

NATIONAL ASSEMBLY
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16 FEB 2021
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.



VERY URGENT

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P. O. Box 41842, NAIROBI

KMA Centre, 6th Floor, Mara Road, Upper Hill, P.O. Box 7055-00100, Nairobi. Tel: 020-2585701/2. Cell: 0702-777000. Email: info@cohesion.or.ke. Website: www.cohesion.or.ke

NCIC/ADM/COMM/VOL.2 (42)

12th February, 2021

Hon. Justin Muturi, EGH
Speaker
National Assembly
Parliament Buildings
NAIROBI

— Noted. ENA to advise.
BNA
16/2/2021

Dear Hon Speaker,

PETITION BY HON. DIDO ALI RASSO AND HON. REHEMA JALDESA TO IMPEACH HON. (AMB) UKUR YATANI- CABINET SECRETARY, NATIONAL TREASURY AND PLANNING

The above subject matter of a letter to me by Pastoralist Parliamentary Committee Caucus in which you, inter alia, were copied refers.

I fully concur with the view of the Caucus that the intended impeachment motion by Hon. Rasso and Hon. Jaldesa is a disturbing development in an already volatile area. As NCIC we take great exception to the initiative by the two honourable MPs given that the process we started for peacebuilding and reconciliation between the Borana and Gabra communities in Marsabit is still ongoing.

Like you might have known I convened a meeting in November 2020 in Laikipia which was attended by Hon. (Amb) Ukur Yatani and H.E Mahmoud Ali, the Governor of Marsabit as the leaders of the two communities. A joint committee to continue with the peace process under the guidance of NCIC was appointed at the meeting. It is critically important that the committee be given time to carry on with the task assigned to it. As NCIC we are determined and committed to the peace and reconciliation process.

Hon. Speaker, if the said impeachment continues I fear that it will not only interfere with the peace process but will provoke new tensions and trigger new conflicts between the two ethnic communities. I therefore wish to appeal for your appropriate intervention in order to help de-escalate the building tension occasioned by the lobbying for the said impeachment motion and give peace building a chance.

Thanking you for your kind cooperation.

Sincerely, Yours
SMKobia

Mr. James Gino - SCA.
P/s # blyp wa chwa si kutika reply.
njani-1
22.2.21.

Rev. Dr. Samuel Kobia, CBS
COMMISSION CHAIRMAN

Mission: To promote national unity, equity and the elimination of all forms of ethnic discrimination by facilitating equality of opportunities, peaceful resolution of conflicts and respect for diversity among Kenyan communities.

Rev. Dr. Samuel Kobia, C.B.S.(Chairperson)
Commissioners: Hon. Abdulaziz A. Farah, Hon. Eng. Philip O. Okundi, Hon. Dorcas L. Kedogo, Mr. Sam Kona,
Dr. Danvas Makori, Ms. Wambui Nyutu, OGW.
Commission Secretary/CEO - Skitter W. Mbugua, PhD, HSC

Handwritten notes in the upper left quadrant, including a series of horizontal lines and arrows pointing to the right.



REPUBLIC OF KENYA

Telegram 'Bunge'

Telephone: +254 20 2221 291/2848000

Fax: +254 20 315950

E-mail: sna@parliament.go.ke



Speaker's Chambers

National Assembly

Parliament Buildings

P. O. Box 41842-00100

Nairobi, Kenya.

PARLIAMENT

OFFICE OF THE SPEAKER NATIONAL ASSEMBLY

SNA/CORR/2021 (014)

23rd February 2021

Rev. Dr. Samuel Kobia, CBS

Chairman, National Cohesion and

Integration Commission

KMA Centre, 6th Flr, Mara Road, Upper Hill

NAIROBI

Email: info@cohesion.or.ke

file

Dear

**RE: PETITION BY HON. DIDO ALI RASSO AND HON. REHEMA JALDESA
TO IMPEACH HON. (AMB) UKUR YATANI-CABINET SECRETARY,
NATIONAL TREASURY AND PLANNING**

Reference is made to your letter dated 12th February, 2021, Ref. No. NCIC/ADM/COMM/VOL.2(42), on the above subject matter.

Kindly note that the procedure for removal of a Cabinet Secretary is as espoused in Article 152(6) of the Constitution which provides that—

152(6) A member of the National Assembly supported by at least one-quarter of all the members of the Assembly may propose a motion requiring the President to dismiss a Cabinet Secretary—

- (a) on ground of gross violation of a provision of this Constitution or of any other law;*
- (b) where there are serious reasons for believing that the Cabinet Secretary has committed a crime under national or international law; or*
- (c) gross misconduct.*

To this end, you will agree with me that **any** Member of the National Assembly is at liberty to initiate a Motion under Article 152(6) of the Constitution for removal of a Cabinet Secretary. The provisions of Article 152(6) of the Constitution are further replicated in the National Assembly Standing Order 66(1), which provides that—

66(1) Before giving Notice of Motion under Article 152(6) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars in terms of Article 152(6) of the Constitution upon which the proposed Motion is made;*
- (b) signed by the Member; and*
- (c) signed in support by at least one-quarter of all the Members of the Assembly.*

We however note that from our records, the impeachment motion you have referred to in your letter, has **NOT** been submitted by any Member of the National Assembly to the Office of the Speaker or the Office of the Clerk of the National Assembly. In this regard, whereas the intent of your letter appears to indicate that the alleged removal process may prejudice peace in the region and therefore we should intervene, you will also agree with me that it is premature.

Further, it is worth noting that, once a Notice of Motion for removal of a Cabinet Secretary is submitted to the National Assembly, being a Special Motion as per the Standing Orders, the role of the Speaker is **limited** to making a determination on the admissibility of the Motion in terms of whether the Motion complies with the requirements of Article 152(6) of the Constitution as read with Standing Order 66 and my previous *Communications* on the procedure and thresholds therein.

Yours faithfully,

THE HON. JUSTIN B. N. MUTURI, EGH, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY