other data for pharmaceutical products).

Hon. Temporary Speaker, the Comprehensive Economic Partnership Agreement, herein referred to as CEPA between the governments of Kenya and the United Arab Emirates was laid before the House on Tuesday, 11<sup>th</sup> March 2024, and committed to the Departmental Committee on Trade, Industry and Co-operatives for consideration and reporting to the House.

According to the provisions of Article 118(1)(b) of the Constitution on public participation and Section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local dailies of nationwide circulation on Thursday, 20<sup>th</sup> March 2025, requesting for submission of memoranda on CEPA. The Committee received memoranda from the public and stakeholders. The report is structured as follows, for the benefit of Members who are perusing through it. The first part of the Report is an analysis of CEPA. The second part of the Report covers Committee observations, and the third part of the Report covers Committee findings. The last part of the Report covers Committee recommendations.

Hon. Temporary Speaker, the Committee, having considered CEPA between Kenya, on one part, and the United Arab Emirates, on the other part, and submissions from stakeholders, makes the following observations:

1. The main objective of CEPA is to enhance trade, investment and economic co-operation between Kenya and United Arab Emirates. It aims to create a liberalised market for trade in goods and promote each party's trade in goods through progressive elimination of tariffs, enhanced efficiency of customs procedures, enhanced co-operation in technical barriers to trade, sanitary and phytosanitary measures and development of value chains.
2. The agreement excludes market access (tariff liberalisation) as both parties agreed to negotiate this with all the East African Community (EAC) partner States when they are ready under the Rendezvous Clause in Article 2.19. The rationale is that the Republic of Kenya is a member of the EAC Customs Union Protocol which establishes a common external tariff to be applied on goods imported into the EAC region from other foreign countries.
3. In terms of policy and legislative consideration, the Government of Kenya has anchored CEPA along with all other trade agreements in the National Trade Policy and the Integrated National Exports Development and Promotion Strategy (NEDPS). But CEPA requires ratification by the National Assembly in accordance with the Treaty Making and Ratification Act of 2012, as revised in 2018.
4. The Agreement will benefit Kenya in the following ways:
  - (a) It will expand exports of Kenyan products given that the UAE is part of the Gulf Co-operation Council (GCC), which allows it preferential trade access to several Middle Eastern countries, and thereby, this Agreement offers Kenya an opportunity to expand its trade footprint in Middle Eastern markets.
  - (b) It provides a framework for co-operation in trade and investment.
  - (c) Trade facilitation measures will improve customs procedures making it easier for Kenyan businesses to trade with the UAE.

- (d) It is also expected to attract increased foreign investment in sectors such as ICT, healthcare and agriculture, while fostering technical co-operation and budget support from the UAE.
- 5. The possible negative effects include, among others, the increased competition over time for local industries from UAE products.
- 6. CEPA undermines access to affordable medicines in Kenya. The intellectual property chapter of the Agreement contains Trade Related Aspects of Intellectual Property Rights (TRIPS) provisions which substantively go beyond the TRIPS obligations.

For instance, the linkage provisions and market exclusivity for five years from the latest possible date for both the information and the fact of market approval. This means that even if there is no patent on medicine, generic versions still cannot be approved by the Pharmacy and Poisons Board (PPB) as safe and effective and reach Kenyan patients for five years. This, therefore, undermines the constitutional aspiration of achieving progressive realisation of the right to health care as the provisions hamper the ability to access generic medicines, especially, at a time when there is need to provide timely access to affordable medicine to Kenyans. Developing countries often oppose TRIPS rules because they can potentially increase the cost of medicines, limit access to knowledge and technology, and hurt innovation and small producers. This specifically affects diseases like cancer, whose medication is very expensive. Therefore, generic products come in handy to help patients who suffer from such diseases. This kind of exclusivity could hinder such kind of generics from coming in.

- 7. The following measures are proposed to mitigate the negative effects arising from CEPA:

- (a) Trade remedies provisions. These provide safeguards, countervailing measures and anti-dumping. It thus safeguards against unfair trade practices which may lead to market distortion.
- (b) An amendment clause which provides flexibility to the parties to seek for amendments on any provisions if and when the need arises.

There is also a mandatory five-year review clause in the agreement that provides for a comprehensive review after every five years. Therefore, even if other issues arise, this clause allows flexibility for the agreement to be reviewed. There is also an exit clause allowing either party to withdraw upon giving a one-year written notice. It is not cast in stone. If any party feels aggrieved and does not wish to continue, the one-year exit clause is provided for in the Act.

