

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 27<sup>th</sup> November, 2013

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) in the Chair]*

PRAYERS

QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, we do not have quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Members! We still do not seem to have quorum and I, therefore, Order that the bell be rung for another five minutes.

*(The Quorum Bell was rung)*

Order, Members! We now have quorum and can therefore proceed and transact business. Yes! Hon. James Gakuya, you have a petition, proceed.

PETITION

STATUS OF KOMAROCK ROAD

**Hon. Gakuya:** Thank you, hon. Temporary Deputy Speaker, Sir. On behalf of petitioners from Embakasi North, I beg to read the following petition by the residents of Embakasi North Constituency on the status of the Komarock and attendant threats to the motorists by armed gangs:

We, the undersigned road users and motorist along the Komarock Road in Embakasi North Constituency, draw the attention of the House to the following:-

THAT, the Komarock Road is part of the Nairobi road network within the Nairobi City County and links the constituency to the rest of the county, including Industrial Area. That the road is a living example of neglect by the concerned authorities, the Kenya Urban Roads Authority (KURA), which is charged with responsibility of constructing suitable roads within urban areas and maintenance of the same, including Komarock Road. That KURA has failed in its mandate to seal and re-carpet the damaged road or reconstruct the same. That road is the cause of traffic jams leading to man-hour losses, atmospheric pollution from exhaust fumes emissions and wear and tear of

vehicles. That marauding armed gangs take advantage of the jams and frequently attack road motorists in these traffic jams. We hereby confirm that efforts in terms of letters addressed to relevant Ministries and oral representation to the concerned parties have been made to have the matter addressed, yet no response has been given.

We confirm that the issues in respect of which the petition is made are not pending before any court of law or constitutional or legal body, therefore your humble petitioners pray that Parliament through the Departmental Committee on Transport, Public Works and Housing compels the Kenya Urban Roads Authority to address the foregoing concern by ensuring remedial measures are put in place or to arrest atmospheric pollution to save the motorists the financial and emotional burden due to the wear and tear on vehicles and the threats on their lives and valuables in traffic jams. Your petitioners will ever pray.

I beg to table the petition.

*(Hon. Gakuya laid the document on the Table)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well, I see some small interest which I do not know if it is on this petition. Hon. Mwaura, you want to speak to it or it is a letter?

The Member has presented his petition and wants the Committee on Transport, Public Works and Housing to investigate and I, therefore, order that it be presented to the Committee. I cannot see the Chairman, hon. Kamanda, the Vice-Chair or any senior Member. It is ordered that it should be presented before the Committee for further ventilation.

Next Order! I see a Notice of Motion by hon. Njuguna.

## NOTICE OF MOTION

### ESTABLISHMENT OF ALL-ENCOMPASSING FUND

**Hon. H.K. Njuguna:** Thank you, hon. Temporary Deputy Speaker. I beg to give notice of the following Motion: -

THAT, aware that various funds have been set up in this country to assist women and youth, some of them *Kazi Kwa Vijana* Programme, Youth Enterprise Fund and Women Enterprise Fund; also aware of the new *Uwezo* Fund targeting youth below 35 years and women of all ages; concerned that there is an apparent neglect of men aged 35 years and above; given that the entrepreneurship is critical in the ages between 35 and 50 years age bracket; poignant of the fact that Kenya is targeted to be an entrepreneurial nation by the year 2030; this House urges the Government to create a fund encompassing people of all ages and gender for development of entrepreneurial skills and abilities to wholly address issues of creativity and innovation, which are necessary pillars for stimulating economic growth and development.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very Well, next Order! Hon. Mbadi had requested for a Statement from the Department Committee on Administration and National Security, and I can see the Chairman. Are you ready hon. Kamama?

## STATEMENTS

### INVESTIGATIONS ON ABUSE OF NARCOTIC DRUGS IN THE COUNTRY

**Hon. Abongotom:** Thank you, hon. Temporary Deputy Speaker, Sir. The Member for Suba, hon. John Mbadi, requested for a Statement regarding investigations on abuse of narcotic drugs in the country. The hon. Member informed the House that in the year 2010, a criminal complaint on the narcotic drugs trafficking was presented by the former United States of America (USA) Ambassador to Kenya, Michael Ranneberger and investigations were conducted by the then Minister of State for Provincial Administration and Internal Security. A copy of a criminal complaint and provincial report were subsequently tabled before the National Assembly on 17<sup>th</sup> February, 2011. The Member further sought to be informed on the following: -

(i) whether the investigations pertaining to the narcotic drug trafficking have been completed;

(ii) the action on those found responsible; and

(iii) when the final investigations report will be tabled in this House.

I wish to respond as follows: -

Investigations pertaining to narcotic drug trafficking was conducted vide Inquiry File No.3/2013. The inquiry file was compiled and interim report was forwarded to then Commissioner of Police vide DRUG/Invet./Vol.1/76 dated February, 2011. However, the CID Headquarters vide CID/SEC/LCA/4/A/Vol.1/1/60 recommended further investigations, with statements to be recorded from persons considered likely to have vital information, arguing that the facts covered in the inquiry were insufficient to incriminate the suspects for the purpose of prosecution.

This was done vide CID/NAR/GEN//6/VOL.1/66 dated 25<sup>th</sup> April, 2013, but no crucial leads were established. Investigations are still ongoing based on the inquiry recommendations that the assets of the suspects be investigated.

Lastly, the inquiry findings were not specific on who is actually responsible. The inquiry had recommended further profiling and surveillance on the suspects and their assets, through the guidance of the Attorney-General. Once investigations are completed, the final report will be tabled in this House. That is the Statement and I thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Members seeking clarifications must be precise and to the point. I give the first shot to hon. Mbadi.

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, Sir, the issue of drug trafficking and the effects it has on our youths is something that cannot be over-emphasised. Across the country, from Mombasa to Busia, the effects of drug trafficking and drug use by our youths are alarming. It is almost in all our cities and major towns. This is a very complex and delicate matter, you will agree with me. Some of my friends were asking me: "Hon. Mbadi, why are you getting involved in this?" But we are the leaders of this country who need to protect the youth from harmful effects of drugs.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members! The consultations are very loud!

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, Sir, if you allow me, this matter, as a matter of fact, was brought up in the Tenth Parliament and what was remaining was for this House to be informed, through a report, what was the progress of the investigation. For those of us who did not sit in the Tenth Parliament and those who have not been following this issue, in November, 2010, the former US Ambassador to Kenya, Michael Rannerberger, made accusations and allegations against between 15 and 20 prominent Kenyans, whom he accused of being involved in drug trafficking. This House then was seized of this matter and a report was brought, but that was an interim report, on 17<sup>th</sup> February, 2011, by the then Minister of State for Provincial Administration and Internal Security.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Mbadi, you have really developed your point. What is your clarification?

**Hon. N'gongo:** Hon. Temporary Deputy Speaker, Sir, in that report, only four prominent Kenyans were discussed. The four prominent Kenyans, two of them are currently governors. One is a former Assistant Minister and another is a Senator. According to that interim report, it is clear that they were exonerated. But the other Kenyans mentioned in the report, one would assume that they are the ones that are now being investigated. These are not just ordinary Kenyans. Two of them are sitting Members of Parliament and one is a Senator and then other prominent Kenyans.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Mbadi, I am having a problem with the way you are executing it. I really wanted you to seek clarification. You have really developed the story.

**Hon. N'gongo:** Hon. Temporary Deputy Speaker, Sir, why I have brought my argument that far and now to move ahead and seek my clarification is because if you listen to the Statement by the Chair, a lot needs to be done by the Committee. I would request the Chairman, first, to summon the Cabinet Secretary, the Attorney-General, the Director of Public Prosecutions (DPP) and the Criminal Investigation Department (CID) boss to explain what and who they are currently investigating. If they have put the assets under surveillance, whose assets are those? You cannot have investigations for ever. Investigations are not a blank cheque for the Executive to do them for more than two years.

**The Temporary Deputy Speaker** (Hon. Cheboi): I would have expected you to probably be seeking clarifications as to whether the Chairman invited those particular people. You are actually asking them to do it.

**Hon. N'gongo:** Hon. Temporary Deputy Speaker, Sir, from the Statement, you do not have to ask. It is obvious that the Committee has not invited them. Therefore, I would ask the Chairman to explain to this House when he is going to invite these relevant officers to shed light on this matter. This is a serious matter touching on the integrity and credibility of significant prominent Kenyans.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will take two other Members and the Chairman will respond to the three clarifications at ago. I hope he is able to do that. Hon. Mulu Makali, hon. Bosire and if you are brief, hon. Rotino.

**Hon. Mulu:** Hon. Temporary Deputy Speaker, Sir, I have listened to the Statement and we have been told that investigations started in 2010. Bearing in mind the negative impact drugs have on the Kenyan youth, I wanted to find out from the Chairman whether taking almost three years carrying out investigations is fair to Kenyans. Is it also fair to those who are accused? It is very unfortunate that such a serious matter can take that long to be investigated.

**Hon. Bosire:** Hon. Temporary Deputy Speaker, Sir, I will be very brief. My good friend, hon. Kamama, responded in a manner evasive on a matter so serious that even before I became a Member of this Parliament, investigations were done and particular names were put to the public. I would have expected a report that would bring out details of these individuals, either to clear them or to reflect the process of convicting them so as to clear the Government from certain allegations. In the past, we heard that these were senior Government officers, politicians and some are serving. He referred to certain reports and I felt that he was running away from responding to this very important matter.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Bosire, what is not clear? You said you were going to be brief and you have not been brief at all. A clarification is that you want to get something made clear by the Chairman. Kindly, just go to the point.

**Hon. Bosire:** Thank you, hon. Temporary Deputy Speaker, Sir. Can hon. Kamama formally bring out the whole report so that we can close this very important chapter as to who is involved in this very dangerous business of drug trafficking in this country? This business is affecting our youths and our economy.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well, I can see hon. Rotino has withdrawn his card. Why are you withdrawing your card? Do you have a problem with your card, hon. Rotino? He does not seem to be in the House, but the card is here.

Let us have hon. M'uthari.

**Hon. M'uthari:** Thank you, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): By the way, I really want to know whether hon. Rotino is in the House. If he is not, it seems somebody else is using his card.

**Hon. Member:** He was here.

**Hon. M'uthari:** Thank you, hon. Temporary Deputy Speaker, Sir. I would like to get some clarification on this matter. As per the response, there is very little that seems to have been done. It will be important to know why the process is taking so long, given the magnitude of the problem of drug trafficking in this country. There are people who are given leeway to get money at the expense of the lives of many people. Children of this country are suffering while we generate wealth by destroying the lives of others.

Therefore, could we know from the Chairperson why this process is taking so long and what is being done to curb this menace?

**Hon. Abongotum:** Thank you, hon. Temporary Deputy Speaker, Sir. I just want to confirm to the Chair that during the last Parliament, that is the 10<sup>th</sup> Parliament, I can remember this issue raising a lot of heat in the House. I want to confirm to hon. Ng'ongo that this report was laid before this House and it was actually submitted and quite a

number of prominent people were mentioned. I want to say that the report indicated that four of these prominent people were Members of Parliament. They were investigated but there was no evidence that could incriminate them. I want to read part of the report which was laid on the Table. The report is the property of this House, and therefore, hon. Ng'ongo can access it.

Page 47 of the Report reads in part:-

“The complete duplicate investigations file and the final report are now forwarded to you for further perusal and direction.”

In this report, the then Minister said that investigations had been carried out on Messrs. John Harun Mwau; Mbuvi Mike “Sonko”; William Kabogo and hon. Hassan Joho. According to the then Minister, the report says that investigations on the four persons was actually completed and there was nothing to incriminate them other than carrying out a report on the assets. But on the issue of incrimination, this report actually absolves them.

Hon. Temporary Deputy Speaker, Sir, there was a recommendation to investigate about six to 10 other prominent people.

**Hon. Ng'ongo:** It is exactly that and that is why I was asking why the Chairman is not inviting these people. Is it in order for the Chairman to say clearly that there was nothing incriminating these four individuals, then he goes ahead to say that their assets are being investigated? Why do you investigate or conduct surveillance on assets of people you have no evidence to link to drug trafficking? I thought the Government should be investigating or attaching assets of people who are linked to drug trafficking. So, there is a contradiction and that is why I expect the Chairman to get this contradiction clarified by the relevant authority. The hon. Abongotum is a Member of this House and I do not expect him to speak for the Executive.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is a valid point of order. I hope the Chair will be able to clarify that bit.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, Sir, the House recommended that the other balance of individuals should actually be investigated and the report be laid on the Table of this House.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Chairman, what hon. Ng'ongo is asking is that, you are saying that there is no issue, but their assets are being investigated. I want you to clarify that bit.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, Sir, that is why I would agree with hon. Ng'ongo that because we do not have a report on the balance of the individuals, who are fairly very senior in this country; the investigations are on their assets. The contradiction the hon. Member is raising is actually true and that is why I want to recommend that on Tuesday next week, I want to call the Cabinet Secretary, Attorney-General and DPP to clarify the matter because we cannot go on with investigations forever. We must bring the investigations to a stop and the report be laid on the Table of this House.

Therefore, I will do that on Tuesday next week and in a week's time, I should be able to lay on the Table the interim report. At this stage, I will not mention the names of -  
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**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Chairman, I understand that you always have a handful of business and your Committee is one of the busy ones.

