

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 11th July, 2013

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DEMISE OF PHILOMENA CHELAGAT MUTAI

Hon. Speaker: Hon. Members, this is a Communication from the Chair on the passing on of the late hon. Philomena Chelagat Mutai.

It is with deep sorrow that I stand to convey to this House the sad news of the demise of the late hon. Philomena Chelagat Mutai, former Member of Parliament for Eldoret North, who passed away on Monday, 8th July, 2013, at the Kenyatta National Hospital after a long illness.

The late Chelagat Mutai was born in 1949 at Chepterit Village in Lessos, Nandi County. She attended Chepterit Primary School and St. Joseph Girls School between 1963 and 1966 and later proceeded to the then Highlands Girls School, Eldoret, for her A-level education before being admitted to the University of Nairobi in 1970 where she graduated with a Bachelor's Degree in Political Science. The late Chelagat Mutai became a Member of Parliament for Eldoret North at the age of 24 years when she got elected to the august House in 1974. She lost her seat in 1976 when she was jailed, but recaptured it in 1979.

Hon. Chelagat Mutai is well known for fighting for the rights of the voiceless and the landless. She was in the league of Members of Parliament like the late Martin Shikuku, Mwashengu wa Mwachofi, Dr. Chibule wa Tsuma, the late George Anyona, Koigi Wamwere and James Orengo, a team of strong willed legislators who contributed immensely to the improvement of governance at their time by holding the Government to account in this House.

Members, allow me on my own behalf and on behalf of all the Members and staff to pass our heartfelt condolences to the family and friends of the late Chelagat Mutai for the loss of such a resilience legislator, a firebrand, a human rights defender and a social reformer. A woman icon that we shall all remain to cherish for generations to come. I now wish to ask all the Members to rise and observe a minute silence in honour of the departed heroin.

(Hon. Members observed a moment of silence)

You may resume your seats, hon. Members. Following that Communication, I may now wish to allow a few Members to pass their personal condolences to the family and friends of the late Chelagat.

Hon. Busienei: Thank you, hon. Speaker, Sir. I stand to give tribute to the family, friends and those who knew hon. Chelagat Mutai. The late hon. Chelagat Mutai was one of the youngest women who made it to Parliament just at the age of 24 years. The loss of the great legislator has brought a lot of heart break to those who knew her, and to those who saw her rise up to her status.

The loss of Chelagat Mutai is a great loss to the nation in general and more so, to the current and upcoming women leaders both in and outside this nation. The late Chelagat Mutai came from my constituency. She was fearless, a gallant heroin and also deserves to be recognized in this House.

Chelagat Mutai was known as one of the seven “bearded sisters”, simply because at that time, she was one of the female legislators who actually put the Government of the day to task.

(Applause)

She was among the female legislators who made the Kenya African National Union (KANU) Government have sleepless nights at that time. The mission of those kinds of women legislators was to fight corruption and injustice that was the order of the day during that time. They stood up to the Government of the day. The late Chelagat Mutai faced detention and torture. She faced all that so as to stand up for the people who elected her.

I want to take this opportunity just to say that today, we adore Chelagat Mutai who died of a heart attack. But we are not being told of the torture that she went through as a woman legislator in this county. I want to believe that where we are now, we do not wish to have other legislators, either male or female, go through what that particular female legislator went through.

I also want to say Chelagat Mutai took her people up to where they are today. People like her and others in that particular time, are the people who stood up to make this country what it is today. May Chelagat Mutai’s soul rest in peace. I wish that in this country, something can be done in remembrance of that young female legislator who made her way to Parliament, just at a young age in order to make other young women to rise up to such positions. Thank you, hon. Speaker, Sir and I welcome my colleagues too, to pay tribute to her.

Hon. Midiwo: Thank you, hon. Speaker, Sir. Let me also give my condolences to the family of the late Chelagat Mutai. Her death is truly sad. I hope she will be remembered for her contributions to the freedom that we so enjoy today; the democracy that many of us really do not know how it began and how it happened back in those days. Many Members of this House were probably even too young to remember. In fact, a Member told me today that he can hardly figure out who Chelagat Mutai was. You cannot blame him because it was long time ago. That struggle has been very long. The fact that she was a woman of integrity and courage really is a thing that we should cherish as a country.

When she was a “bearded sister”, very few men--- In those days, the House was male-dominated and nobody could cough. I was told by Mzee ole Ntimama that they feared those people so much that, sometimes, they were only waiting for what “Baba” would say. But what do we learn from her death as a country?

In my view, the same tenets of democracy, the bravery with which she fought, we need to reward her and others like Anyona and Orenge with making sure that this Constitution is not played around with and it is protected, particularly the freedom aspects of it. That we need as Members of Parliament and as a country to talk about those things that will make us live in a free society. We need to talk about them.

I saw yesterday in the Synovate opinion polls that Kenyans distrust the police. In fact, they are asking what happened to police reforms. Remember the pain that, that lady endured and the amount of force that was meted on them by the police force. It should be rewarding that Members of Parliament and Kenyans, at least, will not let our future generations go through the kind of hurt and bitterness with which some of them have died.

I want to end by saying that some of us who happen to know the families around the late Chelagat Mutai, we have been invited to a *Harambee* to defray the funeral expenses this evening after her service at the Tin Tin Restaurant. I want to ask that may God touch your hearts so that we can go and take the little that we have, so that she does not only go to rest in peace, but she leaves her environment also peaceful. Thank you, hon. Speaker, Sir.

Hon. Speaker: Members, I can see there are very many requests. If we could take two minutes each.

Hon. Kabando wa Kabando: Thank you, hon. Speaker, Sir. I rise to pay tribute to Chelagat Mutai and in her death, we have a few lessons that we can celebrate. First is that, indeed, women can achieve without any tokenism, that at age 24 in very difficult circumstances and in a very untraditional way, she managed to become a Member of Parliament. That says strongly that women should have the courage and that they should seek empowerment through individual efforts. That is a good example.

Secondly, we need to celebrate the living as they come. I would like to take this opportunity to particularly single out former Prime Minister, hon. Raila Odinga because, when Chelagat needed help, and when she was in a lot of incapacity, as the Prime Minister but more as an individual, hon. Raila Odinga rose to the occasion, went and plucked her from a very desolate situation in Kasarani and took her to the spinal injury hospital. I think those are efforts and generosity that deserve to be recognized.

Yesterday, as I made my contribution to Members of Parliament who had gathered at the restaurant, we had a lengthy discussion that I am proud to say I initiated. We will contribute even this evening. I will also go there, but let us ask ourselves many questions. Is it in death and in funerals that we give much more? When individuals who are celebrated and are in our neighbourhoods are suffering and they are sick, we are away. We are not saying that we should not give, but there is a trend that we discussed yesterday that, in our communities, we are finding it easy to give loads of money and feast a lot during funerals when, really, most of the people when they are living, they deserved that coin for medication. I am saying in reflection and I am not saying that I am innocent; I am guilty as accused collectively, with my community and this nation.

There is something that we must think about wherever you go in this community. We give more and eat the best menu in the village when a person dies. However, when a student who is an orphan passes and joins Form One or somebody is sick and he needs a lot of attention, we do not give. So, I will contribute to hon. Chelagat Mutai's funeral expenses this evening. Let us reflect on what we need to tell our people. We know it can be very unpopular in our communities because it is a sensitive matter, but let us have the courage.

Hon. Speaker, Sir, finally, it is a statement that this country needs to understand and appreciate particularly the youngsters and even those in schools that---

Hon. Speaker: Your time is up.

Hon. S.S. Ahmed: Thank you, hon. Speaker, Sir. I also rise to pay tribute to the late Chelagat Mutai. When we, the Muslims, remember the death of a dear one or anybody, we recite a short prayer which I will recite here today.

(Hon. S.S. Ahmed recited a short prayer in Arabic)

This prayer basically says that God sent you to this earth and you return to God.