The Committee also observed that there are safe mechanisms in the agreement through which Kenya or the United Arab Emirates (UAE) may seek variations. The amendment clause provides flexibility for the parties to seek amendments on any provisions when the need arises, while the mandatory five-year review clause provides for a comprehensive review after every five years.

Upon analysis of the submissions and documents tabled, the Committee found that Article 13.33 of the Comprehensive Economic Partnership Agreement presents a real risk of financial, legal and reputational damage for the country. Kenya has not implemented TRIPS measures in its current laws and, therefore, agreeing to them would require amendments to legislation. Even though Article 13.6 refers to the Doha Declaration on Public Health, it does not override these protections or offer clear and tangible interventions. For Kenya to ignore them during a health emergency, it would be committing to stricter intellectual property protection than is required by World Trade Organisation (WTO) law, binding it in an international treaty.

In view of the foregoing, the TRIPS-plus provisions might hurt public access to affordable medicine, thus undermining Article 43(1) of the Constitution, which guarantees the right to the highest attainable standard of health care.

The Committee recommends that, according to Section 8 of the Treaty Making and Ratification Act, the House approves the ratification of the Comprehensive Economic Partnership Agreement between Kenya and the United Arab Emirates, with reservations on Article 13.33 on the protection of undisclosed tests or other data for pharmaceutical products. Pursuant to Section 8(4) of the Treaty Making and Ratification Act 4D and Standing Order 170A(4)(c)(ii), Article 13.33 should be urgently renegotiated and reviewed by the parties under the review clause.

Having noted the proceedings of the Departmental Committee on Trade, Industry and Co-operatives, I beg to move and urge the House to adopt this Report. I request Hon. Samuel Parashina to second the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Parashina.

**Hon. Parashina Sakimba** (Kajiado South, ODM): Yes, Hon. Temporary Speaker.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, I know your matter. Let the Motion be moved and seconded first.

**Hon. Parashina Sakimba** (Kajiado South, ODM): Hon. Temporary Speaker, I rise to second the Motion on consideration of the Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates. This agreement is a strategic step forward for our country as it aligns with our national development agenda. It provides access to new markets and an opportunity for our country to sustain its position as a regional hub.

For pastoralists and farmers, it provides access to a high-value market with a strong purchasing power such as the UAE. In terms of global competitiveness, the co-operation between Kenya and the UAE offers an opportunity for us to showcase our products with a fast-growing country in the Gulf region.

As our Chairperson has presented, there are issues of local concern and the Committee has considered where renegotiation may be necessary. I affirm that the Committee examined the agreement and confirmed that it meets the constitutional and legal thresholds required under the Treaty Making and Ratification Act of 2012, and the amended 2018 Act. I urge Members to support this Report because the agreement supports the growth of our economy and provides an opportunity for advancement.

Hon. Members, you are aware that His Excellency the President has been at the forefront of promoting value addition and identifying markets for our processed products. This is a major market. The Kenya Meat Commission is now the main supplier of high-quality beef to Dubai. It is a great opportunity and if we take advantage of it, our country will move to a higher level.

Hon. Temporary Speaker, I beg to second.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Let me propose the question, Hon. Members. You can then proceed to debate, including points of order. The Motion is not yet before you until I propose it.

*(Question proposed)*

Hon. Oundo, you are now recognised. What is out of order?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, I rise on a point of order under Standing Orders 181 and 199 of the National Assembly. I would like to go on record...

**The Temporary Speaker** (Hon. Peter Kaluma): Which Standing Order?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Standing Orders 181 and 199, Hon. Temporary Speaker. I raise this with deference and with great respect to my colleagues in the Committee. I sit in the Departmental Committee on Trade, Industry and Co-operatives, which was mandated to shepherd the preparation and review of this agreement. We involved the Departmental Committee on Health because it touched on health matters. I have no issue with the merits of the Report, but my concern is on procedure.

Standing Order 181 provides that notice of a meeting of a select committee, including departmental committees, shall be given by the Clerk to all members of the Committee showing the date, time, venue and agenda of the meeting. The notice may also be given electronically. I wish to bring to the attention of the National Assembly and the Republic of Kenya that notice for the meeting was issued on 8<sup>th</sup> November 2025 at 10.25 hours, convening a joint meeting of the Departmental Committee on Trade and Co-operatives and the Departmental Committee on Health, at which the Cabinet Secretary for Health, Hon. Aden Duale, and the Cabinet Secretary for Investments, Trade and Industry, were to attend.

After deliberations by members of the Committee, the meeting was cancelled on Wednesday, 12<sup>th</sup> of the same week at 18.43 hours, because we raised concerns that we did not have the technical report.