Today is on Wednesday, and you are saying that you want all those officials you have named to appear before your Committee on Tuesday next week. Is that practical?

Have you already invited them because there is an issue of notice? You would not want to ask the Cabinet Secretary to appear before you tomorrow.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, Sir, there are many others, it is not only the ones I named.

**The Temporary Deputy Speaker** (Hon. Cheboi): But you see, as we speak now, the statement which you are speaking on is this specific one. So, if you say that you are going to expect them to be coming to Committee next week for other issues and this one becomes part of the issues, I really think it is not going to be fair.

Let us hear from the Leader of Majority Party as we wind up, because you have actually said that you want to have the officials before your Committee. Therefore, I do not really think that we need to do a lot; we are saying therefore that we will be having the response to this statement later.

**Hon. A.B. Duale:** Hon. Speaker, Sir, I totally agree with you that when the Executive is invited, you must indicate why you are inviting them. So, we expect the Chair to invite the Cabinet Secretary based on the request by the hon. Member for Suba. Therefore, today being a Wednesday, you cannot invite them and they appear next week.

As per the Standing Orders and the rules of this House, you cannot invite the Cabinet Secretary; you have to give them seven days' notice and still wait to know whether they could be in the country or out of the country. Now that the Chairman has made a commitment that he will call the relevant Cabinet Secretary and the officers in charge so that he brings a report to the House within two weeks, let it be.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Committee Chairman, let us move to the next Statement. I have a small issue. I would not want a situation whereby every other week, you appear before the House and say that you are going to summon the Cabinet Secretaries. Come prepared.

What is it, hon. Kamama?

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, in our working relationship, as a Committee, with the Cabinet Secretary, we are extremely flexible. We have also written to him on other issues. So, this is one of the issues that will be addressed on that particular day.

On the issue raised by hon. Bosire and my good friend, the Member for Suba, it is true that it has taken quite some time. So, we will try to expedite the matter.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kamama, we will have that when you present the Statements. So, let us have the Statement as requested by hon. Wafula. I hope that you are ready. I can see that hon. Wafula is around.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, we had agreed with my deputy, hon. Ntoimaga that he would respond to this particular request but he is busy dealing with security issues in his constituency. So, I recommend that he deals with it on Thursday.

**The Temporary Deputy Speaker** (Hon. Cheboi): That will be fine.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, I want to apologise to hon. Wafula because his issue has taken so long. The Cabinet Secretary has also been dealing with other security issues.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is fine. Let us hear hon. Wafula.

**Hon. Wekesa:** Hon. Temporary Deputy Speaker, I sought this Statement about two months ago. About two weeks ago, it appeared on the Order Paper. I was in this House. I wanted to interrogate the Statement but as usual, the Chairman and the Vice-Chairman were not in the House to deal with it. I hope that somebody somewhere is not out to frustrate me as far as this issue is concerned.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is a very strong statement from hon. Wafula, and I agree with him. What you need to do, Committee Chairman, is that on Thursday, it will not be your Vice-Chairperson to respond to the request. In his absence, you will give the Statement.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, I make that undertaking. Hon. Wafula is my good friend. I will ensure that it is done tomorrow.

**The Temporary Deputy Speaker** (Hon. Cheboi): We are talking about tomorrow afternoon. So, let us go to the next Statement.

**Hon. Shill:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): What is it?

**Hon. Shill:** Hon. Temporary Deputy Speaker, I have an issue concerning administration of justice. You note that this particular Committee has very many Statement requests that are pending. Maybe, it handles hot issues. I sought a Statement on 8<sup>th</sup> of this month, but it is still pending. I was given a commitment that the request would be responded to next week but to-date, no response is forthcoming. It is now more than three weeks since I requested for the Statement.

**The Temporary Deputy Speaker** (Hon. Cheboi): Is next week the week that is coming, hon. Shill?

**Hon. Shill:** No, no! When I sought the Statement, the undertaking given then was that it would be brought on Thursday. It has now taken over three weeks. The Statement was about some very urgent issues, where many police officers had been removed from town centres in my constituency. In fact, the matter is of grave concern to my constituents because many schools and health centres have been closed. I understand that he said he has got an answer. It will be very good if he could respond to my request.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kamama, even if you have the answer, this particular matter is not on the Order Paper. So, you will also respond to it tomorrow.

**Hon. Abongotum:** *(off-record)*

**The Temporary Deputy Speaker** (Hon. Cheboi): We are having time constraints, Committee Chairman.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, with your indulgence, why do I not just proceed and read out this Statement. I had even told the Clerk yesterday to put this Statement on the Order Paper. The Speaker had actually ruled that I should bring it today.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Duale, what is your point of order?

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I want to bring to the attention of the House the fact that hon. Shill was away on business. The Statement came here but he was nowhere to be seen. He came yesterday. So, we will ask the Committee

Chairman whether he can present the Statement tomorrow because he also has other business. There is a tentative schedule for responses to Statement requests. If a Statement is not on the Order Paper, it cannot be brought up.

**The Temporary Deputy Speaker** (Hon. Cheboi): Committee Chairman, we are not going to bend the rules on this one even if you are ready. You will still be ready tomorrow. So, let us have you responding to the Statement tomorrow afternoon.

Hon. Members, let us go to Statement No.90, which was requested by hon. Ottichilo, and directed to the Chairperson of the Committee on Agriculture, Livestock and Cooperatives. Is hon. Nuh here?

**Hon. Member:** Absent!

**The Temporary Deputy Speaker** (Hon. Cheboi): What about his deputy?

**Hon. Member:** Absent!

**The Temporary Deputy Speaker** (Hon. Cheboi): It seems that they are not ready. So, we will proceed to the next Order.

Yes, hon. Ottichilo.

**Hon. (Dr.) Ottichilo:** Hon. Temporary Deputy Speaker, this Statement has been pending for the last two months. The Statement is of national importance because it hinges on food security of this country. Therefore, I would really plead with you that you direct that the Chairman of the Committee gives the Statement this afternoon.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ottichilo, I do not want to commit myself that this Statement will be given in the afternoon. I wish either the Chairman or Vice-Chairman were here. Let us hear from any Member of the Committee.

Hon. Tiren, can you confirm, on behalf of your Committee, that you can have the Statement given tomorrow?

**Hon. Tiren:** Hon. Temporary Deputy Speaker, I will pass the information to the Chairman, so that he can be here tomorrow.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ottichilo, tomorrow is not unreasonable. I think that will be fine.

**Hon. (Dr.) Ottichilo:** *(off-record)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ottichilo, that may not be possible. The Order Paper is already out. Even tomorrow should be okay. I think you are getting a good deal. This afternoon will basically be about requests for Statements. So, I think tomorrow is fine.

**Hon. (Dr.) Ottichilo:** Thank you but, please, ensure that the Chairman of the Committee comes and gives the Statement because as he delays it, the country continues to lose millions of shillings.

**The Temporary Deputy Speaker** (Hon. Cheboi): Next Order!

## PROCEDURAL MOTION

### EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O. No.40(3)

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Leader of Majority Party.

**Hon. A.B. Duale:** Thank you, hon. Temporary Deputy Speaker. I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Standing Order 256(1), this House resolves to exempt the business appearing in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or business sponsored by a Committee.

Hon. Temporary Deputy Speaker, according to the parliamentary calendar, the House will go on recess on 5<sup>th</sup> December, 2013 and as per the Standing Orders, Bills that will not have passed through the Second Reading will be invalid, if we go on recess. That means those Bills have to be republished. They have to go through all the processes and that is very costly both to Parliament and to the originators, both the public and private sectors. We have agreed in the House Business Committee (HBC) that we try to condense and see whether we can finish as much business as possible and even see further whether next week we can amend the Standing Orders through the Procedure and House Rules Committee to see that Bills that have not reached the Second Reading, will still be relevant and will still be used when we resume sometime in February next year.

So, hon. Temporary Deputy Speaker, because of this agenda, the HBC last night agreed that we use the morning sitting to do so. We want to tell our colleagues that we value your Motions but we want to do this because of the provisions in the Standing Orders that will make some Bills redundant, if we go on recess before they reach the Second Reading stage.

With that, I ask my colleague in the HBC, hon. Makali Mulu, Member for Kitui Central to second.

**Hon. Mulu:** Thank you, hon. Temporary Deputy Speaker. I rise to second the Procedural Motion. As a member of the HBC, we discussed this matter and we have agreed that despite the fact that Wednesday morning is for Private Members' Bills and Motions, Parliament has the mandate to set its own calendar. We set this calendar and we are all aware that on 5<sup>th</sup> of next week, we will actually be breaking for recess. So, on the basis of that fact, the HBC pleads with hon. Members to allow the House to discuss these Bills which are pending. However, we have also not lost track of the fact that there are some Private Members' Bills which will also be discussed before we break for recess. I have in mind hon. Mbadi's Bill on the retirement benefits.

So, hon. Temporary Deputy Speaker, I plead with Members to support this Procedural Motion. So, I second. Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I am going to give a chance to two Members to speak to this and we will put the Question because this is something that we also had last Wednesday and I think it is fairly straightforward. Let us have hon. Angwenyi.

**Hon. Angwenyi:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. We must deal with the urgent and critical matters of our country and I believe that all my colleagues will support this Motion so that we can deal with those matters before we go on recess.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): From this other side I am giving hon. Simba Arati.

**Hon. Simba:** Thank you, hon. Temporary Deputy Speaker. I want to oppose this Motion for a simple reason that: Who said that we must go on recess? Two, we do not need to go on recess when we have issues that we have to deal with in this House. So, I would really want us to deal with Private Members' Motions of this august House and follow what the Standing Orders provide for us.

Hon. Temporary Deputy Speaker, I do not see how Government Bills will supersede Members' Motions. Therefore, I urge this House to oppose.

**The Temporary Deputy Speaker** (Hon. Cheboi): I would rather you oppose without making statements that are not very factual.

**Hon. Simba:** Hon. Temporary Deputy Speaker, I stand to oppose this Procedural Motion with the reasons that I have given.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Arati.

*(Question put and agreed to)*

We will move to the next Order.

## **BILL**

### *Second Reading*

#### THE NATIONAL SOCIAL SECURITY FUND BILL

*(Hon. A.B. Duale on 21.11.2013)*

*(Resumption of Debate interrupted on 26.11.2013)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, this particular Bill had been transacted and what remained was the Question to be put. Members who are standing, can you kindly take your seats?

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

Next Order! Now, hon. Members, I realise that on Order No.10, the Chairperson is away and the Committee is not ready. So, I think we will go to Order No.11. So, hon. Members, we are interchanging Order No.10 and 11 so that Order No.11 will start now and thereafter Order No.11.

## **BILL**

### *Second Reading*

## THE KENYA HEROES BILL

**The Temporary Deputy Speaker** (Hon. Cheboi): You do not have the microphone. Proceed now.

**Hon. A.B. Duale:** Hon. Temporary Speaker, Sir, I beg to move that the Kenya Heroes Bill be now read a Second Time.

This Bill is coming at a time when Kenya is celebrating 50 years since it was born. The main objective of this Bill, the Kenya Heroes Bill 2013, is to fundamentally develop an appropriate legal framework in order to do the following: One, to have a clear, effective, and an impartial system of identifying and honouring the national heroes of this country. This is in line with our national values as per the Constitution. This Bill defines our heroes as people or persons who, through selflessness, did sacrifice, or have contributed to the wellbeing of the Kenyan communities, or to the Kenyan nation as a whole.

The people that this Bill looks at are the Kenyans who contributed to the liberation struggle, those who contributed to the indigenous knowledge, those who contributed to our cultural values, to research, to statesmanship and those who have special achievements.

Part I of the Bill provides the preliminary provisions. Under Clause 3 of this Bill it has provided that a person shall be considered a hero where the person has selflessly sacrificed to contribute to the welfare of our country. Part II of the Bill establishes the National Heroes Council, which will have the responsibility of administering the honours system. Never again in our country will we administer the honours system in an unstructured way. This Bill creates a system where accountability and transparency is upheld in terms of formulating policies with regard to how you identify a hero, how you select them and how you recommend qualified persons for declaration as heroes.

There is the element at Part III of civic education, so that public participation and public discussion is upheld as per the Constitution in terms of how the National Heroes Council will manage this process. Part III of the Bill, has the financial provisions on the council, and it includes the establishment of the Heroes Fund at the national level. The fund will create, for the first time in the history of our country, that those who struggled for the attainment of our independence, for example, will have a fund that will cater for them and their spouses. This fund will be administered by a board of trustees appointed by the Cabinet Secretary in charge of this docket. The funds therein will basically be used to benefit our national heroes, who, as we speak today, are in need of financial assistance for them individually and their dependants. For the first time, this Bill creates a fund for our national heroes. Part IV of the Bill sets out the procedure, the mechanism of identification and declaration of a national hero. In this part of the Bill, it is intended that the procedure should have full public participation when identifying and when nominating heroes. This has been very cumbersome. In all the successive Governments and all the successive Parliaments our country did not have somebody somewhere who would sit and identify who became a national hero. This Bill at Part IV creates the procedure, a known and structured way of identifying who is a recipient, who becomes a national hero and the element of involving the public. Public participation is very key in

our Constitution. The public will be invited to vote against any proposed nominee; the public, through this House will watch and in case----

Remember when the NARC Government came to power, a certain Ethiopian general was brought to this country. It was very shameful; some Members had brought into the country a fake *Mau Mau* general. He was given a State reception from the airport, and it took this country a month to confirm that those Members brought an Oromo from Ethiopia who could not believe why he was being given that State reception.