I also recognize that lady because she fought corruption. She was one of the first fighters of corruption at very difficult times. We should recognize that lady although she has passed away. Although we forgot her when she was alive which is probably the practice in this country, whether we were Members of Parliament 20 years ago or we are Members of Parliament today, we are a family. I cannot understand why a Member of Parliament has to go through the pain and anguish that she went through. We remember her in death but we did not remember her when she was alive.

The Parliamentary Service Commission (PSC) has a job to do. I remember that we sent a petition to the PSC in the last Parliament in respect of another former Member of Parliament who brought the United Nations (UN) offices to this country. The PSC which you chair, hon. Speaker has not had the decency of responding. This is the case and yet the petition had over 90 signatures. I remember my dear friend here, Hon---

Hon. Speaker: Your time is up.

Hon. Kipyegon: Thank you, hon. Speaker, Sir. I also rise to pay tribute to the fiercest politician from our region. The late Chelagat Mutai inspired very many people.

From history, we learn that she was actually the first Kalenjin woman to become a Member of Parliament. That is why even in the last Parliament, we managed to have the highest number of women Members of Parliament from that particular area. I think they were inspired by that lady. It is only unfortunate that she died in such a way. It was very disheartening when we saw her when she was sick. This is a wakeup call to all of us that we need to look at the people we think must have contributed greatly to the development of democracy in this nation. Those are the people who rarely celebrate the fruits of what they fought for.

That lady, among others, fought for democracy, the truth, against land grabbing and very many evils in the society. Therefore, it is fair to remember them. We should not only remember them, but we should be thinking about them. We should build monuments in their honour so that we can remember them. We should also have---

Hon. Ng'ongo: Hon. Speaker, Sir, I would like to thank you for giving me this opportunity. I also want to join my colleagues in celebrating, in death, the life of the late hon. Chelagat Mutai.

We need to appreciate a few things. First, if about 40 years ago and at the age of 24 the people of Eldoret North Constituency could entrust leadership in the hands of this young woman, why is it that the Kenyan society is still struggling now to accept that women can offer leadership to this country; that we have to apply affirmative action? I think we need to appreciate that the lady did not disappoint. Even now, the Kenyan society needs to appreciate women more so that we can see more women representation in the next Parliament.

I also want to observe that even though the late Chelagat Mutai became a Member of Parliament when the late Mzee Jomo Kenyatta was the President, she also became a Member of Parliament again when President Moi was in office. Even though they came from the same ethnic community, she did not fail to rise up against former President Daniel arap Moi's regime. That is a lesson to us that we need to put ethnicity aside, especially if it is not in tandem with the needs of our people.

Hon. Speaker, Sir, if you allow me, I also want to talk about the fact that the lady could stand together with others to fight for democracy that we now enjoy. It will be sad if we slip back and go against the gains that those strong Kenyan men and women fought for. I am saying this because right now there is talk, and we have read everywhere, that there is a Motion that is likely to be---

Hon. Rotino: Thank you very much, hon. Speaker, Sir, for giving me the opportunity to join my colleagues in sending my condolences to the family and friends of the late hon. Chelagat Mutai. I had a patient on the 9th Floor of Kenyatta National Hospital on Sunday, and I was fortunate because that was where Chelagat Mutai was. The condition in which she was, was very pathetic since she was a Member who was very eloquent, worked for this country, and fought tirelessly and shamelessly for the sake of this country. She died an hour after I left. This is a lesson that we have to learn as a House. We have to take care of our own. This is because it will be me or you tomorrow. It was unfortunate that the hon. Member could be in that state at that time. It was just fortunate that I was there.

Hon. Speaker, Sir, I was also fortunate to have met the late Chelagat Mutai and the late Bishop Muge when I worked with him. That lady was very eloquent and she could fight. Most hon. Members here know how the late Bishop Muge fought corruption and land grabbing in this country. They joined hands to fight corruption that was in this country.

I want to say very passionately that, as a House, we should consider ourselves and see that---

Hon. Muluvi: Thank you, hon. Speaker, Sir. I rise to send my condolences to the relatives and friends of the late hon. Chelagat Mutai. This is a person I knew very well as a young refugee in Dar-es-Salaam from 1981 to 1983. I went to Dar-es-Salaam as a student leader three months before the late Chelagat came. I found that Chelagat had arrived after my protective custody.

I must say that for those who were in Dar-es-Salaam those days, the arrival of Ms. Chelagat Mutai and hon. Orengo gave us solace. That is because although they could not

pass for uncles, they were like elder brothers to us. For me, I would like to say that this country has somehow failed those who fought for it.

Hon. Speaker, Sir, for Chelegat Mutai to have died in a private ward at Kenyatta National Hospital is really a big shame. I can name people who have died and I can remember in particular Dickson Mureithi Mutunga who passed on in Dar-es-Salam. He was a refugee. Nobody remembers Dickson Mureithi. I am sure even his Member of Parliament might not know him. We have very many people in that category. Hon. Chelegat Mutai walked in the streets – they all fought for democracy in this country. Those of us who left in 1981 fought because of one party rule, when Kenya became *de jure* one party state. I found it difficult that the Government has not found it necessary to actually seek those people who sacrificed so much for this country for us to be able to sit here and represent probably 10 to 15 political parties when an extra party was not allowed in 1981.

It could only be KANU and nothing else.

Hon. Gikaria: Hon. Speaker, first of all, let me take this opportunity to thank you for the minute of silence in honour of the late hon. Chelegat. I am one of those people who did not know her very well, with the exception of the few things I was reading in the newspapers.

Hon. Speaker, from what I read in the newspaper, I want to say that it just proved to us that even women in their own capacity can chart or fight for the rights of their people; when they are representing their people in this august House. I want to say that in death, there is something that I have learnt. We have only one responsibility; work for our people and fight for their rights so that they can enjoy democracy that hon. Chelegat fought for.

As a woman, reading that she was at one time detained because of fighting for the rights of her people, I think it was a very courageous thing for her. I want to send, on behalf of myself and my constituents, our condolences to the family and friends and to the constituency where they come from.

Hon. Member: Thank you very much, hon. Speaker. I also rise to pay tribute and express my condolences to the family of the late hon. Chelegat Mutai. I happen to have known her at the time she was campaigning for the very first time in Eldoret. At that time, I was a first year student at the University of Nairobi and I was among the youth activists in her team in Eldoret because at that time I was staying in Eldoret.

She did very well and she took on some political giants at the time, as we knew them, and she was able to floor them. Even when she was at college, she was able to take on the college authorities and she was a very good student representative, before she went into politics.

Hon. Speaker, I want to agree with my colleagues here who have observed the way we treat our heroes and heroines, particularly the way we have treated former Members of Parliament. I remember what the late Ngei and Shikuku went through and many others, including now Chelegat Mutai. Even now as we speak, we have a number of former Members of Parliament out there---

Thank you.

Hon. Abongotum: Hon. Speaker, I also want to join my colleagues in paying tribute to the late gallant and courageous Member of Parliament from Nandi.

The late Chelagat Mutai, as you all know, fought against dictatorship, impunity and land grabbers in this great country. Very few people can actually choose to fight for others. But that lady from Nandi, the land of Koitalel arap Samoei, who also fought the British - I am saying so because Samoei belongs to the Talai clan that fought the British.

I want to say that, together with our colleagues and the late Anyona, Abuya Abuya, the late Shikuku, Mwashengu wa Mwachofu, Chibule wa Tsuma and the rest, those are the seven 'bearded sisters' who fought against dictatorship during the dark days when quite a number of people suffered so that we can be free. So, I want to say that---

Hon. Member: Thank you, hon. Speaker, Sir. I would also like to give my condolence to the family of the late legislator, Chelegat Mutai. One of the things that we, hon. Members, need to know is that the space that we have right now is as a result of her fiery and courageous fight. At the time when she was a legislator, Parliament was a small department in the Office of the President and many of the things that were going on in this House were actually controlled remotely from the Office of the President. I want to say that to her, it is a pointer that women can achieve even at tender ages.