Thereafter, there was no notice given to hold the meeting. None at all! If I am wrong, I challenge the Office of the Clerk of the National Assembly to produce the same anywhere in this House now or at any other time. I am a founder member of the Committee and a Kenyan who believes in the rule of law. I am a Member of the National Assembly and the Standing Orders guide the National Assembly.

We cannot be a law-making organ and be the same people who breach the law and flout the procedures we have set here. When you go to Standing Order 199 on Reports of Select Committees and Departmental Committees, Standing Order 199(4) reads:

“A Select Committee shall adopt its report in a meeting attended by a majority of its Members.”

Hon. Temporary Speaker, the Report on the Floor has no adoption list. It was never adopted. I challenge the Clerk of the National Assembly to produce *The Hansard* of the meeting that adopted and approved the separate Report. This is unfair. It is un-procedural. It is unheralded. It is unprecedented for a House with Standing Orders.

The law is very clear in Article 95. The Constitution and the Treaty Making and Ratification Act of 2012 provide all the procedures. We proceed to flout and breach our own Standing Orders and the law and we shamelessly, without any remorse, present the Report here as if nothing has happened. Are we a bandit State? Are we a banana State or country? Why can we not follow the law? Why can we not follow procedure?

Hon. Temporary Speaker, I refuse to be part and parcel of a team that breaches the law. I refuse. I refuse to acquiesce to breach the law and flout the Constitution of Kenya for which everybody fought for. Baba Raila Amolo Odinga fought rigorously for us to get where we are. At the very least, we must be a House and a Committee that follow our Standing Orders. Whatever hurry there is, there is never any hurry more important than the law and the Standing Orders.

I say this with a heavy heart. I say this extremely ashamed while standing on the Floor of the House here today and in full glare of public media. I do this for the simple purpose of protecting the integrity of this House, the law, and the Constitution that I swore to protect when I took an oath as a Member of Parliament of the National Assembly. This cannot happen. We

fought to bring sanity in this country. We cannot allow this country to slide into chaos and insanity.

I want to go on record that we have held the Office of the Clerk as the custodian of the welfare of this House and the country. For them to be cajoled to breach the law, it is actually to dim the highest esteem the National Assembly and the entire world holds the Clerk of the National Assembly.

Hon. Temporary Speaker, I invite you to recognise that we have a moral duty to this country regardless of the position and political formation we fall in. It is to protect the law. We cannot drop our guard at any moment. If we drop our guard, today it might be I who is raising this problem. It might be you in this Chamber. However, next time a law will be passed and presented outside there without passing through the National Assembly.

I rest my case, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon Temporary Speaker, the issues Hon. Oundo has raised are very weighty.

*(The Temporary Speaker consulted with the Clerk-at-the-Table)*

Sorry, Hon. Temporary Speaker. I am waiting for your attention. The matter is weighty and I am sure you would like to rule on it.

However, I have another point of order. I could overhear your statement to the Clerks-at-the Table.

**The Temporary Speaker** (Hon. Peter Kaluma): Proceed

**Hon. Julius Sunkuli** (Kilgoris, KANU): It exactly relates to your interest. In the treaty making process, Parliament has been placed as one of the organs that will facilitate ratification of treaties that are made between Kenya and other countries.

The point of order is to seek either your guidance or the guidance of the substantive Speaker. At the end, we have not expunged offensive parts of a treaty if a Motion to ratify a treaty in Parliament reads that we ratify with reservations. The offensive part, together with the offensive part to be moved by Hon. Nyikal later on, will still form part of the treaty. We have not said that we have objected or that we have removed the parts.

I would like to get your guidance. Are we ratifying a treaty or rejecting it if the Ayes carry the day? It seems to blow hot and cold. I do not understand the idea that we are ratifying a treaty with reservations. It is like saying we do not like it, but we are ratifying. We are saying we do not like a particular section. Why does Parliament not draft the Motion in such a way that the offensive parts are removed?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Sunkuli, I can address that immediately. Under Article 2(6) of the Constitution, all treaties that Kenya ratifies shall form part of the laws of Kenya. There are three approaches to ratification. You may ratify in whole. In which case the treaty with all its provisions will apply upon its adoption by Parliament.

The second approach is to ratify subject to reservations. By way of reservations, Kenya is saying through Parliament that we will be parties to the treaty except the part with reservation. It shall not apply. It is like an amendment. Therefore, all the other provisions, except the one on which the reservation is raised, shall apply.

If you were to look at this one and the Motion were to be passed as it is, the entire treaty with all its provisions will apply to Kenya upon ratification by the House. Except Article 13(33). You do not need to amend. There is no provision for amendment of a treaty. Of course, it is only a reservation.

The third way is to reject the treaty as a whole. In which case, the treaty would not apply to Kenya in terms of the arrangement it was establishing between the two States. That is to the extent that it would apply to Kenya.