Some of these Members, being my colleagues, the hon. Koigi wa Wamwere must be listening to me. Never again will another fake *Mau Mau* general be brought either from South Sudan or from Ethiopia. This Bill is sending a warning to masqueraders who want to benefit from the taxpayers' money by parading people who are not even citizens of our country. This Bill is even saying that the public will vote against a nominee who has been declared a national hero.

Clause 25 of the Bill sets out the privileges to be accorded to a national hero. This includes financial assistance, where necessary to such a person. So Clause 25 talks about the privileges of a national hero and the limitation. It also provides the establishment of the Heroes Square by the council – the National Heroes Council that this Bill anticipates will be formed. The Bill provides that the honours awarded therein may be withdrawn by the council, if the council finds in its honest opinion that you are honoured as a national hero, but because of your misconduct you cannot be national hero and the heroism fails to be in tandem with your behaviour, both socially and politically. The council has the powers to withdraw that honour. Also, if you are convicted of an offence, then you will lose the honour.

Finally, the First Schedule sets out the criteria for identification, selection and documentation of heroes. The Second Schedule talks about the oath of office for members of the National Heroes Council, they must take an oath of office. The Third Schedule of the Bill provides for the conduct of the affairs of the council. The council members must have a code of conduct and the Fourth Schedule sets out the certificate to be awarded to a person declared to be a hero. This Bill, therefore, makes a provision and this provision is to award somebody a certificate as a hero. That certificate is shown in the Fourth schedule. The enactment of this Bill shall occasion additional expenditure of public funds.

In a nutshell, these are the provisions of this Bill. I think it is coming at the right time. I will be very happy if the President assents to this Bill before 12<sup>th</sup> December 2013, so that as we celebrate 50 years of jubilee as an independent country, then we know we have a legal framework in place that will regulate the selection, identification, funding, and all the other issues that relate to the national heroes.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. (Ms. Shebesh) took the Chair]*

Hon. Temporary Deputy Speaker, Sir, I am sure Kenyans are good in doing business. There are generics, fake and originals. When it comes to our national heroes, they are original. You cannot have a generic or a fake hero. This Bill is bringing sanity to the business of identifying, funding and recognizing men and women of this country who, in their different capacities, have made achievements and progress.

Hon. Temporary Deputy Speaker, I request the hon. Member for “Gichigi”, the guy who sent home the former great Minister for Finance, Amos Kimunya, to second this Bill.

*(Laughter)*

**Hon. (Ms.) Abdalla:** On a point of order, hon. Temporary Deputy Speaker. Is it in order for the hon. Leader of Majority Party to declare the name of the Member a constituency? Hon. Gichigi represents a constituency and there is no constituency called “Gichigi”. The Leader of Majority Party has said that he is the Member for Gichigi. The Member for Kipipiri is hon. Gichigi. The constituency is “Kipipiri” and the Member is “Hon. Gichigi”.

**The Temporary Deputy Speaker (Hon. (Ms.) Shebesh):** I think you have corrected the Majority Party Leader.

Go ahead, hon. Gichigi.

**Hon. Gichigi:** Ahsante mhe Naibu Spika wa Muda. Ni kweli jina langu ni Samuel Kamunye Gichigi na ninawakilisha Eneo Bunge la Kipipiri.

Ninasimama kunga mkono Hoja ambayo imeletwa Bungeni siku ya leo. Kwa miaka 50 ambayo tumekuwa huru, hatujakuwa na sheria na utaratibu wa kuwachagua mashujaa wetu ambao tunatunukia tuzo za ushujaa katika nchi hii.

Wakati wa siku ya mashujaa mwaka huu niliweza kupata maoni ya wananchi wangu wa Kipipiri kuhusu ni watu gani tunaweza kuita mashujaa katika eneo bunge langu. Kuna watu walitajwa na bila shaka niliona kwamba hatukuwa na utaratibu mzuri wa kuwatambua mashujaa katika nchi yetu. Tangu tupate uhuru, tumekuwa na mpango ambapo vibaraka na viongozi wa Serikali zilizopita walitunukiwa tuzo za ushujaa. Wale wananchi wetu ambao walijitolea kutetea haki zetu na kulinda hii nchi na kuleta mema na utukufu kwa nchi hii, hawakutambuliwa. Wengi wao walikufa wakiwa na shida nyingi. Hatutasahau mashujaa wetu kama hayati mhe. Shikuku, Bildad Kaggia, Seroney na wengine wengi ambao sisi kama Wakenya hatukuwatambua. Kwa hivyo, hii ni Hoja ambayo imeletwa wakati wake. Katika Hoja hii kuna utaratibu mzuri sana wa kuwatambua mashujaa wetu kutoka sehemu mbalimbali na si mashujaa wa kisiasa peke yake. Tuna mashujaa katika michezo, waliopigania uhuru na wengine wengi wa kutambuliwa.

Pia, ninaunga mkono Hoja hii kwa sababu inatoa nafasi ya kutambua na kuamua ni akina nani watakuwa mashujaa. Kama ilivyosemwa na aliyezungumza mbele yangu, umma una uwezo wakukataa mashujaa waliochaguliwa. Wananchi wakipiga kura na kusema kwamba hawamtaki mtu fulani kuwa shujaa, kamati ya kuwatambua mashujaa haitakuwa na budi ila kumkataa huyo.

Mhe. Naibu Spika wa Muda, ninafurahia Hoja hii kwa sababu ina sehemu ambayo inapanga kusaidia mashujaa wetu ambao wana shida mbali mbali. Hoja hii itabuni hazina

ambayo inaweza kushughulikia mashujaa wetu na wapendwa wao. Kwa mfano, kama shujaa atatuacha tutawasaidia wapendwa wake kifedha.

Pia, ninaunga mkono Hoja hii kwa sababu kuna sehemu ambayo inaruhusu kuondolewa kwa tuzo ya shujaa ambaye anafanya kinyume na matakwa ya nchi ama anajiingiza katika uhalifu. Tunaweza kusema kwamba yeye si shujaa tena.

Kwa hivyo, ninaunga mkono Hoja hii nikiwa mwongaji wa pili. Ahsante mhe. Naibu Spika wa Muda.

*(Question proposed)*

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Bill, The Kenya Heroes Bill, National Assembly Bill No.30 of 2013. This is a very important Bill in that we will be able to identify our heroes and have a structured way of recognizing and rewarding them. We know that this country is full of heroes but to the extreme end, we also have cowards who have been a disgrace to the society.

I was in my constituency over the weekend. Twelve girls dropped out of Cherubai Primary School in Chepchoina because of pregnancy-related issues. The majority of these pregnancies were caused by security officers who are stationed at Chepchoina General Service Unit (GSU) Camp. This is the case, yet those officers are supposed to provide security to those innocent children.

Hon. Temporary Deputy Speaker, it saddens me that those officers have abdicated their responsibility. Instead of guarding and providing security to *wananchi* they have started cheating school girls from Cherubai Primary School and in all the neighbouring schools. We now have a very high dropout rate of students in those areas. Those officers lure those girls with sweets, biscuits, lime juice and other petty luxuries.

This is a grave concern to me as a Member of Parliament of that area and to residents. I want to thank my neighbouring Members of Parliament, hon. Wafula and hon. Ferdinand Wanyonyi, who supported me on this issue. We have realized that, that problem is not just limited to Endebess, but is also found in other areas.

One of the main reasons for this is that the GSU camps within those areas are not fenced off. This is an issue that I have raised with the Cabinet Secretary, Mr. ole Lenku. I have raised it for the last three months, but nothing has been done. I hope that the Inspector-General of Police, Mr. Kimaiyo, is listening to this because it is a very serious issue. We think that the security people have a responsibility not only to provide security, but also to have high standards of moral integrity, so that they can also be considered as heroes in this country.

**Hon. Kang'ata:** On a point of order, hon. Temporary Deputy Speaker. Is the hon. Member in order to bring issues relating to his constituency which are not really before the House? They are not really related to the issue before the House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Kang'ata, surely you are a lawyer and I know that you are not serious on that particular point of order. You should desist from raising such frivolous points of order.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Speaker for protecting me. I think this is a pertinent issue. When we identify issues, there are people we look at and think they are heroes in our society. We want to look at the security men as heroes

who protect this country. We are glad when we look at the work that has been done by the Kenya Defence Forces in protecting our country, especially in the northern area, and fighting aggression by the *Al Shabaab*. They are our heroes. Our children feel secure that the KDF has protected this country from aggressors, who are the *Al Shabaab*. In our constituencies we want to look at our security men as our heroes, because they make us sleep comfortably in our houses, with the knowledge that we are protected.

We know that there are heroes at various levels. Heroism transcends the society. It transcends character and how we hold our heads high up in the society. We have had heroes from the time before independence. They struggled to give the society a way forward. I am talking about people like Koitalel arap Samoei. In my own community, I remember Chief Tendetti. Others who fought in the *Mau Mau* struggle include General Kimathi. Post-independence heroes include J.M. Kariuki, Jaramogi Oginga Odinga, the young Raila Odinga, Wamalwa Kijana and so on. These are heroes who played their part during their time. We need to appreciate what they have done. Modern day heroes in Rift Valley include people like William Samoei Ruto; he has made his contribution to this country and also given us direction.

I beg to support this Motion.

**Hon. Wandayi:** Thank you, hon. Temporary Deputy Speaker. I also wish to support this important Bill. It is a Bill that we should all support because for the first time it is going to bring sanity and order in the area of identification of national heroes and conferment of awards or honours to them.

For a long time the matter of identifying and honouring heroes has been abused. If you look at the list of recipients of awards in this country over the years, you see a clear pattern of people who profess a certain ideological line. More often than not, you will find people have basically been on the side of the *status quo* benefiting from the award of honours as heroes in this country. For the first time, we are going to have a law that is going to regulate these issues. I am very happy that in this Bill there has been set a very elaborate criterion of identifying heroes. I am also happy to note that one of the areas being looked at is the history of the person as far as the struggle for liberation is concerned. Even though we are not told what liberation is being referred to here, I suppose that the intention of this Bill is to incorporate those who have struggled in all the deliberations that we know of in this country. Many times when people talk of liberation they think of the first liberation of the country from the colonial yoke.

It is important to understand that this country has gone through different phases of liberation. I must point out that the second liberation is one such liberation that has brought this country to where we are. I am happy that for the first time all the heroes of the various forms of liberation are going to be recognized, legally speaking.

It is also important to understand that the nomination process has been made open and transparent in this Bill in such a manner that any member of the public, any group of individuals, any institution or organization can nominate people whom they feel are qualified to be called heroes of this country. This will ensure that we have a wide representation of the people who are eventually nominated and conferred these awards.

There is provision in this Bill for financial assistance to the heroes who shall have been nominated. It has been a shame that in this country people who have struggled over the years to help bring the country to where it is have ended up dying as paupers. We hope this is a matter that this Bill is going to bring to a close once and for all. I am also

happy to note that there is a provision to withdraw the privileges that these heroes are going to be entitled to in the event that they go against the spirit and the interest of the country as far as their conduct is concerned.

Before I conclude, I need to point out that a matter that still needs to be looked at is the composition of the National Heroes Council. There is a running trend in this country that every time you have to constitute a body or a board or council you find that it is full of people from Government. In fact, you find the Executive filling the board. In this case you will find that nearly 100 per cent of the people sitting in this council being nominated by the Cabinet Secretary. There is a principle in the Constitution which we are forgetting very fast. If the President is compelled by the Constitution to present his nominees to this House for us to vet before he makes appointment, how come we are beginning to give Cabinet Secretaries a free hand in appointing individuals to offices? This is something we are seeing every now and then and we need to put an end to it, if we are going to protect the letter and spirit of the Constitution.

I hope I will have a chance to propose certain amendments to the composition of the National Heroes Council. It is important that the Council is as representative as possible. It is also important that the method of appointment of people to that Council be as democratic as possible and that cannot be so if the whole affair is left in the hands of one Cabinet Secretary.

This is one good Bill that is long overdue. In fact, it could not have come at a better time. I, therefore, support with the minor amendments that I will seek to present.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Mithika Linturi.

**Hon. Linturi:** Asante sana, Bi. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili kuweza kuchangia Mswada ambao uko mbele yetu siku ya leo. Wacha nianze kwa kusema kwamba Mswada huu umefika katika Bunge hili wakati unaofaa, na hakungekuwa na wakati mwingine mzuri zaidi kuliko wakati huu, kwa vile mwezi ujao, wakenya watakuwa wanasherehekea miaka 50 tangu Kenya ijinyakulie uhuru kutoka kwa wabeberu.

Wakati kama huu nasema ni nafasi njema tukiweza kuupitisha ili kuweza kuwatambua na kuwapatia nafasi ya kuwashukuru viongozi wa aina mbalimbali ambao wamechangia kuileta Kenya yetu kutoka kwa wakoloni mpaka pale tulipofika kwa njia mbalimbali za kiuchumi, kisiasa na hata kibiashara.

Kitu kinacho nifurahisha katika Mswada huu ni kwamba sasa tutakuwa na nafasi na njia imewekwa vizuri kutokana na kupitishwa kwa sheria hii kuweza kuwatambua viongozi mbalimbali ambao wamejionyesha ama kujitokeza kama mashujaa kwa njia mbalimbali katika taifa. Hii inatupa nafasi ya kuweza--- Kama wakenya wataweza pia kutoa maoni yao, mtu fulani hataweza kutambulika kama shujaa.