Hon. Speaker, it is also a pointer that even us, as hon. Members of this House, need to fight for our people. During her time, the late Chelegat saw the resettlement of so many people. She could have used her position to grab large tracts of land but, instead, she gave it out to very poor ordinary citizen. She died a poor lady not because she was not able to have grabbed land. I think by that time, it was possible for her to grab even the largest tracts of land in Uasin Gishu, but because of her conscience, belief and philosophy, she wanted to let the people that she represented gain first. That is the same thing that we need to get when we are in this House today. Lifestyles and the living standard of our people need to be upped so that we will be remembered.

Hon. Speaker, Sir, I also need to say that as a House, we need to care for one another.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker. I rise to pay tribute to that great woman of substance and an iron lady of her time. I shudder to learn that the late Chelagat Mutai died a pale shadow of her former self. That points to the point that many of us have already made, that we must honour our heroes in life. Who are our heroes? They must not just be those freedom fighters who fought for freedom in 1963. Heroes are made every day in this country. History is written every day in this country. Everybody who has their touch on the history of this country must be honoured by this nation for us to be a nation worth its salt.

I am glad that we now have in place the National Heroes and Honours Act. This will enable Members of this House to be selected as heroes and honoured while they live. I hope that will be done soon.

Many words have been spoken in tribute of that great lady. However, the greatest tribute we can pay to this iron lady is not in words; it is in action. In fact, it is in protection of the freedoms that we have gained over the years. We must protect our Constitution with our lives in tribute to the late Chelagat Mutai. We must protect the freedoms that we have taken long to gain. I am talking about the freedom of association, the freedom of speech and the freedom of media. I hope that we will not be bringing to this House---

Hon. Chanzu: Thank you, hon. Speaker for giving me this opportunity to contribute on hon. Chelagat Mutai. I wish to convey my condolences to the family of the

late Chelagat Mutai and pay tribute to her courage and bravery in the way she handled issues even at a very youthful age. This is a testimony that all, including the young people, have a role to play in society only if we know what to do. Her bravery and brilliance helped her to understand that at an early age, she would be able to represent the people of Eldoret North.

She had just come from university which was a very rare thing. In fact, the changes that we made and ended up with this new Constitution, there were some issues at that time which we could not handle, but now they are addressed in the Constitution. The only thing that I realize about this country is that we do not recognize and appreciate talent. The late Chelagat Mutai was a talented person who could have been nurtured and she would have helped a lot in what is going on now. However, instead, she became a hunted person. She became a jailbird just because she was vocal and forthright. I think it is good that is ending and it should end completely so that everybody can aspire to any position they can get to at any stage.

Hon. Speaker, the historical injustices---

Hon. (Ms.) Tuya: Thank you, hon. Speaker, for giving me this opportunity. I just want to say that the late hon. Chelagat Mutai is an inspiration to young female legislators like me and some of my other colleagues and she will continue to be so for the coming generations.

Hon. Speaker, she is an inspiration to upcoming young politicians who aspire to have positions in this Legislature, for example, Kethi Kilonzo. I pray for her family and the people who knew her personally.

I thank you.

Hon. Sakaja: Thank you, hon. Speaker. I rise to pay tribute to the late hon. Mutai Chelagat, but I must say that I did not know her personally neither was I alive when she was a Member of Parliament. In her second term in Parliament I was, probably, too young. However, I am a good student of history and I realize that, indeed, it is the likes of Chelagat and many others who have provided the space that we enjoy today.

Indeed, from what I have read, she was not only gallant and fearless, but she was also selfless and a leader who connected with the people. She will serve as a reminder to us that once you disconnect a leader from the people, you cut them off from their oxygen.

Hon. Chelagat is a reminder to us that, indeed, there is nothing more powerful than a generation that is in tune with its season and knows its courses. In the same breath, I would also like to acknowledge--- A few days ago, we were commemorating the *Saba Saba* which is one of the events that led to creation of democratic space in this country. There are still living heroes amongst us, that is, the likes of hon. Orenko, hon. Raila Odinga and others.

Hon. Speaker, why should we give people flowers when they cannot smell them? As much as we pay tribute to her, let us also be sure to pay tribute to those who have opened this space that we enjoy today.

Hon. Onyonka: Ahsante, Mhe. Spika. Ningependa kuchangia mjadala huu. Mheshimiwa Chelagat Mutai alikuwa ameheshimika na alikuwa amesoma vizuri. Kazi aliyofanya akiwa Mbunge ilikuwa ya heshima mno. Kama mwanafunzi wa awali wa Chuo Kikuu cha Nairobi, alituachia wasia kwamba tukiingia siasa, basi tufanye siasa ya utu na heshima. Bahati yangu ilikuwa kwamba baba yangu alikuwa kiongozi katika Bunge hili na alifanya kazi pamoja na mama Chelagat na hata wewe Mhe. Spika.

Siku moja nilimuuliza mzee: “Je, hawa viongozi walioko *Opposition* mnazungumza nao namna gani?” Wakati huo nilikuwa namzungumzia mhe. Anyona. Baba yangu alisema hivi: “Hawa viongozi unavyowaona kuna mambo mazito ambayo wangependa kushughulikia ambayo wananchi wengi hawafikirii vilivyo kwa sababu wanaona ile kelele ni ya siasa ya Upinzani”. Ningependa kuwasihi wenzangu kwamba ikiwezekana, tuanze kuwaenzi sasa viongozi kama Chelagat Mutai kwa kuwataja katika shule zetu. Kwa mfano, ningependa kuita shule moja katika Eneo Bunge la Kitutu Chache, “Chelagat Mutai High School”.

Hon. Member: Thank you, hon. Speaker, for giving me this chance to condole with the family of the late Chelagat Mutai. I must say that I never had a chance to interact with her, but from what I have read in the newspapers, I believe she inspired many people and, more so, women to venture into politics. I believe she was among the very first Kalenjin women to be elected to Parliament. She was a true fighter for democracy. She took head on the mighty and those that were against democracy.

She opened up the democratic space in this country. I believe that the political space that we are enjoying today came about because of Chelagat Mutai. Indeed, she was referred to as among the “seven bearded sisters” although she did not have any beard. I believe that was because of her fight for democracy. This Government neglected her during the hour of need. Therefore, I must join my colleagues to call upon the Government to take care of this country’s heroes. The Government should take care of those who have fought for democracy and the people who have led this country in the fight for democracy. I must condole with her family and pray that the Almighty God rests her soul in eternal peace.

Thank you, hon. Speaker.

Hon. Speaker: Finally, we shall have hon. William Kamoti Mwamkale.

Hon. Mwamkale: Thank you, hon. Speaker. On behalf of the people of Rabai and on my own behalf, I would like to convey condolences to the family of the late hon. Chelagat and the people she used to represent in Eldoret North Constituency.

The death of hon. Chelagat Mutai has opened the eyes of the society to the plight of Members of Parliament. Just a few months ago, as Parliamentarians, we were fighting for our social wellbeing. We were, indeed, trying to run away from the conditions that the late Mutai faced. I believe that it is not proper for people to sacrifice for the betterment of this country only for them to end up in misery. On that note, I pray that the Parliamentary Service Commission considers taking an audit of those who have contributed immensely to where we are today, particularly the remaining members of the “bearded sisters” team. There are those who are still alive. Let us not wait until they pass on so that we can praise them. Let us do something about their plight, as a House. Let us also consider---

Hon. Speaker: Yes, hon. Ngeny!

Hon. (Ms.) Ngeny: Thank you, hon. Speaker. I would like to pay tribute to the late Chelagat Mutai’s family, friends and the people of Uasin Gishu at large, where I come from. I come from Uasin Gishu’s Ziwa Machine area, where hon. Chelagat Mutai uprooted sisal for people to get a place to live. As hon. Members, we should honour our heroes. I propose that either Ziwa Machine Secondary School or Ziwa Machine Polytechnic be renamed after hon. Chelagat Mutai.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, I wish to thank all of you. I know that there are over 30 requests but I believe that those who have spoken, including our own condolence message, suffice for now.

Next Order.