I wanted to hear a bit more comments on what Hon. (Dr) Wilberforce Oundo has raised because it is substantive. If Hon. (Dr) Oundo is right, I can assure you I will be giving directions on adjournment of the matter to await a substantive Communication from the Speaker.

We will be proceeding for the convenience of the House, pending substantive communication and ruling of the Speaker on the matter. Mover.

*(An Hon. Member spoke off the record)*

Yes! I have given the Mover the first opportunity to respond to the matters that Hon. (Dr) Oundo has raised.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Speaker, Hon. (Dr) Oundo has raised pertinent issues about whether the Committee met and endorsed the ratification of this agreement. I can confirm to the House that a meeting was held on the 13<sup>th</sup> of November, which was last week on Thursday. During that meeting, the Members of ODM were not in Nairobi; they were in Mombasa. The meeting was also attended by Members of the Departmental Committee on Health who had issues.

That is how we agreed on the ratification of the whole agreement, save for that particular clause that affects pharmaceutical products. The points and issues raised by those Members who represented the Departmental Committee on Health convinced the Committee. I can assure you that the Members who signed the adoption list and minutes are attached in the Report that was laid before the House on the same Thursday afternoon. We held the meeting in the morning, and the Report was laid on Thursday afternoon.

I can assure Hon. (Dr) Oundo that the Committee met. He may not have been available or not have been there, but we met as a Committee and we had quorum as a Committee. The minutes and the adoption list are already attached in the Report. I can confirm that. I do not know but Hon. (Dr) Oundo has been having issues today, first with the Government-Owned Enterprise Bill and now with this one. Maybe, the Mombasa trip may not have gone well for him.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Parashina.

**Hon. Parashina Sakimba** (Kajiado South, ODM): Hon. Temporary Speaker, I can confirm what my Vice-Chairperson, who is acting as the Chairperson now, has said. My colleague is mentioning Standing Order 95, under which we need to check if the report followed the procedure. I can assure you that even regarding the tabling, which is also put into the Order Paper for today, Hon. Oundo has a copy in our group.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Oundo. You will refer to the Honourable Members as honourable.

**Hon. Parashina Sakimba** (Kajiado South, ODM): Yes, and thank you, Hon. Temporary Speaker. Hon. (Dr.) Oundo. I wanted to share that. The other thing is about the responsibility for his statement. As a Committee, we also need to get factual information on what he is using. We have been having meetings, and Hon. (Dr) Oundo was in Mombasa. If you want to come and say our Report should be debated or discussed because he was not there, then we also need to check our Standing Orders. Do the Standing Orders guarantee that all of us must be there? They clearly state that once the report is done, the Chairperson or the Vice-Chairperson signs, supported by the majority.

Hon. (Dr) Oundo, you have your right to go back and give your dissenting opinion. When you give your dissenting opinion of our Report, it is okay. But you cannot hold the House to ransom using the same Standing Orders that you are using.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Maina Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker.

I may be a bit disadvantaged because both Hon. (Dr) Oundo, yourself and Hon. Marianne, the Vice-Chairperson who has moved this Committee Report, are more senior Members. However, I am sure that, as a member of the Committee, once I am aware that the Committee is tabling a Committee report that I do not agree with, the Standing Orders allow for the tabling of a dissenting or a minority opinion.

Hon. Temporary Speaker, I seek your indulgence and guidance as to whether we should engage in the debate that Hon. Oundo is inviting us to. He still has his liberty, provided for in the Standing Orders, to table a dissenting or a minority opinion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Oundo, it is being confirmed to me that there is an adoption list of Members constituting quorum to adopt the Report of the Committee. That adoption list does not have you signing anywhere.

(*Hon. (Dr) Ojiambo Oundo spoke off the record*)

Hon. (Dr) Oundo, I am reporting to you. Hon. Members, you must have noted that I sent the Lead Clerk-at-the-Table out, to confirm parliamentary records. It is confirmed to me that Members of the Committee constitute the requisite quorum for purposes of adoption signed to the Report. I am confirming to you, Hon. Oundo, that you are not among them; possibly, for the reasons indicated. With that direction, let me rule and direct that we proceed.

(*Hon. Julius Sunkuli spoke off the record*)

Hon. Julius Sunkuli, I have not recognised you. Give him the microphone. I hope you are not countermanding the decision of the Speaker.

**Hon. Julius Sunkuli** (Kilgoris, JP): The Temporary Speaker has made a decision with respect to the Departmental Committee to which Hon. (Dr) Oundo belongs. If you clearly heard from Hon. Marianne, the original meeting that was supposed to be held...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Sunkuli, you are seeking a review of a decision that has already been made by the Speaker. It is not permitted. Hon. Murugara will tell you it is....