Nimefurahi kwa sababu eneo ninalowakilisha la Meru na wale wanaokumbuka na kujua watu wa mwisho kutoka kwa msitu wakati wa kupigania uhuru wa nchi hii, walikuwa watu wa eneo letu. Baadhi yao ni mzee Jenerali Mwariama, Baimungi na wengine. Hawa watu familia zao saa hii ni maskini hohehahe. Ni watu ambao walisema wangepigana na mbeberu ili waweze kulikomboa taifa na kurudisha ardhi. Lakini vita vilipoisha hata familia za hawa watu mpaka wa leo wanaishi kama maskwota. Hawajawahi kupata chochote.

Nafurahi kwamba Mswada huu unatupa nafasi ya kuweza kuwasaidia hata jamii za hao mashujaa. Kwa hivyo, Mswada huu umekuja wakati mwema na naomba kila mtu

aweze kuuchangia na kuupitisha kwa sababu historia ndiyo tunaweza kuiandika. Hatuwezi kuwasahau watu kwa sababu wamefanya kazi nzuri; sisi husema kwamba mtu hujizika akiwa hai. Mashujaa wale tutaweza kuwatambua wamefanyia taifa hili kazi muhimu, ya maana na kwa namna ambazo wataweza kutambulika.

Ningewaomba pia wakati tunapowaangalia wale viongozi, tuweze pia kuwatambua hata kama wamelala futi sita chini. Hicho kitakuwa kitu cha maana, na ambacho kitaweza kuleta hata mori kwa watu wengine na wajue kuna maana na manufaa ya kuweza kuisaidia nchi, na kuuliza mimi nikiwa Mkenya naweza kusaidia taifa letu kwa njia ngani.

Ningetaka kumalizia kwa kusema kwamba tuna nafasi kama Bunge na viongozi wa karne hii kuweza kukumbuka kwamba tulipewa taifa na wale waliotutangulia likiwa limesimama imara. Kama tunataka pia kuwa mashujaa, ni lazima sote tuchangie kujenga taifa letu na tuwe na jukumu kama Wakenya, kila mtu pale alipo, hata ikiwa ni kwa biashara, siasa, injili au jambo lingine lolote. Inafaa tuweze kuhakikisha--- Nafasi zimewekwa hapa za kuweza kuwatambua, tujue kwamba tuna jukumu kama Wakenya la kuweza kuliunda taifa ambalo sisi tunaweza kujivunia katika maisha ya baadaye.

Nchi nyingine ambazo nimetembelea, ukienda kwa Bunge zao, ama kwa kitengo cha wanajeshi wao, utapata watu wote ambao wamefanya kazi wameweza kutambulika na orodha ya majina yao imewekwa. Huu ni wakati wetu pia kuiangalia historia yetu, na kuweza pia kufanya mambo kama hayo.

Asante sana, Bi. Naibu Spika wa Muda; naunga mkono Mswada huu.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Joseph Nkaisery, take the Floor.

**Hon. (Maj-Gen.) Nkaisery:** Thank you, hon. Temporary Deputy Speaker. I also stand to support this very important Bill and in doing so let me say that we need to first identify who is a hero. In this country today, there are many people who claim to be heroes when they are not. Doing your job does not make you a hero; it is doing your job beyond the call of duty that makes you a hero. When you look at what has been happening in our country, the issue of conferment of honours and awards has been totally upside down. This Bill came at the right time because on 12<sup>th</sup> December, 2013 we will be 50 years old as a nation, and there is a committee which is working on conferring people with honours and awards.

This Bill is very important to me because we have to identify the people who have provided exemplary service to this country, and not just any person - if Gen. Nkaisery is just somebody, he is given a medal. I was amazed when I was in the Government as an Assistant Minister. We went to the School of Monetary Studies and I challenged the then President. I asked him why he was giving Ministers the Order of the Elder of the Golden Heart (EGH) medal and leaving out Assistant Ministers. In any case, why should Ministers on appointment be given the second highest medal in the country? Just because they have been appointed as Ministers, they are given an EGH medal?

A person has come from the streets, but because of his political party he is awarded an EGH, when people who have served this country and brought it glory are given Head of State Commendation (HSC). Can you imagine that kind of unfairness? Look at the fellow whose performance has brought the whole world on its feet when the Kenya National Anthem is sang; our sportsmen are the heroes. Look at a fellow like Manu Chandaria who has contributed a lot in philanthropy; that is a hero, as far as I am

concerned. You remember the guy from--- I am sure you all have read about the gentleman called Yunus. He is a banker and a very young fellow who started a bank in Sri Lanka and went on to get the Nobel Prize. A small bank, like equity, has grown to be an international financial institution. Fellows like these are the heroes of this nation.

I would recommend that we identify heroes not just because of appointment. You are elected to a position, for example, today, tomorrow you became a Cabinet Secretary and then you are given a medal; what have you done for this county to warrant that medal?

This is a very important Bill but we need to look into it. I quite agree with my colleagues that heroes will have to be assisted by the State. In the National Heroes Council, as I can see in the Bill, the Cabinet Secretary is referred to as Permanent Secretary and this is not constitutional. We should be careful not to put in a Bill unnecessary things.

The National Heroes Council should be made up of people who are heroes themselves. You cannot be a member of the council and you are nobody. We will not allow a Cabinet Secretary to wake up in the morning and appoint his or her friend to the council.

This is very important and I am very happy that this Bill came at the opportune time. In this country people have been awarded honours and gone out to misbehave!

People who have been awarded honours in our nation and have gone out to misbehave, should have those honours withdrawn. If you are a criminal and an EGH holder, you should be made to return that medal to the State. This medal belongs to the State. This is a very important Bill. You must understand who the peacemakers are in this nation. The people who fought for this country, even if they are dead, should be awarded honours posthumously, if we identify the people who have performed beyond the call of duty. The KDF, for example, apart from what the media said the other day about the Westgate, have done this country proud. They have cut the teeth of the *Al Shabaab*. Those are the heroes as an institution. We must identify heroes, and not come here and just talk about heroes. We should say who a hero is. We should define a hero, so that we can have this country in a stable situation.

With those few remarks, I support.

**Hon. Kang'ata:** Hon. Temporary Deputy Speaker, Sir, this Bill has positives and it also has some reservations. Let me start with the positive aspects. First, it is founded on the philosophy of incentives. It is crucial for us to give something to those people who did something good before, so that we can encourage the young generation to become heroes tomorrow or even today. To that extent, I support the idea of this Bill.

Secondly, I also have a personal interest in ensuring that this Bill goes through on account that one of the heroes known in this country comes from Kiharu. I have brought several Bills and issues before the House, but the only time the Members thumbed their feet was when I brought an issue pertaining to Kenneth Stanley Njindo Matiba. He appears to be recognised nationally; he did something very special for this country. I brought a petition on this and at times, when you bring a petition, it does not have direct results. However, when you crystallize something in a Bill like this one, it goes without saying that if it passed it is likely that Mr. Matiba will be recognised as a hero. He may be funded and get something and the people of Kiharu will be very happy.

On the other hand, I have some reservations pertaining to this Bill. First, is it value for our money? In a country that is as poor as Kenya, in my opinion, every shilling that is expended by the Treasury should go towards economic development. Our GDP per capital is Kshs1000 and this is a very poor country. Therefore, every shilling that is expended by the Treasury should go towards economic growth and deal with issues of unemployment. I am wondering whether setting up an authority and giving it funds just to give out money to some heroes when we have so many orphans, widows and many roads that are not tarmacked, is value for money. I do not know. Maybe we can discuss and see whether it makes sense, particularly taking into account the level of our development.

Some people may say that we have heroes, but others may argue that we do not have. Remember Jomo Kenyatta said very clearly “this new country, which is now being given independence by the white man, has challenges of poverty, disease and ignorance that we must tackle”. Today, we have not been able to tackle these challenges. Can we then say that we have heroes? In my opinion, we have a tendency in this country to glorify heroes in the political sphere, people who have done something in politics. That is good. But again, life has three dimensions. We have the social, economic and political aspects of life. The real hero of Kenya will be the person who will emancipate our people from poverty; up to now, no one has come up with that idea. We are still backwards. If you were to ask me who is the greatest hero in my life worldwide, I would say a person like Deng Xiaoping of China. In a country of 1 billion plus people, he came up with ideas and the country has pulled about 600 million people from poverty within a time span of 20 years. That is real heroism. You are able to come up with ideas, transform a nation from a backward society to a society that is cruising towards becoming a super power.

For us here in Kenya, we look at people from a political point of view and look at a person who probably brought forth a certain issue and led people in a certain demonstration. That is not the real heroism. The real heroism is to emancipate our people from poverty. If this money was to go to widows and the jobless youth, I would be very happy. I am fearing a situation where the people who will be administering this Fund, for instance, the Authority, may now start demanding to be paid Kshs1 million per sitting. Again, it becomes something to guzzle our meagre resources in this country. Be that as it may, we must start focusing on economic development. If there is a way that every shilling that is expended by the Treasury can go towards economic emancipation, that will be real heroism, rather engage in these other issues which are related to political heroism.

On that note, I rest my case.

**Hon. (Eng.) Mahamud:** On a point of order, hon. Temporary Deputy Speaker. There is a Member standing over there in a Kaunda Suit. Is that proper dressing? The one facing that side and holding a *baraza* with hon. Wanyonyi. Is he properly dressed?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I believe he is.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill, which is very important in the life of this country. We have come a long way without a Bill of this standard that can look into many things. I want to thank the people who made it possible for this Bill to be brought before Parliament, so that we can have a law that can guide this country when we are talking about our heroes.

Hon. Temporary Deputy Speaker, we had Kenyans who resisted the coming of the Europeans to rule this country. Some are alive; some have died but their families are there and we know them. They are the people who fought in order for us to become independent in this country. Their children and their families are so poor in this country. But I am happy because the way this Bill is drafted, it will give us proper guidance to remember those who are suffering because they were stripped of their property during the time of struggle.

Hon. Temporary Deputy Speaker, we have Kenyans who have been struggling for the second liberation, and who have brought us the freedom that we have now, and that we are able to debate freely. I think this Bill will address these issues. I support this Bill with a lot of confidence that the country has attained 50 years of independence. We are going to celebrate our 50 years of independence when this Bill is law.

I want to urge my colleagues to hurry up, so that we pass and get it enacted before 12<sup>th</sup> December, 2013, so that we can use it to identify the heroes and heroines who can come forward, especially those who have been forgotten, so that they may attend the independence celebrations.

Hon. Temporary Deputy Speaker, to me this Bill has all that we require. There will be very few amendments, maybe on members of the proposed council and how we will appoint them. These are a few details that can be amended; otherwise, I support the Bill wholly.

Thank you very much, for the opportunity.

**Hon. Melly:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill. First of all, I would say that the Bill is belated. The Bill has come 50 years after most of our heroes and heroines, especially the independence heroes and heroines, have suffered. A number of them died in destitution; their children were deprived and dropped out of school and they were unable to meet their daily needs. These are the heroes and heroines who brought this House up to this particular time.

I know very well that this Bill will give us structures and will enable us identify genuine heroes and heroines; heroes and heroines who can inspire leadership, and take this nation to a higher level.

Hon. Temporary Deputy Speaker, in my county, Nandi County, we had several heroes who perished, but they are not mentioned anywhere. We have the late Jean Marie Seroney who was a great debater and who was one of the leaders who gave this Parliament the teeth that it was supposed to have at that particular time of independence. We have several of heroes, especially the spiritual heroes, such as the late Alexander Muge who fought for the second liberation. No one recognized him; he was despised and ridiculed in the community.

Hon. Temporary Deputy Speaker, I want to say that this Bill will give us, and this nation, direction and define who a hero is. I want to concur with hon. Nkaisery on what he said, that individuals should not be given honours just because of appointment. That is just because one has attained a position, he is then given honour. It should be honour that is deserved; you have to work for it and you are able to inspire.

We have several independence heroes who died, like Achieng Oneko, Pio Gama Pinto and many others who were neglected. It is high time this Bill was passed, so that we are able to see our heroes decorated in public halls, national assemblies and even in

public squares. Some heroes have actually led this country to reach where it is now, especially on performance.

Hon. Temporary Deputy Speaker, Sir, I remember the first batch of Cabinet Ministers at independence. There was a group of people who actually steered our economy. I remember very well in the 1960s and 1970s, we were at par with Korea in terms of economic management and income. The people who did that were our heroes. We have heroes who actually inspired the current generation of athletes; people like Kipchoge Keino and Saraphino Antao and many others ran bare feet. These are the people whom this House should really make sure are remembered. They should try to inspire the young generation to emulate them.

Hon. Temporary Deputy Speaker, I want to support this Bill because it will give us the order and structures by which we will honour our heroes. I know it will be costly to the taxpayer, but there is no good thing which happens without a cost. If we can use a certain amount of money to inspire good leadership, works and moral values in our society then we will be using such money well.

Hon. Temporary Deputy Speaker, I do not want us to look at this Bill as if it is going to be costly to us. It is a Bill that is going to build our society and enable this country to move ahead. It will inspire young leaders. I know that even in the Western World, leaders who have been recognized are an inspiration to the current generation. Martin Luther King inspired Barak Obama. So, if we do the same for our leaders, spiritual leaders, athletes, artists and even medical doctors--- A number of our medical doctors have actually helped in pioneering treatment of certain diseases, yet they just exit the stage and nobody remembers them. Nobody even allows them to be recognized at national celebrations.