REQUESTS FOR STATEMENTS

Hon. Speaker: Yes, hon. Esther Gathogo. Hon. Members, if you know that your request for Statement has been approved, you better make the request immediately you take your seats. Do not just come here, assume some seat and remain like that.

You may proceed, hon. Gathogo.

ENFORCEMENT OF TRANSPORT LICENSING BOARD RULES

Hon. (Ms.) Gathogo: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I would like to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the enforcement of the Transport Licensing Board (TLB) Rules.

Hon. Speaker, the TLB is supposed to, among other things, issue operation licences to Public Service Vehicles (PSVs), allocate them routes and regulate their operation timetables. One of the requirements for issuance of licence is vehicle roadworthiness. That is why PSVs are supposed to be thoroughly inspected before they are licensed to operate. Further, the TLB Rules clearly restrict PSVs to single routes, as allocated to them upon issuance of licence. However, the TLB Rules are neither being complied with nor being enforced across the country. This has resulted in continued increase in road carnage.

Hon. Speaker, in the Statement, the Chairperson should investigate and report on the enforcement status of all TLB Rules in the country.

Thank you, hon. Speaker.

Hon. Speaker: There are some hon. Members who look like they are seeking donations. Hon. Millie Odhiambo, you are permanently on the gangways. It looks like you are looking for something from hon. Members. Please, do it quietly. Let other hon. Members transact business.

Can the Committee Chairman make an undertaking? I can see that he is not yet ready. We cannot wait for him to log in. He has been sitting there with his system access card in his wallet.

Hon. Gathogo, your request for Statement will be forwarded to the relevant Departmental Committee. There will be a follow up in exactly a week's time from now to enable us know whether the Committee is in receipt of the request, so that we do not get people here making commitments which---

As you can see, they are not even ready to make the commitments. So, the Statement will be forwarded to the relevant Departmental Committee. The Clerks-at-the-Table are directed to note the date of the request so that a week from now, there will be a follow up to see what the Committee has done. We will take that procedure for the time being.

Next is hon. David Gikaria.

STATUS OF CONCESSION PROGRAMME ON TRAIN OPERATIONS
TO RIFT VALLEY RAILWAYS

Hon. Gikaria: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I would like to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status and performance of the concession programme of train operations to Rift Valley Railways, the ongoing retrenchment of Kenya Railways Corporation (KRC) and the sale of the corporation's assets---

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

Hon. Speaker: Hon. Millie Odhiambo, please, allow the Member to be heard. I can see that you are doing something important, but the hon. Member on the Floor is also seeking an important Statement.

Hon. Gikaria: Thank you, hon. Speaker. Seven years after the Kenya-Uganda Railway was awarded to Rift Valley Railways to enhance efficiency in the railway sector, this objective is far from being achieved. Further, KRC has been laying off employees and disposing of the Corporation's wagons, stations and railway lines, among other assets, to scrap metal dealers in the pretext of reviving the Corporation.

Hon. Speaker, the Chairperson should inquire into and report on the following:-

(i) the status and performance of the concession programme on train operations to Rift Valley Railways;

(ii) the Train Safety Operations Signalling Equipment that is currently in use;

(iii) the number of employees who have been working for the corporation for the last 10 years, giving details of those who have since been retrenched, those currently employed by the corporation as well as those who have been identified for retrenchment; and,

(iv) the number of expatriates at managerial level working for the Corporation.

Hon. Speaker: Hon. Members, the Statement is similarly referred to the Departmental Committee for follow up to be made in seven days from today.

Next is hon. Silas Tiren.

SHOOTING OF DENNIS KIPRUTO KIRWA BY POLICE

The Member for Moiben (Hon. Tiren): Thank you, hon. Speaker, Sir. Before I continue, I beg to thank the great people of Moiben since I have not had an opportunity to thank them for electing me to the 11th Parliament. Pursuant to Standing Order No.44(2), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the shooting of an area resident by the police.

The 22 year old athlete, Dennis Kipruto Kirwa from Moiben Constituency, Uasin Gishu County, was shot on the morning of 10th June, 2013, in Chepkoilel by a policeman from Kapsoya Police Post under the suspicion of being part of a gang that had been on the run for the past 12 years. He was 24 years and could have been looked for since he

was 10 years. I wish to request the Committee to urgently investigate the matter with a view to establish the cause of this murder, confirm if any arrests have been made and whether any action has been taken against the concerned officer. This will aid in reducing the tension in the area.

Hon. Speaker: Likewise, the Statement is referred to the Committee chaired by hon. Abongotum Asman Kamama, who has since left the Chamber, but the Member is encouraged to pursue that matter and we will mention it seven days from today. The Leader of the Majority, you have a Statement to issue as well as the other one for Thursdays.

COMPENSATION FOR MAU MAU VETERANS

Hon. A.B. Duale: Hon. Speaker, Sir, I have a small Statement to issue which was sought by the Member for Kieni, hon. Kanini Kega on compensation for the *Mau Mau* veterans. He asked three questions, namely, clarification to the House on who the said 5,400 individuals are; the criteria of distribution of the awarded compensation and the Government's stand on the compensation issue. With your indulgence, I will only get clarifications based on this Statement.

The first clarification is with regard to who the said 5,400 individuals are. The response is as follows:-

(a) The suit relating to this matter was originally filed at the High Court of Justice, Queen's Bench Division in Britain in 2009 by five individuals. The suit is cited as *Nduku Mutua and Four Others versus the Foreign and the Commonwealth Office*, Claim No.HQ09X02666.

(b) Subsequently, the matter was settled out of court in respect of 5,228 claimants. Information relating to the identity of those claimants was not supplied to my office, namely, the Office of the Attorney-General of the Republic of Kenya. The information will be obtained for anyone, including the Member of Parliament or any other Kenyan, from the counsel for the claimants, Leigh Day and Company.

(c) It is important to know that this was a suit filed by individuals against the British Government. The claimant in this suit is not the Government of Kenya.

The second clarification is with regard to the criteria for distribution of the awarded compensation. The response is as follows:-

(a) The Office of the Attorney-General is not aware of the criteria employed in the distribution of the awarded compensation as this was determined between the parties to the suit, namely, the claimants, their lawyers and the British Government.

The third and final clarification is the Government's stand on the compensation issue. Those are claims filed against the British Government for acts of torture by the British Government. The Kenya Government is not a party to this suit. The British Government has further advised any aggrieved person or persons who believe that they have a case, to file their claims before the courts in Britain.

I beg to table the report.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: Clarifications!

Hon. Kanini Kega: Hon. Speaker, Sir, this is totally unacceptable. The report that we have got today is not conclusive. There is no in-depth report. I have information that whereas they are saying that they are 5,228 persons to be compensated, that is not the correct figure. They are fewer and, as the Leader of the Majority has alluded, there are only four people who filed the case. I also have information that the lawyers, both local and international, are pocketing a cool Kshs1 billion out of the Kshs2.6 billion. That is over 40 per cent of the total amount. This is a very serious issue. I raised this issue because Kieni was like the epicenter of the struggle for Independence. We still have the colonial villages.

Hon. Speaker, Sir, I was in my constituency last week and we laid to rest one of the generals in the fight for the Independence of this country. Unfortunately, we do not know whether his name is in that list and so many other people who talked in that funeral. I am not comfortable with this report and we need to do more. The Leader of the Majority needs to do more because this is not satisfactory.

Hon. Speaker: Any other clarification? The requests which are here, I am sure, do not relate to that Statement. There are those people who arrived here and put their cards in the system. I do not want to just pick people who have no interest in a matter.

Hon. Gichigi: Hon. Speaker, Sir, I have heard the answer that has been given by the Attorney-General through the Leader of the Majority Party and in my opinion, it is insufficient. Being a son of a *Mau Mau* fighter, I am looking at a situation where my father and people of his level of education and economic position are being told to go to Britain to get further information on this issue. When my colleague, hon. Kanini Kega, sought the information, I thought the Government would supply it. We pay taxes and pay ambassadors in foreign countries to help Kenyan citizens. The Government would have got its officers in Britain and got information that can help the Kenyan citizens. Legally, when a suit is filed by a few individuals on behalf of others, it may bar further claims from being filed by other claimants. They are supposed to have been enjoined in that particular suit.