**Hon. Julius Sunkuli** (Kilgoris, JP): I will sit down, Hon. Temporary Speaker, because the Departmental Committee on Health did not attend the meeting that was adjourned.

**The Temporary Speaker** (Hon. Peter Kaluma): Please do so because you are contradicting the decision of the Speaker. Hon. (Dr) Oundo, we have procedures, and we have the substance. If you look at Article 159 of the Constitution in terms of court proceedings, the courts are told to always go to the substance. I would request we proceed this way; particularly, while I am presiding. Even if you did not get your rightful liberty before a Committee, when I am presiding, as any other Speaker, raise those issues. If you want more clauses of the Treaty to be subjected to reservation, move them. Let us not tie ourselves down when ultimately, it is this House to ratify the Treaty or not.

Hon. Members, I want us to make progress. I am only allowing this debate because I imagine that today, we will sit longer. But remember, there is no requirement under the law that there must be a committee report for this House to ratify a Treaty. If we go to the substance of the matter, we may even do away with the part that talks about a Committee report. It also says that the agreement be ratified by the House. I direct that we proceed with the matter that we are transacting and deal with the merits having established that there is an adoption list.

Hon. Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Hon. Temporary Speaker, now that it has been clearly established that the Committee meeting was not rushed and that it met the required quorum, I would like to focus my contribution on the concerns raised on the substance.

My primary focus is on the clause dealing with undisclosed pharmaceutical test drug data. This is not a small matter. Even when the process is sound, we must carefully examine any provision that can affect access to affordable medicine for ordinary Kenyans. Kenya relies heavily on generic drugs which make treatment of cancer, diabetes, hypertension, Human Immunodeficiency Virus (HIV) and many other conditions accessible. If any clause unintentionally delays competition in the pharmaceutical market or raises the cost of essential medication, then we, as a House, have a responsibility to interrogate it thoroughly.

Hon. Temporary Speaker, I fully appreciate the opportunity this Agreement presents for trade, investment and growth. As we open our markets and deepen our partnerships, we must also ensure that public health systems are not exposed to risks. For this reason, I urge that future engagements on clauses touching on health, especially pharmaceutical regulations, include structured consultation with the Ministry of Health, Pharmacy and Poisons Board, Kenya Medical Supplies Authority (KEMSA), Kenyatta National Hospital and consumer protection stakeholders. This will give Parliament a clear evidence-based understanding before ratification.

In conclusion, I support the broader vision of Comprehensive Economic Partnership Agreement (CEPA) between Kenya and United Arabs Emirates. However, I also maintain that Kenyan lives and health must always come first, and we must protect the balance.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon (Dr) James Nyikal, Member for Seme.

**Hon (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, I rise to move an amendment to this Motion, but you will oblige me to make a statement regarding the discussion that has gone on. As indicated, Hon. Kitany said the purpose was to have a joint meeting. However, we made it clear that Members of our Committee would not attend because we were away. I discussed this with the Chair of the Departmental Committee on Trade, Industry and Co-operatives. We told them that we would give them technical information.

**The Temporary Speaker** (Hon. Peter Kaluma): Are you contributing?

**Hon (Dr) James Nyikal** (Seme, ODM): I am presenting a statement and, thereafter, move an amendment.

**The Temporary Speaker** (Hon. Peter Kaluma): I am waiting for your amendment.

**Hon (Dr) James Nyikal** (Seme, ODM): I will move it.

**The Temporary Speaker** (Hon. Peter Kaluma): For good order, please, avoid going back to matters the Speaker has ruled on. That is countering the decisions of Hon. Speaker.

**Hon (Dr) James Nyikal** (Seme, ODM): I am not countering the Speaker's decision.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Nyikal, I know you have an amendment and, therefore, contribute and debate the merits of the Motion. You may even move amendments beyond the ones you have sought, but let us not go back to what the Speaker has ruled on.

**Hon (Dr) James Nyikal** (Seme, ODM): On behalf of our Committee, I want to set the record straight. We discussed with the Chair of the other Committee that if our Members would not attend the meeting because we were going away, we would pass the technical information through our technical people and then they would proceed. That is all I wanted to communicate. What went on after is not mine.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you.

**Hon (Dr) James Nyikal** (Seme, ODM): The Members of the Departmental Committee on Health did not attend the meeting, but we provided information to the technical team.

**The Temporary Speaker** (Hon. Peter Kaluma): That is in order, Dr Nyikal.

**Hon (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, I beg to move:

THAT, the Motion be amended by adding the words, ‘‘Tariff measures in relation to health products, health and technologies’ immediately after the phrase, ‘data from pharmaceutical products.’’