Hon. Temporary Deputy Speaker, I remember the early days when the issue of HIV/AIDS came up, several of our pioneer doctors sacrificed their lives and even their time in the laboratory to ensure that some progress was made in looking for cure for this disease. I want to also note that even in our current leadership, we have heroes who actually brought democracy and freedom of speech and even created institutions in this country.

At one time, Parliament was an appendage of the Executive. But several Members of Parliament; current and even those in previous system, assisted to make sure that Parliament, and even the Judiciary, became independent.

Hon. Temporary Deputy Speaker, I beg to support this Bill. I am sure it will make this country a better place to live in.

Thank you.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, I rise to support this Bill. I thank you for giving me the opportunity to do so. I have said it in this House before, and I want to say it again, that sometimes the existence of laws is nothing but an indication of perversity of nobility. Why do I say so? We do not need this Bill to recognise the true heroes of this country. I remember that as a young man I had no interest in politics at the time the late Jaramogi Oginga Odinga died. The debate that gripped the nation at that time was whether or not he should be given a state burial. I got shocked. This was a man who stood up at a time when nobody could speak to the colonialists and said: “No *uhuru* without Kenyatta”. Even his fellow Africans vilified

him. Was it really necessary to question whether he deserved a hero's burial or not? The same debate arose when Bildad Kaggia died. We were showering him with praises.

My view is that we have obvious heroes but this country has a knack for identifying the wrong people –people who have stolen public property – and bestow national honours on them. Even though the Bill has come, I think we could have done much more.

I have looked at the Bill. In my view, Clause 25 is a bit timid, and I would ask the Committee in charge to look at it and be a little bit more definite on the kind of awards that we want to give our heroes. For example, why would somebody who is a national hero queue when he goes to pay bills at a public place? These things should be obvious and, therefore, we should bring them out clearly in this Bill. Alternatively, we can capture them in regulations.

Hon. Temporary Deputy Speaker, having said so, I think the most forgotten heroes in this country – some of my colleagues have spoken to this – are our athletes. I remember that in 2008 when Kenya was coming out of the throes of the most debilitating national conflict that this country has ever seen, it was our athletes who helped us to heal this country. I remember vividly when the then Minister for Sports, Prof. Helen Sambili led this House in congratulating our athletes, led by Linnet Maasai, who had just won a gold medal in the 10,000 metres race at the World Athletics Championships. That event helped so much to heal this country. Why do I say so?

In my view, when you win a gold medal at the Olympics you have actually beaten the whole world, but look at the record of Kenyans, which most of us do not seem to know. Kenya, first participated in the Olympics as a Republic in 1968. Between 1968 and 2008, Kenya won a total of 74 medals, of which 23 were gold, 28 silver and 23, bronze. Compare that with the whole of East Africa, which during that period had won a total of 83 medals, with Uganda bagging six, Tanzania, two, Burundi one and Rwanda nil. Coming back to gold medal, as I said, winning a gold medal, in my view, is beating the whole world. In 40 years, between 1968 and 2008, Kenya won a total of 23 gold medals, while the whole of East Africa, Kenya, Uganda, Burundi, Rwanda and Tanzania, won a total of 25 gold medals. It means that all the 25 gold medals, except two, were Kenya's. The other two gold medals were won by a Ugandan in 1972 at the Olympics and a Burundian in the 5,000 metres race in 1996 at the Atlanta Olympics.

That tally accounts for 92 per cent of all the gold medals that came to East Africa in that period, but how did we treat these heroes? The first Kenyan to win an Olympic gold medal was Naftali Temu from Borabu in Kisii. In my view, if such a man cannot be a hero, who can be? Look at what happened when Temu died; he died in a general ward at Kenyatta National Hospital. Before he died, he had been diagnosed with cancer of the prostate and he needed less than Kshs100,000 to be treated. When this poor man died, he was buried as a faceless Kenyan. Perhaps, the only dignitary who attended his burial was the chief of the area he came from.

Hon. Temporary Deputy Speaker, let us compare that with our neighbours in Uganda, up to the time the Kenyan defector called Stephen Kiprotich won Uganda an Olympic gold medal, which I still consider to have been Kenya's gold medal--- The only Ugandan to have won a gold medal was John Akii-Bua. At the time he won his gold medal in 1972, Idd Amin was the one in power. He did not like Nilotes. Despite the fact that he did not like Nilotes, he saw it fit to name Lira Stadium after John Akii-Bua. If you

go to Uganda today, in Nakasero, there is a street named after. When John Akii-Bua died in 1997, he was given a State burial that was attended by none other than the Prime Minister of Uganda.

We have so many heroes who have brought so much joy to this country. We need to recognise them. The attempt that has been made in the First Schedule of this Bill to identify categories of heroes is going to keep off pretenders. We know, for example, the people who are responsible for what Kenya is today. At the time of independence, the GDP per capita of this country was bigger than that of countries like Singapore – a country which became independent after Kenya. Twenty-five years after Singapore got independence, because of visionary and focussed leadership, the then Prime Minister, Lee Kuan Yew, had pushed the GDP per capita of that country from a meagre US\$400 to over US\$12,000.

Hon. Temporary Deputy Speaker, our GDP per capita is less than US\$1,000, yet the people responsible for the plunder and the misery that Kenya faces today are the ones who walk around with Order of the Moran of the Golden Heart, Order of the Burning Spear, *et cetera*. So, in so far as providing this framework is concerned, it is good that this Bill has come at the right time, but we need to be bold and be specific on the kinds of awards to be given to our heroes. Let us not be people who only praise our heroes once they die. Let the heroes enjoy the fruits of their labour when they still walk on the surface of this earth. Let their descendants also know that they come from a great family – a family of somebody who made a contribution in making Kenya to be known worldwide.

With those remarks I support, but I will move amendments to some of the areas where I think provisions are inadequate, or are not bold enough to address the issue of Kenyan heroes in general.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shabesh): Yes, hon. Amina Abdalla.

**Hon. (Ms.) Abdalla:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill.

My first reaction to this Bill was that we should have a legislation to deal with this matter, considering the fact that the heroes of this country are known, as my colleagues have said. All we needed to do was to have a framework housed in the Ministry concerned with heritage to deal with it. My experience with the way national honours have been given in this country has convinced me that probably we need legislation, so that we do not deal with heroes on a case by case basis, or deal with them when they really do not need us. When one is dead usually they do not need much from this world.

Hon. Temporary Deputy Speaker, we now have set criteria on how a hero can be identified. Unfortunately, this Bill does not define who a hero is. It only refers us to the section that declares one a hero, but does not say what a hero should be.

On the issue of honours, we do not have criteria, as a country, on how to deal with honours. In fact, in the Ninth Parliament, we were told by hon. ole Kaparo that if a Private Member moves a Bill, and is able to have it enacted, he would be recommended for national honours – those that they give on 12<sup>th</sup> December every year.

During the 10<sup>th</sup> Parliament, because those of us who moved Bills were not very popular with the leadership then, we were not given anything. I know that with this Bill, there is hope of being recognised for moving two Bills and having them enacted in this House. So, the issue of discretion will be dealt with this time. The worst part of it is that

if you served as a Cabinet Minister, or an Assistant Minister, like hon. Mbadi, for merely two months, you would still be given an award. If you did not serve in that position, or you served at the wrong time of the year---

Hon. Kamama served as Minister for one-and-a-half months. He does not have an EGH because he served at the wrong time. My good friend, hon. Ababu Namwamba, served at the right time, and he has an EGH.

*(Laughter)*

So, hon. Temporary Deputy Speaker, it is important that this haphazard---

**Hon. Ababu:** I served for six months.

**Hon. (Ms.) Abdalla:** Oh, yes, we can extend it to six months because the elections had to be taken to March but the real period of that Cabinet position was only two months. Having said that, this Bill would cure that problem that you serve in an office and you may have just come and answered a few Questions in Parliament and you get an EGH. I want to urge the current President that the current Cabinet Secretaries should not receive EGH awards unless they can show and prove what they have delivered. If the Minister for Energy does not show us that he has reduced the cost of power by a certain percentage, he does not deserve an EGH. If the Minister for Environment does not institute banning of plastics, she does not deserve an EGH. So, I want the President to bring a merit based approach aimed at giving the Cabinet or people holding positions outputs to say: "I am giving hon. Sakaja an EGH because he moved an important amendment." But to just give hon. Sakaja an EGH because he is the Chair of The National Alliance (TNA) party, it does not really make sense.

*(Laughter)*

Hon. Temporary Deputy Speaker, it is important. A lot of the problems we have are that people hold national honours and they add them to their names but their conducts are sometimes not worth those positions. This Bill gives us a very good opportunity that if somebody does not act according to his or her title, that title can be revised. However, I am concerned that Article 29 that says how the members of the public can deny you or facilitate the withdrawal of such an honour, does not give a regulation that would then show you that once you are declared a hero, you cannot be seen doing certain things. We need the criteria because we are honouring people in different categories and in some categories some activities could be part of the job description. We would need to give them criteria that should you pass this limit, you would be getting into danger zones and you would be possibly denied your chance to serve.

Hon. Temporary Deputy Speaker, I want us to also deal with a transitional aspect of this matter. How does the heroes award link to the current honours list? I am worried that if we do not state in this Bill very clearly that the mere fact that you have an EGH or MBS does not make you a hero, we will have a lot of undeserving individuals currently holding those positions wanting to be given financial assistance and State funerals. So, I would like that, that matter of having that transitional clause is taken seriously. That would be a good way of putting a closure date for conferment of these awards.

Hon. Temporary Deputy Speaker, I am also concerned that we are stating in this Bill that we are setting up a council and there is nowhere in the Bill that states that this council is part time. I do not believe the job of identifying a hero would be a full time job. For those of us who are very passionate about reducing the wage bill, we should not allow this Bill to state that. We are just increasing the wage bill on a job that would then mean that, if I am employed full time and I have very few heroes to identify, I can create heroes where they do not exist. This job must be part time so that we do not end up spending too much time and money.

Hon. Temporary Deputy Speaker, I am also concerned that on the issue of funding, there is lack of creativity in Government funds. Everybody just expects the Exchequer to fund these activities. It is just the normal standard that we shall receive monies from the Exchequer and donations and whatever. None of Government established funds are actually generating money apart from what they receive from the Exchequer. So, this is another dent to the Exchequer and we are not being proactive. I would urge the Committee that is dealing with this matter to look at how to address it in terms of either giving it seed money and for that money to be invested by those funds so that they are able to grow rather than to keep waiting for us to give it more funding.

Hon. Temporary Deputy Speaker, with those very many remarks, I just note with concern that of all these things we are saying, who is responsible for ensuring that they are taken into account? In the past, the then Minister would be sitting here and the Executive there taking note of what we are saying. For those of us who are not moving amendments but might be raising substantive issues, who is recording them in terms of further action? I am worried that they will remain in the HANSARD and there is no personal liability. I think that should be something that the leadership of this House truly needs to look into. If this Bill passes, I am sure we will start with giving that honour to hon. Wangari Maathai.

On the issue of Ministers, I would say that if I was asked to propose a name, I would propose that of Martha Karua because she was able to reduce the cost of drilling boreholes by 50 per cent.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay, hon. Amina. I think hon. Amina has raised a fundamental issue. Chief Whip, would you like to respond to who is taking note of the deliberations?

**Hon. Katoo:** Hon. Temporary Deputy Speaker, actually I was going to respond when I am replying but I just want to assure Members that their sentiments and contributions are well taken care of by the Committee. You can see the Chairperson is taking notes. Hon. Amina Abdalla is the Chair of the Departmental Committee on Environment and Natural Resources and her Bill was concluded yesterday. So, she should know how she took care of the sentiments of the Members as her Bill goes to the Third Reading. So, the members of the responsible Committee are here.

**The Temporary Deputy Speaker** (Hon. Katoo): Can you make it clear which committee that is?

**Hon. Member:** It is Labour and Social Welfare.

**Hon. Katoo:** Exactly.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Fine. Hon. John Mbadi.

**Hon. Ng'ongo:** Thank you, hon. Temporary Deputy Speaker for giving me this chance to contribute to this Bill. First of all, let me say that even though there has not

been any law; even though there has been haphazard and irregular manner in which this country has been identifying the so-called heroes and conferring honours and awards, it is also very clear that Kenyans know who their heroes are.

If you ask me, even if you hate those individuals, you will agree that they have been heroes in their own right. If you ask any Kenyan, he or she will tell you that the late Prof. Wangari Maathai is a heroine. If you ask any Kenyan about Kenneth Matiba, he or she will give you the same response. The late hon. Martin Shikuku could even be courageous enough to lead a group of Kenyans to *Kamukunji* grounds at a time when it was not very easy to have such kind of courage. We have many more heroes.

However, there are equally a number of heroes in this country who have not been recognized. I have in mind one individual called "Odero Jowi". For heaven's sake, that is the person who ensured that the United Nations (UN) bodies that we see in Kenya today came to this country. That was as a result of his initiative. He was the first African to have ever chaired a UN meeting in 1973. That gentleman is still alive but he is suffering in poverty and no one recognizes him. The list is long.

Hon. Temporary Deputy Speaker, I agree with those of us who have said that we should have clearly defined a hero in this Bill, so that we do not leave it to the council to decide. This council will be composed of mostly Government officials, many of whom will end up again identifying only loyalties to the system of the moment.