Telling Kenyans to file another suit against the British Government may not be the way to go. So, the Government should go back there, use our officers in Britain to get the information and give sufficient information to Kenyans. The Government should create an office to help the *Mau Mau* veterans. It is important that we get further information from the Office of the Attorney-General through the Leader of Majority Party.

Hon. Speaker: Thank you for that debate but please, seek clarifications. You are making very good proposals, hon. Gichigi, but the Leader of Majority Party has indicated clearly that, that is a Statement signed by the Attorney-General of the Republic of Kenya. So, even as you seek your clarifications, please, bear that in mind.

Hon. Murungi: Thank you, hon. Speaker, Sir. I also want to support my two colleagues because many Kenyans suffered because of the colonialists. It is not only in Kieni or Central Kenya. There are many old men and women in Meru County who are languishing in poverty and yet they fought for Independence.

I do not think that the Jubilee Government can leave its citizens to die because of poverty. This is because when the Attorney-General exonerates the Government from responsibility--- Those are Kenyans and, therefore, it will be very good for the Attorney-

General not to leave them to suffer under the hands of the colonialists who really tormented them for many years. Most of those colonialists are still in this country.

The Majority Leader who is able, maybe, was in a rush to bring this Statement to this House. He should go back to the Attorney-General to get a better statement and see how those Kenyans can be compensated by the British Government.

Thank you, Hon. Speaker, Sir.

Hon. Washiali: Hon. Speaker, Sir, I want to start by thanking the Majority Leader for that Statement. I want to remind him that this Government is in place because of the efforts of the *Mau Mau*. That is how we managed to get a Kenyan Government that is now 50 years old. Since it was the British Government against Kenyans, and we have our Government, why did it not seek for compensation on behalf of the victims from the British Government as opposed to individuals coming out to ask for their compensation? The Government should have come out, collected information, got people from all the areas that were aggrieved and sought for compensation.

I want to agree with my colleagues that it was not only in Central Province where people suffered. Central Province may have been at the epicenter but we also had efforts from other areas, including Western Province that participated in the liberation of this country from the colonialists.

Hon. Okoth: Thank you, hon. Speaker, Sir. I was consulting and gaining wisdom from the hon. Member representing Nairobi County and it is beneficial to gain such wisdom.

I had put in a request to honour the late hon. Chelagat Mutai, who if I am allowed---

Hon. Speaker: We are through with that debate.

Hon. Okoth: Hon. Speaker, Sir, I honour the late hon. Chelagat Mutai and other heroes who made it possible for young people like us to serve this country today.

Hon. Speaker: You have put very many requests here and I doubt whether all of you are requesting for a clarification on this Statement.

Hon. (Ms.) Mwendwa: Thank you very much, hon. Speaker, Sir. You will excuse me because I just felt shy to come and ask you to allow me to pay tribute to the late hon. Chelagat. We were Members of Parliament together with this lady. She was 24 years old and I was equally young but I was in my 30s. This was the second crop of women in this House. The first crop of women in this House consisted of Grace Onyango, whom we have forgotten.

What that lady brought in this House, no other woman will bring for many years. She was the only woman who could join those six men because those were the days when the Speaker could refuse to allow you to contribute because you were on the wrong side of the Government. Before my microphone is switched off, I want to tell you the crime which she committed. There was a coup in Ethiopia and the late hon. Chelagat commented on it. That was when Haile Selassie was overthrown. The late Mzee Jomo Kenyatta was in power and he was a very good friend of Haile Selassie.

That girl was hunted like an animal from that day. She used to be prosecuted more than the men she used to be with, but she never gave up. She continued with the struggle. She was very smart and we were afraid of her because some of us could not do the things she used to do. We thought that she was too young and she did not know what she was doing, but she was very brave.

Hon. Speaker, Sir, it is a shame that that lady has died without proper treatment or without the Government of this country looking after her. Let me also say that a lot of this is happening to many of our people like Matiba, Rubia and Raila. Those people actually fought and brought Independence to this country.

(Applause)

What do I mean? I mean the democracy which we are enjoying. Today I can say anything and nobody will follow me---

(Laughter)

Hon. Speaker: I think you will agree with me now that the Leader of the Majority Party should respond. Hon. (Ms.) Mwendwa, I had to allow you to say that bit because you served many years ago with the late hon. Chelagat Mutai.

Respond the Leader of the Majority Party.

Hon. A.B. Duale: Thank you, hon. Speaker, Sir. I want to make it very categorical that “Nduku Mutua and Four Others versus the Foreign and Commonwealth Office Claim Number...” is what has been filed in court representing the 5,228 claimants. However, the window is open and I want to share this document with hon. Kanini. The British Government is saying that if there are any other people left, they can still file their claims before the courts in Britain.

On the issue of Kshs1 billion being taken over by lawyers, that is not within the domain of the Government and it is not in the response from the Attorney-General but it is a matter that this House has powers to investigate.

On the clarification the Member for Kipipiri sought, I am happy to hear that he is a son of a *Mau Mau* fighter. I am also the grandson of an Independence fighter and *Shifita* War. So, everybody in this House has a history to tell. Many people can still file the case as per the Attorney-General’s statement.

I would like to say that this House has powers. The matter is very clear. The Kenya Government is not part of the suit, but there is a Departmental Committee on Justice and Legal Affairs to which the Member for Kieni can take this matter. This Committee has powers to investigate both public and private matters.

The Member for Kieni can also form a select committee of this House to investigate this matter and he will have the lawyers appear before that committee. They will also ask the Britain’s High Commissioner to Kenya to appear before the committee or the Ministry of Foreign Affairs can give more information on that. The Committee can even go and investigate the said law firm.

On hon. Washiali’s clarification, those who were not part of the 5,228--- Maybe, even the 5,228 people are coming from all over the country. Maybe, they are from Nyanza or Western Province. So, it is better for the hon. Member to look for the list of the 5,228 people and confirm whether his people are there. If they are not there, he has a window to sue the British Government.

Hon. Okoth and the great lady of Kitui were more or less contributing on the previous debate on the late hon. Chelagat Mutai. The Attorney-General speaks for the Kenyan Government in this matter.

I am sure Hon. Maanzo, a brilliant lawyer who did a case the other day is nodding and saying that, that is the case. The Kenya Government is not a party to this suit. I am sure that hon. Maanzo is available to those of us who want to pursue this case. This is because he has just concluded this case.

Hon. Speaker: Hon. Members, indeed, the Leader of Majority Party has just confirmed what I had said yesterday and what I have said today. The best avenue is to take up this matter. I can see a number of you have clarifications to seek. I think they would be better prosecuted and canvassed in a committee sitting. You will be able to ask much more questions than seeking clarifications here. So, hon. Kanini Kega, you can actually take up the matter with the Committee on Justice and Legal Affairs, where you can even require the Committee to summon as many people as you suspect could be involved in this matter. They should come and shed more light because here on the Floor of the House, you are unlikely to get to the bottom of the matter.

Of course the Committee will be at liberty to file a report and they will even invite the Attorney-General and others whom they may require to invite. Leader of Majority Party, you can contribute.

BUSINESS FOR THE WEEK COMMENCING 16TH TO 18TH JULY 2013

Hon. A.B. Duale: Hon. Speaker, Sir, pursuant to Standing Order 44 (2)(a), on behalf of the House Business Committee, I rise to give a Statement regarding the business appearing before the House next week.

On Tuesday next, 16th July, 2013, the House will consider the following ordinary Motions proposed by hon. Members:-

(i) Motion by hon. James Gakuya, MP, urging the Government to, among other measures, devise friendly waste disposal measures that will also include putting up recycling plants within the dam sites that will ensure garbage collection and disposal from the point of generation.

(ii) Motion by hon. Francis Kigo Njenga, MP, urging the Government to consider spending 0.1 per cent of its revenue to finance training in applied sciences in village polytechnics and institutes of technology within the country through soft repayable loans that will be channeled through the Constituencies Development Fund (CDF), similar to how the Higher Education Loans Board (HELB) finances university education.