What we insert is Article 2.13, and that the consequential amendment to be affected is in the Report thereof following amendment on the Report of the Departmental Committee on Trade, Industry and Co-operatives on its consideration of Comprehensive Economic Partnership Agreement between the Republic of Kenya and the United Arab Emirates.

As we seek this amendment, we appreciate what the Mover has done in looking at another part of Article 13.33, which sorted out the issue of some pharmaceutical products very well, and we appreciate that. However, Article 2.13 is dealing with non-tariff measures. Article 2.13.1 provides a limitation on non-tariff measures and this clause prohibits the introduction of non-tariff measures.

This means that the regulatory controls adopted by Pharmacy and Poisons Board, such as imports, imports permit, product registration, Good Manufacturing Practice (GMP) inspection, dossier assessment from pharmaco-vigilance and quality control. This basically means that our regulatory authority, which is the Pharmacy and Poisons Board, cannot do its functions because they fall under the non-tariff barriers

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): That can be discussed in the sub-committee of the Departmental Committee of Trade, Industry and Co-operatives. Therefore, this means that our regulatory authority would be subject to that committee, and that is unsafe for pharmaceutical products. Our United Arabs Emirates (UAE) exporters may challenge the decisions made by our board on the grounds that they are non-tariff measures and, therefore, do not apply. That means we would not be able to regulate the health products and technologies which are mainly vaccines, medical devices, blood product and equipment that we use. Medicine, including diagnostics, should be carefully regulated.

Again, if these are not properly regulated, you end up making a wrong diagnosis which may jeopardize care for patients. As for vaccines, if they are not properly regulated, we would have a problem. The Pharmacy and Poisons Board would take these functions which include registration, market authorisation and inspection to ensure compliance with good manufacturing and distribution practice, licensing of pharmacy premises and pharmacy professionals. It also includes the professional scheme, the pharmacovigilance which monitors how drugs are performing in the field. All these may then be considered as a non- tariff barrier.

If that happens, it limits the functions of our Pharmacy and Poisons Board. This is happening at a time when as a country, we are seeking to improve the level of our regulation to the World Health Organisation standards, known as Maturity Level 3.

If we get to that level of regulation, this country will produce drugs and vaccines. If we are in a situation where the trade agreements inhibit it, it would be considered that our drug regulatory authority is not independent enough to allow manufacturing to go on.

This is not something new. It has happened in many countries. For example, India had a problem with various multinational pharmaceutical companies. When India required generic medicines to undergo serious bioequivalence and bioavailability studies to determine whether those drugs could work properly, the international pharmaceutical companies insisted that India was introducing non-tariff barriers. That became a problem, particularly in the USA.

Also, Indian generic medicines had a problem when they were transiting through the European Union (EU) where the medicines were seized by custom agents, who claimed they violated EU regulations. They were considered at interface, despite being legal in both the place of production and destination. The EU used regulatory measures as illegal trade barriers. This has been a recurring problem. Even Thailand had a problem with the USA pharmaceutical industry because Thailand was insisting on taking time to conduct keen surveillance of drugs, issuance of licences, and doing many studies and measurements. Again, these were considered non-tariff barriers. Between Canada, European Union and the USA, there was also a problem because Canada routinely insisted on thorough investigation and assessment by regulatory authorities. These were again, considered non-tariff barriers to trade.

With that, we stand at a major disadvantage. Drugs will come in and we may not be able to do anything about it. If our measures, such as registration and surveillance are put in place, they would then be considered non-tariff barriers to trade. Therefore, in this bilateral trade agreement, we are saying that such measures can be exempted, and we shall not be the first ones to do so. Other international agreements also exempt this. The general agreement on tariffs and trade, which is an international agreement, allows countries to adopt measures that are necessary to protect human and animal health.

The Trade-Related Aspects of Intellectual Property Rights (TRIPs) agreement of the World Trade Organisation provides flexibilities. There is a major flexibility, the Doha flexibility, that says you do not have to abide by TRIPS requirements when it comes to public health. With that, it is important that we put clear reservations on Article 2.13 on the tariffs. We understand, and we were also advised by trade departments that, this agreement is not only meant for medical products.

To that extent, we have clearly stated our reservations on non-tariff measures in relation to health products and health technologies so that other aspects of trade can go on. We must protect our health products, health technologies and the drugs, diagnostic equipment and machines that we use.

With that, I beg to move the amendment and ask Hon. Sunkuli to second.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Speaker, I would like to acknowledge the guidance that you gave about reservations. It is internationally recognised that sections with reservations will not have force of law. Since reservations can also be rejected by the other party, I hope that those who will renegotiate insist that our reservations should not be part of the law.