I urge the Committee that will scrutinize and look into this Bill to ensure that we not only define the heroes, but we also reconfigure the composition of the council to have people of integrity and people we can rely on to make a decision on who heroes are.

In Nigeria, there are certain crimes that if you want to get bail or bond, you have to be given surety by someone with a national honour. That shows you how they regard the national honours that they confer. It is true what hon. Amina Abdalla has said. Even though I served for six months, I was not given that award. Probably, I do not need it because I would like to get an award or national recognition for what I have done as an exemplary service to the nation and not just merely assuming an office out of an appointment that is done through the radio.

Hon. Temporary Deputy Speaker, allow me to say a few things about this Bill. I was looking at a provision in this Bill where, as a country, we decide to buy 5,000 or 2,000 acres somewhere in Kitengela and once we identify our heroes - because we want to preserve our history - we take their bodies there and bury them. It is very difficult in this country when people come from outside as tourists to see our heroes' graves. How can one go to Rusinga Island to view the grave of Mboya and then travel all the way to Trans Nzoia to see the grave of Masinde Muliro, look for the grave of Seroney, look for the grave of Kenneth Matiba once he passes on, look for the grave of Kenyatta near Parliament and look for the graves of many other Kenyans? We need one place where we can easily move from one grave to another and say: "This is where so and so is buried?" That way, we will reserve our history. I think that should be done.

If we have decided, as a country, that a particular honour needs to be conferred to an individual, it should be done. All Members of Parliament who are here qualify for the CBS honour. I would like to tell you that I do not think that anyone of us who was in the 10<sup>th</sup> Parliament was conferred with that honour. I am sure that even the current Parliament will not.

I do not agree entirely with those who are saying that if you become a Member of Parliament, you have just walked from the streets. Winning a seat as a Member of Parliament and especially you, hon. Temporary Deputy Speaker, the number of votes that you were able to garner to be the Woman Representative for Nairobi County is not easy. To talk to people and convince them that you can lead and be given an opportunity to lead even if you did not go to school, is not a mean achievement.

In this country, people tend to downplay the role played by politicians. Politicians are leaders who contribute to the development of this country in their own right. Just like in the business sector, there are horrible ones and good ones, in politics you will also get horrible politicians and good ones. I think it is not right to just say that once somebody assumes office--- It is like getting to that office, you just wake up one morning and get it.

Hon. Temporary Deputy Speaker, finally, we need to recognize our heroes at the local level even as we recognize heroes at the national level. I would like to tell you that my hero at my local area is my father because I have benefited from his heroism. How have I benefited?

My father was the first person to stand against the local chief to oppose his tyranny of forcing people to bring water to his wife every day, whenever they went for a local *baraza*.

*(Laughter)*

When I contested the then Gwassi parliamentary seat, my strongest selling point was that I was the son of Mzee Stanley Okomo, who people saw as a hero in the local area. That has made me a national figure. Sometimes, we benefit and “eat” from the heroism of some people who are never recognized. As we recognize the national heroes up here who probably went to school and got exposure, there are also heroes down there who never went to school and came to Nairobi to speak English with *Wazungu*. However, they were speaking in their vernacular and fighting for the rights of the people.

Hon. Temporary Deputy Speaker, with those very many remarks, I support this Bill.

**Hon. Njomo:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill which is 50 years overdue. If this Bill was passed after we got our independence - which we got after the struggle that was made by our heroes - we would have selected and identified those who fought and sacrificed their lives and time to make sure that we got independence as a nation. This is an important Bill because it gives us an avenue to identify people who sacrificed their time, energy and effort on behalf of this country.

Hon. Temporary Deputy Speaker, there are many people who deserve to be identified as heroes in this country, and who have not been identified. I know of the late Field Marshall Dedan Kimathi who died while fighting for our independence. His body is still “jailed” in Kamiti Maximum Prison. We have not even had time to identify his grave so that we can give him a hero’s burial that he deserves.

We have talked about Kenneth Matiba and other people who worked very hard and risked their lives for the second liberation of this country that we are enjoying today. Those are the people who are supposed to be awarded those honours.

Many scientific discoveries have been made in this country. We have had breakthroughs in HIV/AIDS research that has been done in this country by heroes who

are scientists and doctors. They have done very well. Those are people we are supposed to identify and award as our heroes.

Hon. Temporary Deputy Speaker, even the MPESA concept was discovered here in Kenya by our own youth. Those are the heroes we should identify. This Bill creates the Heroes Council which will be used to identify the heroes. I would like to echo the remarks of hon. Wandayi Opiyo who said that the appointment of members to the council should get approval from this House. We should vet the members of that council to ensure that they are credible and they will not award honours to their relatives. We need members who understand what it takes to run the council. We should put down the qualifications required to be appointed as a member of the council.

The Bill also ensures that there is public participation in the identification of heroes. This is very important because if we do not include that in this Bill, the public will feel left out.

Last week in the newspapers, there was an advert where the Inspector-General of Police had invited public opinion with regard to the vetting of police officers. This has made them to have butterflies in their stomachs. That is because if they have been corrupt, the public will come out and disclose the activities that they have been engaging in. So, when we include public participation in the identification of heroes, we will get genuine heroes only.

By having a fund to manage this activity, it means that we are putting our money where our mouth is. I know the hon. Member for Kiharu was against this, but we cannot have an activity that is not funded. By putting money here, it will ensure that, that activity runs smoothly and it will be successful. Even if we do not go through the Heroes Council, we need to respect and give due regard to our heroes. The constituency I represent, Kiambu, was a hot-bed during the fight for independence. Many *Mau Mau* fighters died in Kiambu. Many of them were buried in mass graves. There is a public cemetery in Kiambu where they were buried. In 2002, the National Housing Corporation decided to put up decent houses for accommodation in Kiambu. The best site that they identified was the cemetery where our heroes were buried in Kiambu. The graves were messed up. The bodies were exhumed and an estate was built there. The Municipal Council of Kiambu, a couple of years ago, had built a good hotel on top of where the cemetery was.

As a representative of the people of Kiambu, both who are alive and those who are dead, I demand from the National Housing Corporation that it builds a monument in respect of the *Mau Mau* heroes who were buried at the Kiambu Cemetery to appease them for desecrating their graves.

This Bill will also serve as a way of encouraging us to behave and act in ways that will make us heroes tomorrow. If I am a politician and I know that politicians will be awarded as heroes if they do their work as is required, I will definitely make every effort to do the same so that I am recognized as a hero. This applies to our sportsmen. We are very proud as a nation of our great runners, including hon. Korir who is seated here. He promised us that he was going to bring us a gold medal. I want to remind him that we are still waiting for it.

*(Laughter)*

We are very proud of our athletes. We need to have a system of awarding and recognizing them. That includes the media. We only know about our athletes when we see them cross the tape. If only the media could inform us well in advance and hype up the story, we could easily get worked up as they prepare for the tournaments. We will jam the screens to see them win the races. This is, therefore, a collective spirit and even without following the Act, as a nation, we should have pride in what we do.

In conclusion, many of our youths are languishing in poverty. Many people do not have jobs. The next hero we want is a person who will show us the way to get out of poverty. This is a challenge to our leadership and entrepreneurs. They need to look for ways and means of creating that hero.

With those few remarks, I beg to support.

**Hon. (Ms.) Khamisi:** Ahsante Bi. Naibu Spika wa Muda. Nasimama kuunga mkono Mswada huu. Huu Mswada umekuja wakati unaofaa; wakati ambapo Wakenya tunasherehekea miaka 50 tangu tujikomboa kutoka kwenye minyororo ya wabeberu na kuweza kujitawala kama Wakenya.

Mswada huu unatambua na kuteua mashujaa. Wakenya tumekuwa na fikira kwamba mashujaa wa ukombozi wa uhuru wametoka katika jamii fulani ama sehemu fulani humu nchini. Lakini mashujaa wetu wa uhuru wametoka katika Jamhuri yetu yote ya Kenya. Kwa mfano, kule kwetu Pwani tunaye mama yetu Mekatilili wa Menza. Yeye alikuwa shujaa ambaye alitembea kilomita 1,200 kwenda na kurudi ili kuwatetea wakenya dhidi ya dhuluma za wabeberu. Tunao watu kama vile Abdalla Bambaulo na Mfalme wa Digo, Kubo. Wao pia walipigania uhuru wetu.

Mswada huu utaangalia vigezo na kutengeneza sera ambazo zitaweza kutambua mashujaa ni akina nani. Kuna wale ambao watakuwa mashujaa bandia na hiyo haitakuwa sawa. Iwapo tutakuwa na sera mwafaka, basi tutajua shujaa ni nani. Mswada huu pia umezungumzia vitengo mbali mbali vya mashujaa.

Mswada huu pia unatambua mashujaa kupitia uvumbuzi. Labda kuna Mkenya fulani ambaye amevumbua jambo ambalo litawasaidia Wakenya kutatua shida fulani. Kuna wale pia watakuwa wameleta maadili fulani katika nchi yetu. Huu Mswada kwa kweli umezungumzia nani ndiye shujaa.

Tumekuwa tukifikiria kwamba ushujaa ni wa wale waliopigania uhuru peke yao. Hata hivyo, tunaona kwamba mashujaa wako katika nyanja nyingi sana. Tuna mashujaa hata katika mambo ya elimu. Tuna waalimu na maprofesa ambao wamevumbua hali nyingi. Mfano ni maprofesa wa hesabu ambao wamevumbua *formula* za kutatua matatizo yetu katika nyanja ya hesabu. Vile vile, tuna mashujaa katika soka. Wengi pale mashinani wamesahaulika. Tunawataja sana wanasoka wa nchi za nje na tunawasahau wetu. Mswada huu ukipitishwa tutakuwa na miundo misingi ya kuwatambua mashujaa wetu.

Nimefurahi kwa sababu Mswada huu umezungumzia hazina ya fedha ambazo zitawasaidia mashujaa ama waliokuwa wakiwategemea mashujaa. Mfano hapa ni Dedan Kimathi na Mekatilili wa Menza. Jamii zao ziko katika hali ya umaskini. Iwapo tutakuwa na hazina hiyo, basi itawasaidia wake na watoto wa mashujaa. Lazima pia tuweke vigezo ili tujue fedha hizo zitasaidia kwa njia gani. Tukiacha hazina hii itumike tu wakati shujaa ana mahitaji ya fedha, basi tutakuwa tumeacha mwanya mkubwa sana ambao pengine utatuletea matatizo. Lazima tuseme kwamba fedha hizo zitasaidia, pengine, katika kusaidia jambo fulani. Hivyo, hatutatumia vibaya fedha hizo.

Mswada huu utawafanya Wakenya wachanga walioko sasa waweze kuona vielelezo vyema katika mashujaa ambao walipigania uhuru wetu ama kutuletea mambo fulani humu nchini. Mswada huu utaangazia vile vile Wakenya ambao wameleta mageuzi

Tulikuwa nchi ambayo ilikuwa na chama kimoja cha kisiasa, lakini kuna wale ambao walipigania demokrasia. Wengine walipoteza maisha yao na wengine walipigania na kuhakikisha kwamba ni lazima Wakenya wawe katika sera ya vyama tofauti ili tuweze kujieleza kisiasa na kufanya siasa huru. Kuna wengi waliopigania mazingira, kama dada yangu marehemu Wangari Maathai. Alipigania sana mambo ya mazingira yetu. Hadi wakati huu, tunafuata njia zake ili kuhifadhi mazingira yetu. Watu kama hao ni lazima tujue watakua vipi kielelezo kwa jamii zilizoko sasa ili wengi wao waweze kuingia katika mambo kama hayo.

Nafurahishwa sana pia na Mswada huu kwa sababu umezungumzia kuhusishwa kwa Wakenya ama jamii katika kutambua mashujaa. Itakuwa vyema zaidi wakati baraza litaundwa ili kuhusisha Wakenya kule mashinani ambao pengine wana historia kuhusu mambo yaliyotokea tulipokuwa tunapigania uhuru wetu. Tunajua pia kuna Wakenya waliochukuliwa wakati wa nyuma katika Vita Vikuu vya Dunia ama *World War*, ambao mpaka sasa hawatajwi na hawajulikani. Lakini ikiwa tutahusisha jamii kwa jumla katika jambo hili, itakuwa vizuri. Kwa hakika, wale wakongwe wetu kule mashinani wanajua historia ya nchi yetu ya Kenya vizuri.

Nashukuru sana kwa kunipatia nafasi hii. Nawaomba Wakenya wenzangu tuunge mkono Mswada huu ili hata kesho, kukiwa kuna haja ya kujitolea mhanga, kila Mkenya atajitolea bila kusita. Inafaa kuhakikisha ya kwamba sisi Wakenya tunafikia malengo yetu na azma yetu ili tuwe na nchi ambayo ina mapenzi na maendeleo dhabiti.

Kwa hayo mengi, nashukuru sana na naunga mkono Mswada huu.

**Hon. Katoo:** On a point of order, hon. Temporary Deputy Speaker. I did not want to interrupt the Member who has just finished speaking, but it is good that Members are brought to attention with regard to Standing Order No.80. Members are taking advantage because some are still new, but it is good to live to the rules of this House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You are talking about reading from a script? Are you suggesting that hon. Mishi was reading? I watched her carefully and it is in her demeanor to look down when she is speaking. I was watching to see whether she was reading, but I think she was referring to her notes without taking time to look at the Chair. Hon. Mishi, please, look at Standing Order No.80; other Members do so too. You should not be reading from a script. You can, once in a while, refer to your notes. Hon. Mishi, you want to say something?