(iii) Motion by hon. Onesmus Muthomi Njuki, MP, urging the Government to enhance compensation claim for people killed by wild animals, from the current Kshs200,000 to Kshs1 million and for those injured, from Kshs50,000 to Kshs200,000, and also consider compensating farmers for destroyed crops and property based on value.

Hon. Speaker, the following Bills have been published and are scheduled to be read for the first time on Tuesday, 16th July, 2013:

(i) The Marriage Bill, 2013. I urge hon. Members to read that Bill because it is very important.

(ii) The Election Campaign Financing Bill, 2013. The House will also recall that certain budget-related Bills were read a First Time on 27th June, 2013 and, therefore, pursuant to Standing Order Nos. 127 and 128, the Bills will be due for Second Reading on Tuesday, 18th July, 2013. The Bills are as follows:

(iii) The Micro-Finance (Amendment) Bill, 2013.

- (iv) The Kenya Deposit Insurance (Amendment) Bill, 2013.
- (v) The Tax Tribunal Bill, 2013.
- (vi) The Insurance Motor Vehicle Third Party Risk (Amendment) 2013
- (vii) The Insurance (Amendment) Bill 2013.
- (viii) The Capital Markets (Amendment) 2013.

Hon. Speaker, Sir, by this time the relevant Committees to which those Bills were referred would have submitted their reports and proposed amendments to the House. The hon. Members of the said Committees will also be requested to lead debates of the said Bills at the Second Reading.

The House Business Committee is also aware that there are more than 20 legislative proposals which have been referred to Departmental Committees prior to their publication. Most of those Bills could originally fall in the category of previously known as Private Members' Bills. The House Business Committee is requesting the Departmental Committees to which legislative proposals have been referred for publication to speed up consideration of the proposals.

Further, there are two Bills related to the implementation of the Constitution which should be passed by the House before or on 27th August, 2013, pursuant to the Fifth Schedule of the Constitution.

I am aware that the CIOC is still engaging key stakeholders, including the Cabinet, CIC, AG and Kenya Law Reform Commission to have the legislative proposals to the said Bills submitted to Parliament for publication and consideration. The House Business Committee is requesting the CIOC to expedite this process.

Should the said Bills fail to be submitted for passage in good time before the constitutional timeline of August, 2013, the House Business Committee may seek the resolution of the House to extend the constitutional timelines pursuant to Article 261(2). This is because the HBC is of the view that the House should undertake the first short recess from August, 2013, in accordance with the calendar of this House. In this regard, hon. Members are reminded that the House is scheduled to adjourn for recess on 1st August, 2013 and resume on 3rd September, 2013.

I now wish to lay the Statement on the Table of this House. Thank you.

(Hon. A.B. Duale laid the document on the Table)

Hon. (Ms.) Shebesh: On a point of order, hon. Speaker, Sir. I just want to get clarification of certainty from the Leader of Majority Party.

He has spoken about bringing the Marriage Bill. In the last Parliament, there were four or five consolidated Bills that were dealing primarily with issues that were being handled by the gender Ministry. We were given the assurance that when the Bills come to the Floor of this House, they will come together simply because of the inter-linkages between some of those Bills that deal with gender, reproductive health, inheritance *et cetera*.

They were held at the gender Ministry. The CIOC had spoken about them being brought together with other constitutional Bills. I now hear the Leader of Majority Party speak about only one of those Bills. Could we get clarification whether it is possible that the Government does us a favour as women, for once, and just lets us complete those

Bills that have been pending for so many years? That will sort out many of the issues that currently concern gender bias or gender mainstreaming in this country.

Hon. Speaker: Really, without the Leader of Majority Party responding to that, the various committees of this House, specifically Justice and Legal Affairs Committee, should take up the issue you have raised so that working together with the CIOC, they can decide what to do with regard to those Bills. Of course, there is no way even if they came together in a wheelbarrow they would be debated each after the other, but I get your concern that it is important they be brought at the same time.

As it is now, the Marriage Bill, 2013 and the Election Campaign Financing Bill, 2013, are already here in the House and hon. Members can get their copies. I would advise that if you get those Bills, maybe, early next week or in the course of this week, you can raise the matter with the relevant committees because no Bill is going to come here under the name of Cabinet Secretary. They will either come under the name of the Leader of Majority Party or the relevant Committee or the individual Members. That is the position.

Leader of Majority Party, you have the Floor.

Hon. A.B. Duale: Yes, I agree with you that there are a number of Bills that have an issue with the publication period. The Constitution, however, in Article 261(1), states that the Fifth Schedule gives the timeline for enactment. So, Members of Parliament can look at page 189 of the Constitution and see which Bills are within the three year period and which ones are within the four or five or six years period. For those that fall within the three year period and which have been cited here, as the hon. Speaker has said, we need to consult with the relevant Committees.

Hon. Speaker, I want hon. Members to read the Marriage Bill so that they do not complain later that we passed in the Constitution that--- This affects your personal lives and so, you better read it.

Hon. Speaker: Hon. Alice Wahome, why do you not take a seat? It is important to inform hon. Members that even those two Bills, that is, the Marriage Bill and the Election Campaign Financing Bill, 2013 are in the name of hon. Chepkong'a, who is the Chairman of the Departmental Committee on Justice and Legal Affairs. It is fair that he be the person to deal with the matter.

Hon. Members I rise because it looks like you could easily run into trouble like you did yesterday. However, let me allow hon. Dr. Eseli to take his seat.

MOTIONS

LIBERALIZATION OF POWER DISTRIBUTION IN THE COUNTRY

THAT, aware that Kenya, as East Africa's largest economy, remains a minor electricity supplier with a low penetration level of about 15%; concerned that Kenya Power, as a strategic national agency, appears to be grossly inefficient in its operations, still having 85% of the population unconnected and facing a fast-growing population of 3% annually; also noting that power outages and surges have become the norm especially with the onset of long rains, sometimes causing electrical faults that result in fires and loss of property which is never compensated

by Kenya Power; and further concerned that Kenya Power has portrayed a lackluster approach to handling customer complaints which leaves customers disadvantaged due to lack of alternatives in electricity providers, this House urges:-

(i) the Government to liberalize power distribution thereby breaking the monopoly of Kenya Power in order to encourage competition, improve efficiency, and reduce the cost of power; and,

(ii) Kenya Power to offer compensation to those who have encountered fires and loss of property due to power outages and surges.

(Hon. Bowen on 9.7.2013)

(Debate concluded on 10.7.2013)

Hon. Speaker: Hon. Members, the next Order is the Motion by hon. David Kangogo Bowen. The debate on this Motion was concluded but there was no vote on it because as you know in your Constitution, Article 121 and your Standing Orders, you have put a quorum for transacting business at 50 hon. Members. I would like to inform hon. Members that a quorum of 50 is mainly for purposes of transacting business. Since this is a House of records, you can always access what has been said by your colleagues from the HANSARD. So, quorum becomes important for purposes of either passing a Bill or Motion or any policy paper that could be on the Floor.

However, that is not to say that hon. Members are gagged from raising issues of quorum. I am not gagging anybody, but it is just for the orderly conduct of business and so that the House can transact business. Debates can happen even when you are only three of you, that is, the Speaker, the Clerk and the person contributing. This is because Parliaments the world over are Houses of record. That is the reason.

Please, allow me to put the Question.

(Question put and agreed to)

Hon. Njomo: Thank you, hon. Speaker, Sir, before I move my Motion I would like to send my message---

Hon. Speaker: Just before you move your Motion, I think hon. Junet Sheikh Nuh appears to have something burning. I do not want it to consume him.

(Laughter)

POINT OF ORDER

SEEKING GUIDANCE/RULING ON GOVERNANCE OF THE COUNTRY

Hon. Nuh: Thank you, hon. Speaker. I rise to seek your guidance and ruling on a matter that I think is of importance to the governors of this country.

Hon. Speaker: Concerning governors?

Hon. Nuh: On a matter of governance, that is, how this House should be run.