Secondly, we have interacted with this agreement during the public participation exercise. Notwithstanding the good parts that have been ably said by the Mover and Hon. Marianne, two problems arise from a health perspective. First, the law stipulates that original medicine or drugs are protected. One cannot later on try and produce generic drugs. The problem is that intellectual property rights only last for a short while before one can make generic drugs. However, pharmaceutical companies are using a trick called “evergreening”. They wait until the drugs are about to expire and then they change a small component of the original drug in order to extend the patent life of the drug. We will always be at the mercy of pharmaceutical companies if we do not protect generic drugs, which are supposed to make our lives easier. The first amendment should address that. We should liberalise the process and not tie our hands because of the other components of trade.

The other issue I wanted to mention is what Hon. Nyikal was addressing; asking us not to impose non-tariff measures is not right. There must be non-taxation way for a country to protect itself and its citizens. The agreement stipulates that we liberalise, but we are not allowed to later on introduce a non-tariff impediment under the agreement. Already there are no tariffs. Let us amend that part so that, that section does not have the force of law.

I beg to second the amendment.

*(Question of the amendment proposed)*

*(Clerk-at-the-Table consulted with the Hon. Temporary Speaker)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Esther Passaris, do you want to speak to the amendment? We are debating the amendment.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker.

I begin my contribution by thanking the Chairman of the Departmental Committee on Health for moving the amendment, which in my view provides a detailed global context. The examples from the United States, European Union, India, Thailand and even Canada, demonstrate real challenges that countries face when they are implementing strict surveillance, licensing or quality control measures for pharmaceutical products. Those actions are often labelled as non-tariff barriers.

They put countries like Kenya at a major disadvantage. If we tighten our checks to protect our people, powerful pharmaceutical companies may accuse us of obstructing trade and yet, those very checks are what guarantee the safety, quality and affordability of medicine for ordinary Kenyans. What the Chairman has explained, including flexibilities under the General Agreement on Tariffs and Trade (GATT) and Trade-Related Intellectual Property Rights (TRIPs) Agreement, especially the Doha Declaration, is extremely important. International law recognises that public health supersedes commercial interests. Countries retain their sovereign right to regulate medicines, conduct thorough assessments and protect their citizens even where such measures appear restrictive to trade.

It is for that reason that I fully support the reservations of the Committee in relation to non-tariff measures for health products and health technologies. The reservation protects our regulatory sovereignty while allowing broader trade benefits of the Comprehensive Economic Partnership Agreement (CEPA) to proceed.

Let me now turn to the broader contribution I wish to make on CEPA. This agreement presents Kenya with a significant strategic opportunity. The United Arab Emirates (UAE) is one of our strongest trading partners and CEPA opens greater access for our exports like tea, coffee, flowers, meat, textiles, leather, fruits and other value-added products. It strengthens Kenya's position as a regional manufacturing hub and logistics. I am particularly encouraged by opportunities it creates for small and medium enterprises and women-led enterprises. Kenyan women in agribusiness, textiles, craft production, ICT, beauty products and horticulture stand to gain if we support them with export financing, certification and market-readiness programmes.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Esther Passaris. We are only debating the amendment proposed by Hon. Nyikal. Let me confirm to you that you will have a chance to contribute on the Motion as amended. I know you fear that you had previously contributed. Could you keep to the amendment proposed by Hon. Nyikal?

**Hon. Esther Passaris** (Nairobi City County, ODM): Hon. Temporary Speaker, with those few remarks, I support the Chairman's amendment and the broader objectives of CEPA, with a firm expectation that Kenya's regulatory sovereignty, health and economic interests of our people will be fully safeguarded.

I, thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Is it the mood of the House that I put the Question for the amendment? Hon. Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you very much, Hon. Temporary Speaker.

The debate in our country now, is on the affordability of healthcare, ability of Government agencies in the healthcare sectors like the Social Health Authority (SHA) and the Social Health Insurance Fund (SHIF) to pay for health services, and the cost of healthcare. On the account of that national debate, it is important that we protect the space of the Kenyan medical industry within which there is the cost of medicine, health products, cost of technologies and the cost of medical devices. The Kenyan medical industry has to be carefully protected if Universal Health Coverage (UHC) has to succeed.

As the Departmental Committee on Health, we are deeply concerned that the comprehensive economic partnership agreement has the risk of increasing healthcare costs, limiting access to affordable medicine and affecting part of the bottom-up economic transformation agenda on account of encouraging local manufacturing of pharmaceutical products. Therefore, this House must tread with care on anything that seems to stand on the way of the realisation of Article 43 of the Constitution on the right to the highest attainable standard of healthcare.