**Hon. (Ms.) Khamisi:** Ahsante sana Bi. Naibu Spika wa Muda. Kwa hakika, hata ukiangalia maneno yaliyotoka katika kinywa changu, hauwezi kuwa umeandika maneno kama hayo. Nimeyazungumza yakitoka katika akili yangu. Nilikuwa nikiangalia tu kama ninataka kufanya *reference* ya kuonyesha kifungu fulani, ambayo inaruhusiwa kulingana na Kanuni za Bunge. Maneno kama hayo siwezi kuyaandika na kuweza kuyasoma. Huu ni mtiririko wa maneno ambayo yametoka katika kinywa changu na akili yangu.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your point is made. Hon. Sakaja, I do not think there is anything else to say on that particular point of order. Is it on the same issue, hon. Sakaja?

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, it is on the same issue. I do not know how hon. Katoo can see from where he is. Is he shocked at the eloquence of hon.

Mishi? We have all congratulated her. She has really expressed herself so well that we are jealous. Is hon. Katoo envious or shocked at the eloquence of the hon. Member?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakaja, I can tell you that I was also looking carefully at hon. Mishi because she has a tendency of not looking up when she is speaking. But I know that she was not referring to notes. It is just in her character to look down when she is speaking. She was also very eloquent. Let us go to the next speaker, hon. Otsiula.

**Hon. Otsiula:** Hon. Temporary Deputy Speaker, we should not take advantage of Standing Order No.80. There is a difference between reading and referring and that should be brought out clearly. My brother, the Chief Whip, is saying that my dear sister was reading. Maybe, because of her height, it may be presumed that she was reading. The height might have made her appear like she was reading, but referring to something that you want to express is not out of order.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The point is made and hon. Katoo has got the point. I think he did it in good faith. I had given a chance to hon. Ngeno. I do not know if you have removed your card from the slot. I do not see your name any more.

**Hon. Kipyegon:** Hon. Temporary Deputy Speaker, I would also want to contribute and support this Bill. This Bill, like my colleagues have said, came at a time when we are approaching the celebration of our 50 years and at a time when we are discussing who should be recognised as heroes.

We have seen the list of the people who have been proposed to be celebrated at our 50 years celebrations and without doubt, not all is good. Even the format that was used to select those people is not right. The formation of the council will cure that issue. We were expecting, among the people who were supposed to be celebrated in our 50 years of independence, to be people we remember for their contribution in this country. The list of the people who are going to be celebrated is just a pale picture of the people we are supposed to be celebrating.

However, we cannot reverse that issue. This Bill will create a different scenerio of selecting those heroes. I am not saying that the people who have been selected are not heroes, but I am saying that among the people who we were supposed to see in that list are people who have made very serious contribution to this country. This Bill is going to cure that disease. It is going to cure that anomaly. The first thing that I will support in this Bill is the formation of the council, which should deliberate on who is supposed to be a hero. Those are the people who should be investigating and researching who is fit to be a hero.

Hon. Temporary Deputy Speaker, I think this will take us away from the normal situation where a few people are just picked. They just go and sit in a hotel room and select a few individuals and even select themselves for recognition. I believe the council is going to be non-partisan and pick the right people. We have got so many heroes and heroines. Like my friend has said, there are so many people who have died while fighting for the independence of this country; and some are not known. It is only a few people who are recognized to have fought for independence. We talk of *Mau Mau* as the only people who fought for independence. I remember, even in history, we had people like Koitelet arap Samoei who actually fought for the longest time. Perhaps, some people do

not even recognize that he was fighting for the independence of this country, but he fought against intrusion by the colonialists.

Hon. Temporary Deputy Speaker, we do not know where those people are; we are being told that their heads were taken abroad and they have not been returned. Those are the people we need to recognize. We also have some other heroes from the same family. Some of them were even buried in Nyeri and nobody knows where their graves are. Those are the people we need to dig into the history of this country and recognize because they are the people who actually made this country what it is.

Hon. Temporary Deputy Speaker, we have got so many heroes and heroines. We have heroes from several areas. I hope the Heroes Council will not only sit in Nairobi, but they will move from county to county to find out who are supposed to be recognized.

I also support this Bill because of the forms of recognition. I have seen so many forms of recognition, especially the parts which nobody has talked about. There are so many areas which this particular Bill is talking about. We are talking about peace-making and people who are actually known for peace-making methods. We are talking about statesmen, entrepreneurs, *et cetera*. Like my colleague has said, we have only been recognizing those people who contributed much in the political area. We have not been looking at those who do serious contribution in other areas.

Hon. Temporary Deputy Speaker, I think this Bill is going to come in handy. We have Nobel Laureates who are normally recognized in Norway. Those are people who are recognized in several fields; it can be in scientific, peace-making or political. It is time this Bill was passed so that it can introduce methods of recognizing heroes in this country. Therefore, we should not just make hasty decisions and recognize anybody because he was politically correct or because of their contribution to the Government of the day. But this Bill will actually create a situation where our heroes who have made serious contributions in the fields of science, social work, economics *et cetera* are recognized so that future generations can emulate them.

With those few remarks, I wish to support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakaja, you are making it very difficult for me to give you a chance to contribute because, in my opinion, you are sitting on the wrong side of the House. I cannot really place your region, but I will give you an opportunity to contribute as a nominated Member of Parliament who represents special interests.

**Hon. Sakaja:** Thank you, hon. Temporary Deputy Speaker. I am normally on the other side, but I am made to understand that there is free sitting. I am a national Member. That is what I was told nominated Members stand for. Once you are elected, you remain loyal to your electorate. Nomination is the way you get into the House. But once you are elected, you represent special interest on a national scope. I represent the youth interests.

Hon. Temporary Deputy Speaker, two months ago, I made my first trip ever to Kapenguria; to a place where the Kapenguria Six were held. For the first time, I saw the conditions under which they lived. Of course, the place is much better because they had to re-do and make it a museum. But I saw the conditions under which six of our heroes lived in for many months. I sat in the cell where Jomo Kenyatta was held. Actually, the span of the wall was like the span of my hand. I could touch each side and I thought we should really recognize Kenyans even beyond them. But, really, the essence of the

struggle that this country went through and the kind of heroes in various fields, we can never get the perspective.

Hon. Temporary Deputy Speaker, I shudder at the thought of a country that is out of touch with its past, those who have made serious sacrifices and shown exemplary leadership. They offered service towards humanity beyond their own comfort and that of their families. A country that forgets such people cannot find its bearing, cannot find its place and cannot carve out an identity.

You will realize that without an identity, we cannot have a vision as a country. We can even forget about Vision 2030, if we do not know who we are as Kenyans and what it is that makes us a Kenyan people proud of our heritage. If we are not aware of that heritage, then we are just 40 million people who found themselves within the same borders.

It is for this reason that I really support this Bill, despite the fact that I do not think that we would have gone to the point of legislating to recognize our heroes. I do not think we need to do much research to know who our heroes are because heroes are people who are known through the sacrifices they have made in different fields. We have that perspective of what we went through even from the time of the imperialist, as we let go of the shackles of colonialism.

Hon. Temporary Deputy Speaker, even what our country goes through right now, which in some respect is called renewed neo-colonialism would have had serious perspective as a country. We should know the struggles others went through before and we should say: "Never again should this happen to any African or Kenyan in our soil."

I would like to suggest that this Bill, even as it moves to the Third Reading, must become a bit bolder; we must be bolder. The Bill does not define who a hero is and it is the heroes Bill. It is says: "A hero is a hero as defined." Let me read the definition.

"A hero means a person declared a hero under provisions of part four."

Part four shows what the Committee provides. Let us be bold enough to say who a hero is; somebody who has gone out of his way to serve other people other than himself. One who has gone beyond the line of duty and whose actions have inspired others to dream and do more; those who gave up part of themselves for the sake of this country. I would also like to suggest that we need to recognize heroes, not just those who have gone, but those who are there with us. Heroes do not necessarily mean people who are old.

Hon. Temporary Deputy Speaker, I know very many young people whom we can consider as heroes in this country. There are very many young people in different fields who actually deserve that honour. Recently, we saw the son of former Defence Minister, Yusuf Haji during the Westgate incident. That young man is a hero. He put his life at risk to go and rescue even strangers at the Westgate Mall because he had a licensed firearm. But he believed in this country and believed that our country cannot be brought to its knees by cowards who were terrorists.

We have young Kenyans who are flying our flag high. We have the daughter of Kisumu Senator, hon. Peter Anyang'-Nyong'o. Right now in Hollywood, everyone is talking about her. That young girl has really shown that in Kenya, we have more than just athletes; we have artists as well. That young lady should be considered to be a heroine. We have athletes like hon. Wesley Korir, who might not want to be called a hero. He says that, just winning a medal does not make you a hero. It is what you do after you win. But

this Bill provides for the fact that, even when you have been declared a hero; if you start misbehaving, the heroism can be revoked. If you start misbehaving even after you have been declared a hero, it can be revoked.

Hon. Temporary Deputy Speaker, there is no value in giving people flowers when they cannot smell them. I remember we were talking about the late Chelegat Mutai – an indomitable fighter for human rights who stood up even to the Moi regime. All those nice things were said about her after she died. Let us recognise the contributions of people like Matiba, Muite, Raila Odinga, Rev. Njoya and such people whom, at their time, really sacrificed their own comfort for the sake of this country, for multipartism and for us to enjoy the freedom that we, sometimes, take for granted. Let us recognise them for the roles they played then.

Hon. Temporary Deputy Speaker, many times, when I go to Hurlingham, I see an old Peugeot 504 bearing the name “JOK”, driven by a man called “Joe Kadenge”. I remember that when I was younger than I am now, I used to sing with fellow young people: “*Kadenge ana mpira. Shoot Goal!*” We knew Kadenge as an icon of sporting. I remember meeting him once when I was much younger, when my father was the Treasurer of Kenya Football Federation (KFF). If you see him now, he looks strong. Because of his fitness, he looks full of life but you can tell that there is something more than can be done for him. God forbid, are we waiting for Joe Kadenge to pass on for us to recognise his contribution to this country?

Hon. Temporary Deputy Speaker, it is about time we took our heroes very seriously. I support this Bill and pray that whatever council will be set up, will not be a council that will just become a clique to award people commendations that they do not deserve. I want to suggest further the council should start by reviewing all the commendations that may have been given in the past that may not have been merited. For example, I consider Maj-Gen. Nkaissery because he has served this country for more than 46 years, but he has no commendation.

Somebody who becomes a Cabinet Secretary for two weeks is given a commendation of EGH while the retired Major-General, who at some point was at the frontline of war in defence of this country, does not have any commendation. There must be fairness. We must get people who will live up to it in order for them to mentor others. Once you are declared a hero, you must also play a role in creating more heroes for this country.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, looking at the Order Paper, we have another Bill to debate; the Truth, Justice and Reconciliation (Amendment) Bill. We have a lot of interest on the Bill that we are discussing. My suggestion is that we stand down the debate that we currently have on the Kenya Heroes Bill, so that it can continue next week. We can start debate on the Truth, Justice and Reconciliation (Amendment) Bill, having changed the order of our business today, so that we can transact as much business as possible. It would be in order that we start the debate on the next Bill. Let us stand down this particular debate because hon. Members have a lot of interest in it. This will allow us to complete as many Bills as possible, since that is why there was a Procedural Motion that was brought to the House earlier.

I can already see two points of order, which I will allow, so that we see whether we can move along and do as much as possible with the time that we have.

Yes, hon. Kimaru.

**Hon. Kimaru:** Thank you, hon. Speaker. I am in full agreement with what you have said. I would suggest that since this particular Bill has been prosecuted fairly enough, we allow contribution by only a few Members and conclude debate on it. You could give a chance to two Members to contribute and then we conclude debate on the Bill. We can even reduce the number of minutes entitled to speakers. We can then move on to the next Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, the reason as to why I had suggested the other way is that I have seen a lot of interest in this debate. I also realise that hon. Members are using this debate as an opportunity to, of course, speak about the heroes that come from their particular regions. I did not think it was fair not to give them the opportunity to do so. However, if the House wants us to conclude this debate, that is at the discretion of hon. Members.

We may allow two more interventions, the representative of the Committee and then call upon the Mover to reply. Is that the way the House would like us to proceed? Therefore, I will give opportunity to two more people. I will be looking at areas that have not contributed. I will then ask hon. Wesley to speak on behalf of the Committee, after which I will call upon the Chief Whip to reply, so that we can move to the next Bill.

Therefore, I give this opportunity to hon. Anami.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I was, indeed, anxious to speak to this Motion, having been personally involved in initiating this whole process of legislating for heroes in Kenya. I support the Motion.

I would like to appreciate and call upon all hon. Members to appreciate the fact that we are a very lucky nation that is founded on multi-cultural diversity, which we need to embrace. Listening to what hon. Sakaja has said and given his age, I am very encouraged because our cultural diversity is based on our identity and the aspirations of the different communities of this country. It is, therefore, very important that in identifying our heroes, we consider the aspirations of our people. Every community in this country has aspirations that guarantee them continuity.