Hon. Speaker: I thought you were talking of governors. I was going to tell you that it is in the other House.

Hon. Nuh: No, on a matter of governance. It is about how this country can be run.

Hon. Speaker, you are aware that the new Constitution has created a new dispensation in this country in the sense of having two governments which are distinct but interdependent. We passed the Division of Revenue Bill which has been assented to by the President and is now law. We had allocated Kshs210 billion to the county governments to run their affairs. However, at the moment, it looks like that seems not to be enough for the county governments. They are infringing into monies meant for the national Government. There is money meant for roads and electrification in constituencies. Article 95 of the Constitution states that we represent the people of Kenya in this House.

I seek your guidance. The drafters of the Constitution were not wrong when they said that devolution should occur within three years. We are now having a scenario where things are being lumped up at the county level and those people cannot even run nursery schools. The essence of devolution was not for governors to have flags on their cars or assume titles that do not belong to them. The title "His Excellency" belongs only to the President who is also the Commander-in-Chief. Those constituencies are going to die unless this House comes to their rescue.

As you are all aware, there is the Constituency Roads Fund. We also have the Constituencies Development Fund. There is also money allocated to constituencies for the rural electrification programme. It seems that the county governments do not see constituencies as a unit of devolution. Every constituency is part of a county. We agree that they have their own county assemblies that deal with their matters. However, constituencies are part of the counties they represent. We might end up in a situation whereby we do not have any money to run our constituencies. The governors see us as competitors and not people who are out to complement their roles. That is the reality in this country.

The House that deals with their matters, which is the Senate, is not even able to perform its constitutional function of passing the Revenue Allocation Bill. How many months have passed since the Budget was read? The Senators are just talking about being superior to us, to the President and to everybody else in this country. It is time we told Kenyans the truth because without the passage of the Revenue Allocation Bill, I do not even understand how the counties came up with their budgets. The Bill is the one which was supposed to guide the counties in making their budgets. Therefore, they could be making fictitious budgets, which we need to address.

Hon. Speaker, therefore, I seek your guidance and ruling on this very important matter. I seek your indulgence so that a few hon. Members can ventilate on the matter.

(Laughter)

Hon. Speaker: Hon. Junet, I thought you stood on a point of order. You are now making it a debate. Let me hear hon. Wario.

Hon. Wario: Mhe. Spika, mimi ni mwanachama wa Kamati ya Uchukuzi, Ujenzi na Makazi. Jana tulikuwa na kikao na Waziri anayehusika na masuala hayo. Kilichoibuka kwenye kikao hicho ni kwamba hakuna sheria inayomruhusu kuchukua pesa za barabara

na kuzipeleka kwa serekiali za kaunti. Kwa hivyo, kama Kamati, tuliketi na kulizungumzia jambo hilo. Waziri aliomba muda. Kufikia Jumatatu ijayo, ataleta jawabu lakini hakikisho ni kwamba ni kinyume cha sheria kupeleka pesa za barabara kwa magavana, mpaka Bunge litakapobatilisha sheria iliyopo. Sheria ya Roads Levy Fund bado inatumika. Hadi sheria hiyo itakapobatilishwa, ni lazima pesa za barabara ziende kwa maeneo Bunge.

Ahsante, mhe. Spika.

Hon. Speaker: Yes, hon. Shebesh.

Hon. (Ms.) Shebesh: Thank you, hon. Speaker. I really appreciate hon. Junet today because he has raised a very fundamental issue.

My 46 colleagues and I, who are County Members of Parliament, sit in a very unique position. We are able to gain the thoughts of the counties much as we sit here as Members of Parliament. I can tell this House that the misinformation on the ground, as pertains to why counties have not started operating, is targeted at the National Assembly and yet, we have played our role and completed our task. It is about time that this House comes out clearly to say that the reason as to why counties have not received their money is that the Senate has not done its work. Even as the Senators go round the country turning Kenyans against Members of the National Assembly, they need to know that we have given the counties 34 per cent of the national Budget, and not the minimum of 15 per cent that is provided for in the Constitution.

Hon. Speaker, until the Senate does its work, the county governments will not function. Rather than tie-up the country in the Supreme Court and in other courts, the answer is simply in their execution of their duties. Unfortunately, Senators, together with the governors, are now telling Kenyans that it is because of the National Assembly that they are unable to execute their role. It is about time we said the truth – that until the Senate passes the County Allocation of Revenue Bill, which they are supposed to have passed, not even a penny of the money that has already been released by the National Government, courtesy of the National Assembly can reach the county governments. Every Kenyan should know this fact because what the governors are telling Kenyans is not true.

Even as we go on recess, Members of Parliament will be going to their constituencies to execute their work with the Constituencies Development Fund which, again, the Senate was trying to take away from them. So, let us put the blame where it belongs.

Hon. Speaker, therefore, as I thank the Member for raising the matter, I want you to help us. Give a clear direction, so that this country can know once and for all who is working and who is not working.

Thank you.

Hon. Speaker: Yes, Member for Balambala.

Hon. Aden: Thank you, hon. Deputy Speaker, for giving me the chance to contribute to the matter.

I want to thank hon. Junet for bringing this very important matter to the Floor of the House. The only development that is known to the people of Kenya, in terms of hospitals, roads and schools, has happened with the good work of the CDF and its good management. We need to be very careful with the Kshs210 billion that we have appropriated to the county governments. It can even be seen from the budgets of some of

the county governments that they are not even prepared to start work. If statistics show that corruption in Kenya is in the tune of 30 per cent, my little knowledge of mathematics tells me that out of the Kshs210 billion that we have given to the counties, we have got about Kshs60 billion to worry about in this financial year alone.

On the issue of funds for roads, it is only Members of Parliament who drive on those roads every day, who know their true state. For the towns that are not lit, their funds must be retained in the CDF. I concur with hon. Junet in saying that the Committee on Transport, Public Works and Housing should push on to ensure that, that money remains within the constituencies.

Hon. Speaker, I beg to concur with my colleague and thank him a lot for raising the issue.

Hon. Speaker: Leader of the Majority Party, do you also want to concur with him?

Hon. A.B. Duale: Hon. Speaker, for the first time, I want to thank hon. Junet. Today he has brought to the Floor of this House a very substantive issue of national importance. I want to take my colleagues through the Constitution.

Devolution and access to service is captured under Article 6 of the Constitution. The National Government, the county governments, the National Assembly, the CDF and all other public entities are working for the people of Kenya. The governors should not assume that the counties belong to them. They want to treat the counties as if they are mini-presidents. Even the Budget that we passed here, on behalf of the National Government, will go to each and every of the 290 constituencies. Development will be taken to the counties by the County Women Representatives. Our Senators will take development to the counties. It is upon us, the leadership in every county, to make sure that we play oversight role over every penny that goes to both levels of government.

Hon. Speaker, I think most of the governors do not read the law. I want to tell them to read Chapter 11 of the Constitution and look at the Objects and Principles of Devolved Government. What are the objects? I can tell this House that none of them has lived within those objects to promote democratic and accountable exercise of power. I do not see how they are promoting democratic and accountable exercise of power. When you are a leader, you need to be a servant of the people. I want to make it very clear that the Jubilee Government for which I sit here as the Leader of the Majority Party, allocated 34.6 per cent of the national Budget to county governments. What the Constitution provides for is a minimum of 15 per cent.

When governors went to the Head of State, they were given Diplomatic Passports, special number plates and the privilege of flying the National Flag on their vehicles. I am sure that the Senators and the governors are watching me. The fundamental issue I want to raise today is that the Constitution has given powers to the Controller of Budget. This House has passed the Division of Revenue Bill. It has allocated the county governments Kshs210 billion. On the basis of that, we were told that they devolved budgets as per the law.

Hon. Speaker, Sir, Article 228(4) of the Constitutions says:

“The Controller of Budget shall oversee the implementation of budgets of the national and county governments by authorizing withdrawals from public funds under Articles 204, 206 and 207”.