Besides amending Article 2.13, I propose that we expunge the entire Article 13.33 on account of protecting data. Putting a moratorium on manufacturing of generics and accessing generics for a period of five years will put Kenyans at a risk for a very long time. I support the amendment of Article 2.13 and propose expunging of Articles 13.33 in as far as it applies to the medical industry. If any of these Articles comes into force in any form, we would be giving double protection to foreign manufacturers of medicine over Kenyan companies, and we will also be undermining the journey of our country towards the attainment of WHO Level III that will entitle locally manufactured goods to attain the export standards because we have a competent regulatory authority in the form of the current Pharmacy and Poisons Board (PPB)

Lastly, local tests jeopardise the level of recognition of our national quality control labs. So, these amendments could be a matter of life and death for our medical industry and provision of medical care in our country, affordability and access to medicines.

I support the amendment. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Beatrice Elachi, do you want to speak to the amendment?

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Proceed.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

I support but, on the same note, want us to ask ourselves as Kenyans, when we talk of our pharmacists, you would wonder why. Even today, a chemist or a pharmacist with qualification equivalent of a diploma is able to give you antibiotics. It means even as we talk about all this, first of all, we must agree that in the country, our pharmaceuticals must be checked. We have a lot of generic drugs already in our country. And if we want to work with the UAE, let us develop or improve the pharmaceutical industry in Kenya. But in the agreement, we would say you are coming to join us because this is what we want. We will strengthen the standards to have better standards, and they must follow them.

It is better to build a regional block of a supply hub that has both Kenyans and our investors from the UAE. But more importantly, strengthen the pharmaceutical vigilance, not just for the UAE, but also India. The Departmental Committee on Health must help us. And we must even come up with a policy here, just the way it is in Europe. In Europe, no person will give you an antibiotic over the counter. In Kenya, you are given. Where is our Poisons and Pharmacy Board? First, we need to agree that it has to stop. Why they will take an advantage is because, already, the locals are doing wrong things. Can we strengthen the locals before they

come? This is to ensure that they are monitored, and to tighten every loose end in how the pharmaceuticals are operating? Crazy, I would say so.

There are many pharmacies in Dagoretti North. If you see some of them, you would wonder. Why should we have a pharmacy in every 200 metres? In any country that follows regulations, who would allow that?

As I support, I want to tell the Departmental Committee on Health, it is time for you go out there and put in a policy. How many pharmacies do we need? We have become so sick that we must have pharmacies flying all over? It has to stop, but I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ibrahim Saney.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you, Hon. Temporary Speaker, for your generosity.

We are dealing with a very weighty matter, the health of Kenyans and not just ordinary merchandise. It is not a trade in hardware materials. We are speaking to Article 43(1)(a), which explicitly states that Kenyans are entitled to the highest standards of health with serious qualification. And in so doing, if you look at this Comprehensive Economic Partnership Agreement, it is a business and profit driven initiative rather than of safety and welfare of Kenyans.

In as much as I agree that we have an authority in this House on matters health, his analogy of agreements between European states does not apply here. Third World countries have long been exploited by the Bretton Woods institutions, the International Monetary Fund (IMF) and World Bank, in pursuit of profit. UAE is imagined to be another big brother in the bloc in matters business. We do not want Kenya to be a dumping area, courtesy of the regulations we make. The access and price of drugs shall be a strain on the achievement of universal health care, and the Social Health Authority (SHA) we have been proud of lately.

Hon. Temporary Speaker, as much as there is an amendment to Article 13.33, I do not think the language is sufficient. Let us not rush critical matters. There are patent issues in the core of the Pharmacy and Poisons Board. I also request that Articles 13.33 and 2.13 be expunged from the Report. If that is not done, then this agreement would have many loopholes to exploit the sector. We will dilute the Pharmacy and Poisons Board and further kill the local industries that are in pursuit of competing and manufacturing local generic drugs.

In my view, Hon. Temporary Speaker, I beseech that this Report goes back to the Committee for us to fine-tune these matters because we cannot put Kenyan lives to risk. We must deal with it cautiously and come with a water-tight agreement.

With those remarks, I accept the amendment.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, this is the way to go. We should ensure that we deal with the substance. The Motion already proposes reservations to Article 13.33. Hon. Nyikal additionally, proposes subjecting Article 2.13 to reservation. The debate on his amendment will continue so that we address all the matters of concern in the treaty.

## ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.02 p.m., the House stands adjourned until Wednesday, 19<sup>th</sup> November 2025, at 9.30 a.m.

The House rose at 7.02 p.m.

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