We have individuals who have gone out of their way and mastered the courage and determination to make sacrifices to drive those aspirations. It is only fair for us to appreciate that such individuals sustain our being and, therefore, recognise them as heroes. It is in this respect that I would like us to pay special attention on identification of heroes. As it has been observed, we should engage the wider spectrum of our society – the young, the women, the men, the old and the deceased. People in all those categories have made a contribution.

In identifying heroes, we should recognise them. We should involve the public because they are the beneficiaries of the contributions of our heroes. It is, therefore, important that we appreciate the provision of Clause 23 of this Bill, which provides for public participation in declarations and interrogation into the nominations that will be made. I would like to support the nomination of---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Anami, you have two more minutes. Remember that we are trying to go to the next Bill.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker. Before I conclude, I would like to talk about dependants. The dependants as identified by this Bill, are viewed

as unable people. It is important, while implementing the principles of this Bill, to find ways of enabling the dependants to be able to sustain themselves and continue to contribute to the nation and champion the spirit of our heroes.

We also need to leverage on the abilities of our heroes as models and champions of our national course. Whether they are coming from a village or not, it would be important for us, in implementing this Bill, to accord them the opportunity to be models, champions and highlight them as seeds of peace in this country.

Hon. Temporary Deputy Speaker, with those few remarks, I wish to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Joyce, I will give you two minutes please so that we can move the debate quickly.

**Hon. (Ms.) Emanikor:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill first because it is in the letter and spirit of the Constitution. If you look at the identification and declaration of our candidates, it is transparent in the sense that a criterion has been identified where the population or the public will participate in identifying the people to be awarded. There will be a call for proposals. They will be published in newspapers and their achievements will be laid down so that people who want to critique and bring objections are given that chance. In that sense, I really support this.

I support the idea of having the appointing authorities consider different aspects in terms of the diversity and looking at different areas so that we are not only looking at the national level but we also look at the local level. For instance, if I may be given a chance to also mention two people from Turkana, we have hon. Emmanuel Imana. This is because philanthropy is one of the criteria that have been chosen in the Bill and this is a man who lives a selfless life and has brought so many Turkanas to a higher level in terms of education and economic empowerment. We have an old woman in Turkana who initiated projects of *maendeleo*. If you see all the beautiful handicrafts from Turkana, they are all from Annah Kiria. Hon. Sakaja has already mentioned Abdul Haji. Looking at the Westgate incident, there was this soldier called Moses. He was the one who was carrying the baby and the gun. These are the people we should be looking at. We should be looking at people like Abbas Gullet.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Wesley Korir, two minutes on behalf of the Committee.

**Hon. Korir:** Thank you, hon. Temporary Deputy Speaker. On behalf of the Committee, I know that some people had raised some concerns and nobody was taking note of what they were saying. I just want to assure this House as a member of the Committee that will be responsible for this Bill that I have been taking note and making sure that your grievances and all that you have raised that needs to be amended in this Bill, will be taken care of because we are here to take note.

Also as member of this House, I would like to contribute on this Bill. I support it to see to it that our heroes, the people who have fought and stood for this country beyond all the calamities and difficulties to be able to save and help make this country become what it is, are recognized. One thing I would like to say is that we will give opportunities to counties to nominate their heroes so that the council can also look at every county. We can make sure that every county is represented. They will not just be from one area or field but all the fields.

Hon. Temporary Deputy Speaker, I would suggest that we have the criteria for identification and selection of heroes from different areas. We should have heroes in the fields of liberation, religion, engineering, culture, arts, sports, scholarships and other areas. I think that what we can do is nominate people from different fields. After that, the council will sit down and look at all those.

The way I said it earlier to Sakaja, we cannot have people become heroes in respect of their offices or talent, like runners. I would love to see all runners who win gold being recognized as heroes, but those people who will be made heroes should have done something for the community. Winning is one thing; anybody who trains hard can win but what have you done after winning? What have you done with the finance that you have made? What have you contributed to the community and that is the most important thing? What have you done to change the lives of people using the position that you have? It is not the position that you have that makes you become a hero, but what you have done with the position that you have and that is the most important thing. That is what we are going to include at the Committee level, to make sure that heroes do not just become heroes because of being the president of a country. Heroes do not just become heroes because of being a Member of Parliament. Heroes do not just become heroes because of being a rich man in this country, but heroes become heroes because of what they have done to change the community and make this country a better place.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Katoo. Hon. Sambili, are you on a point of order?

**Hon. (Prof.) Sambili:** Could I be given a minute to contribute?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sambili, I know you were a former Minister and probably this was under your docket but we have hon. Katoo responding. Please, just say one word because you were a former Minister.

**Hon. (Prof.) Sambili:** Thank you, hon. Temporary Deputy Speaker. I feel greatly honoured to contribute. I want to say that in identifying heroes let us see the people who are usually not seen – people like sportsmen. I remember Kadenge, the farmers and mothers. When hon. Mbadi talked about his father I thought it was unfair but let us remember the people who have made us who we are. Let us remember the man who composed the national anthem.

Hon. Temporary Deputy Speaker, thank for this opportunity. I want to go to the Committee and identify these people and I believe I can fairly contribute. I enjoyed being a Minister for Sports and that is why I love sports people.

Thank you and God bless you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Katoo.

**Hon. Katoo:** Thank you, hon. Temporary Deputy Speaker. As I reply, I want to thank Members who have contributed. I noted that the qualities Members were expressing that are required for heroes and heroines of this country are patriotism, selflessness, vision, reliability, inspiration, creativity, commitment, talent, nationalism, courageousness, kindness and discipline. I want to promise Members that the sentiments that have been expressed will be taken into consideration in the Third Reading as we propose amendments, both from the Ministry point of view and also from the Committee point of view and this Bill will serve the interests of Kenyans.

I beg to move.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I therefore want to put the Question. I have to see whether we have the requisite numbers. We do not. Next Order.

*(Putting of the Question deferred)*

## **BILL**

### *Second Reading*

#### THE TRUTH, JUSTICE AND RECONCILIATION (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Priscilla Nyokabi.

**Hon. (Ms.) Kanyua:** Thank you, hon. Temporary Deputy Speaker. I beg to move that the Truth, Justice and Reconciliation (Amendment) Bill, 2013 be now read a Second Time.

I am moving this Bill as the Vice-Chair of the Departmental Committee on Justice and Legal Affairs and on behalf of my Chairman, hon. Chepkong'a, who has travelled, and on behalf of the Committee.

I want to clarify that this small Bill is actually meant to amend the Truth, Justice and Reconciliation Act which was passed by the 10<sup>th</sup> Parliament. The Truth, Justice and Reconciliation Commission (TJRC) was created by that Act. The Commission has done its work and given its Report to the President. However, that Act does not allow the National Assembly to consider, debate and discuss the TJRC Report. The Bill that we are moving today allows the National Assembly to discuss and consider the TJRC Report. This is important for various reasons.

The matters that are sought to be reviewed by the TJRC date very many years back. They are matters that have been discussed and disturbed this country for years. The National Assembly is where the people's representatives are. By allowing the National Assembly to discuss and debate that Report, you allow the Assembly to look critically at matters of land, human rights violation, gender based violence and a lot of matters that are raised in the TJRC Report.

It was actually found erroneous for Parliament not to be given a chance and time to consider and discuss that Report. That is what the Bill we are moving today seeks to do. It is supposed to give the National Assembly a chance to consider the TJRC Report.

In considering that Report, the National Assembly will be seized of the matters that are raised in that Report. We know very many commission reports that have been left to lie in the shelves without being implemented. By allowing Parliament and the National Assembly in particular, to look at this Report, we are also ensuring that the implementation will be done; that implementation will be pursued by the National Assembly. We will, indeed, vote money and a mechanism that allows for the implementation of that Report.

Hon. Temporary Deputy Speaker, this Bill came to the Committee and we spent a lot of time debating it. Both sides of the coalition engaged a lot on this Bill. One of the critical highlights from those engagements was the agreement on a protective clause to be included in the Bill that we are moving today. The protective clause will be to the extent

that even as the National Assembly discusses the TJRC Report, the alterations will not be such as to affect the value of that Report. The Committee feels strongly that the proposed amendments will protect the substance of the Report from possible alteration but yet, allow Parliament to debate it on merit.

The particular amendments that we seek and which we will introduce during the Third Reading will be to the effect that any such consideration will not interfere with the context, text, form or the substance of the Report. So, those among us who might be afraid of discussing the Report or think that Parliament might alter it should find comfort in the amendments sought by the Committee to protect the Report. The substance of the Report will remain protected. However, it is important that the National Assembly has time to debate the matters raised in that Commission's Report.

Hon. Temporary Deputy Speaker, if we look at the history of our country, we will find that we have many levels and categories of victims. We had victims earlier on at independence and we had victims even earlier when the colonialists were coming. If we went into a competition of who is more of a victim in this country than the other, we will never finish that race because everybody is a victim of something.

In Nyeri County which I represent, and we have just finished debating the Heroes Bill, many of our heroes are the *Mau Mau*. Some of them still live up to this date. Some of them also need the recognition that should have come with it. Some were worst hit like my grandfather who lost his land and everything and was never compensated. However, that is not the path that we want to take. We do not want to go into an argument over who is more of a victim than the other. There were victims in North Eastern and Coast provinces and in every part of this country that you want to look at. The TJRC Report documents all of that history and all the cases that happened. The good thing with a Report like this is that it allows the country to acknowledge its history.

If you look at South Africa where we borrowed the TJRC from, you will find that they suffered during the apartheid era. Some were beneficiaries, some were perpetrators while others were victims of apartheid. However, the blacks and whites in South Africa now live together and take the challenges of their country in as far as the building of their economy is concerned. That is what we seek of our country when we look at this Report, when we look at the history of the victimhood, when we look at the past and when we look at ways of redressing the victimhood. At the end or during reconciliation, we join hands, all the tribes and communities in this country come together and we move forward so that we do not spend all our lives looking backwards. That is because we need to spend a bigger part of our lives looking forward. Looking forward means that the Report like the one that we want to discuss is very important so that we forgive each other and we put in place reconciliation mechanisms and processes.

Consideration of a Report like the one we have gives a chance to those creative mechanisms of implementation. It gives a chance to look at our history and close that history and say that this is a past that we do not want Kenya to go back to. We want to concentrate on the future and an economic future where all Kenyans will play their role.

Hon. Temporary Deputy Speaker, as I move the Bill, I will be happy if the House really agrees with the Committee and accepts that this Bill is passed by this House. The TJRC Act is amended to give the National Assembly a chance to look and consider the TJRC Report but still protect the substance of the Report as the Committee has done in the amendment that it seeks to introduce.

As I wind up, I want to appreciate that this country and the National Assembly, in particular has a lot of work in terms of moving this country forward on matters of reconciliation. We need to continue voting for funds that allow the country to reconcile all the communities that live in it. There are very many scary incidents about our cohesion, reconciliation aspects, our own preparation and dealing with the truth. The debate that we are going to have as a result of amending this Bill will be very informative and helpful to the Kenyan people and very good for us to close those matters before we have to consider another election so that by the time we go into elections, we actually have a more reconciled community and country.

I beg to move this Bill again on behalf of my Chairman and on behalf of the Departmental Committee on Justice and Legal Affairs. I would like to request hon. Ngeno who represents Emurua Dik Constituency, and who is also a Member of the Committee, to second.

I beg to move.

**Hon. Kipyegon:** Thank you very much. Before I second this Bill, I would like to correct my Vice-Chair that my constituency is called “Emurua Dikirr”. So, there has to be “irr” at the end.

Having said that, I would like to second this Bill. I think the last Parliament oversaw the role of this Parliament and it could have been because of the many functions which were vested on the 11<sup>th</sup> Parliament by the Constitution. That is why in their Bill, they denied this House the privilege and right to look into the TJRC Report.

I second this Bill because we want to have that Report in this House. We want that Report to be tabled in this House because the role of Parliament as enshrined in the Constitution is to debate matters of concern to the people. We are the representatives of the people and we have the right that is vested on us by the Constitution to debate matters of concern to the people.

The reason the last Parliament denied this House that privilege or right is not known. I second this Bill because this is mandated by the Constitution. The mandate of the Committee is also to study the programmes of the Ministries and their departments. The reports of whichever commissions that are annexed to those departments must come to this House. The reports must also be discussed in this House. We have had very many commissions whose reports have ended up gathering dust on the shelves. We do not want those reports to end up on the shelves. This Report should be brought to this House so that we can look at the matters which were deliberated by the Commission.

We want to move those amendments because if you look at the mandate or the functions of the Commission, it was investigating substantive matters which are very important to the people of this country. Among the matters which were investigated by this Commission were the economic crimes, the irregular and illegal acquisition of land and the economic marginalization. Those are issues which we cannot allow to go without knowing exactly what was written in the Report.

We also feel that we need to amend the Act so that we can allow this House to look at that Report because matters of investigations are very crucial. If you look at some of the matters---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Ngeno, I have to interrupt you because of time. I acknowledge the fact that you are seconding this Bill. Maybe, you can conclude by saying that you are seconding the Bill.

**Hon. Kipyegon:** Hon. Temporary Deputy Speaker, I can continue next time.

*(Question proposed)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, we will have to interrupt debate on this Bill. From the interventions, I have seen two Members who were interested to contribute to the Bill. They are hon. (Maj-Gen.) Nkaissery and hon. Dawood. I believe that they will be given priority when debate on this Bill continues in the afternoon.

Hon. Members, we have come to the end of this morning's Sitting. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.33 p.m.