Sometimes, I am shocked because I am told that the Senate has refused to pass the County Allocation of Revenue Bill because they are waiting for a ruling from the Supreme Court. On the other hand, we are being told that the county governments have submitted budgets to the Controller of Budget. We are told that some county governments have not been formed. They have no executives. I am told the Public Service Boards have been rejected by the county assemblies. Today, I want to speak to the county assemblies, which are equivalent to the National Assembly. The members of the county assemblies are not councilors. They are the equivalent to the National Assembly of the Republic of Kenya. They are supposed to play their oversight and legislative role. They are supposed to play their representation role. They are not servants of the governors. They are not stooges of the governors. They have not been elected by the governors neither have they been nominated. They have been elected by the county citizens who voted for you. As we oversee the national Government, the county assembly must oversee the budget and legislative agenda that goes on in the county governments.

The Jubilee Government has been accused by the governors of fighting devolution. I want to confirm today that the biggest enemies of devolution are the governors themselves. The Government has given Kshs210 billion. The Bill that is their own is the County Allocation of Revenue Bill, which was supposed to come to this House. That Bill has just gone through the First Reading. Why are they not doing the Second Reading and the committee stage? That is because they are waiting for a ruling. The calendar of the National Assembly and the calendar of the Senate are different from the calendar of the Judiciary. It is different from the calendar of the Supreme Court. If you wait for the Supreme Court to give you direction for you to pass Bills, then you better close and become a judge or a member of the Supreme Court.

The Judiciary is independent of the Legislature. It is not an annex of the Senate. So, the people who are watching and listening must see that there is total confusion that ultimately will curtail the objects and the functions of devolution as hon. Junet has said. Here, we are being told that budgets have been passed. The Senate is saying that it cannot pass the Bill that is supposed to give the money. So, if the Bill has not been passed by the Senate, what have they used to create their budgets as county governments? You saw an allocation of entertainment of Kshs53 million. I am told but I have not confirmed it, that one governor has allocated Kshs1 million for petty cash for a month. The objects of devolution under the new Constitution was for service and governance to go to the common people, health services to be improved and roads and schools to be built.

The Kenyan people killed the presidency because of excessive powers. They did not want the presidency. That is why they devolved powers. Now, we are devolving 47 presidents. We are having 47 imperial presidents until the Kenyan citizens are told that those 47 imperial presidents will turn into 47 warlords before 2017. The history of warlords in Somalia is a very terrifying one. We do not want to have 47 warlords. We do not want to have 47 imperial presidents. I want to make it very clear. I am the biggest proponent of devolution and devolution is a whole chapter in our Constitution. Nobody should tell us that we are going to kill devolution. Devolution is not a choice. It is in the Constitution. We do not want this House to be portrayed as killing devolution. When devolution is leaving the main route as per the Constitution, we are under obligation, morally, as the leaders of this country, to say that we want to look at what is happening.

The Controller of Budget must rethink what she is receiving. The Senate has not approved the County Allocation of Revenue Bill because they are waiting for a ruling from the Supreme Court. The Supreme Court has a calendar that is different from that of Parliament. The issue as raised is of national importance and should be debated. Nobody, politician or coalition, should hijack and say that the Leader of the Majority Party is the leader of those who are fighting devolution. I want to be counted as one who will not allow, whether it is governors, Members of the National Assembly, Senators or the national Government, to kill devolution. Devolution is sacred. It is in our hearts. We will not allow a few individuals to hijack it.

Hon. Mirenga: Hon. Speaker, Sir, while I agree with my brother, hon. Junet and also with the Leader of Majority Party that we need to play our oversight role to ensure that all the money that is devolved to the counties is properly accounted for. I disagree with the Leader of Majority Party when he talks from the Floor of this House with the Members of the county assembly telling them that they are stooges of the governors when here in the National Assembly, which he says is equivalent to the MCAs down there, Members of the Jubilee have been behaving like stooges of the Executive.

Hon. Members: No!

Hon. Mirenga: Hon. Speaker, Sir, this is debate and if you went to school like me, you will just listen and wait for your time and you will talk.

Hon. (Ms.) Kajuju: On a point of order, hon. Speaker, Sir. I respect my learned friend, hon. Obura. I went to school and believe I received more learning than him, if that is how we were taught to speak in school. I have never been anyone's stooge. The Jubilee Government has never and will never ever make any one a stooge. Each one of us went out there, sought votes and we are here by right. Is it in order for the Member to refer to the Members as stooges of the Jubilee Government? He should withdraw and apologise to the majority Jubilee Members in this House.

Hon. Speaker: Hon. Ken Obura, I heard you clearly and there is a difference between the usage of the word "stooge" from the way it was used by the Leader of Majority Party. The Leader of Majority Party said that the MCAs are not stooges. But you have referred to the Members of the Jubilee side as stooges. You are, therefore, out of order and you are ordered to withdraw and apologise.

Hon. Mirenga: Hon. Speaker, Sir, it is in order---

Hon. Speaker: No debate, withdraw and apologise!

Hon. Mirenga: Hon. Speaker, Sir, I withdraw the word "stooge" and apologise to the Members of the Jubilee who have been very excited any time they are supporting any Bill or Motion coming from the Executive even when they know very well that it does not benefit this country. It is obvious that today, our children are not going to school and the very Jubilee Members are not talking about it. They are instead accusing the MCAs for not doing what they want to be done.

My point is that as much as we want the county governments to do that which they must do, we must also ensure, as the National Assembly, that we help the national Government to do its bit.

Hon. Speaker: Contribute to what hon. Junet raised. You are not in a market place to say anything you want to say. You must be relevant. It has been argued that you are lawyer.

Hon. Mirenga: Hon. Speaker, Sir, under equity, yes. We want to insist that all the money that has been devolved to county governments be put to proper use. But we also, on the same note, say that all the other money that remains at the national level must also be put to the rightful use. That way, we will not have teachers who are supposed to be teaching out on the streets looking for their money and the Kenya National Union of Teachers officials are being hunted, hoping that when you arrest and jail them for six months, teachers will go back and students will be taught.

I am asking the Leader of Majority Party that any time they go to State House for a Parliamentary Group Meeting---

Hon. Speaker: Do not ask him, just contribute to this debate.

Hon. Mirenga: I ask the Leader of the Majority Party---

Hon. Speaker: Do not ask him, just contribute. Which courts do you practise from? Be relevant please.

Hon. Mirenga: Hon. Speaker, Sir, I support hon. Junet. I am saying that let us do all that we expect the county assemblies to do down there.

Hon. Ichung'wah: Thank you, hon. Speaker, Sir. May I take this opportunity, first, to inform hon. Ken Obura that the Jubilee Government is doing what it ought to be doing to deliver on the manifesto that it promised the people of this great nation, if only they can spare us from those unnecessary distractions from every other quarter, be it Makueni, Australia or wherever else they seek to distract us from.

I must congratulate hon. Junet, for once, for bringing up a substantive issue that affects the lives of many people in this country. The question of devolving power and resources in this country--- I risk again being labeled as someone who is anti-devolution, but if I will be labeled as anti-devolution because I oppose devolving power and raw power for the sake of power, let me be labeled as one who is against devolution.

That is because devolution, as I understood it, was meant to devolve resources for the benefit of the Kenyan people. It really does not matter to me whether this is done through the county government or through the Constituencies Development Fund. If anything, I believe that the CDF was the only true devolution that has proved over time to have changed the lives of our people in this country.

It is common knowledge, and it is not just about the question of what hon. Junet has mentioned. The health sector is also under serious threat if we leave it to the governors who have absolutely no idea what they want to do with the resources that are being devolved to them. I am afraid that many of those governors, as the Majority Leader has said, have lost direction as to where they want to take their counties, leave alone this country. I also fear because I have been listening to quite a number of them talking about "my government" which is very irritating. They insist to be referred to by the title "Your Excellency". I must repeat in this House that I only know of two people who I can refer to as "Your Excellency" in this country. They are His Excellency the President and the Deputy President. This is because that is the presidency.

(Applause)

The others are village chiefs in the villages. If we were to devolve resources, let us devolve resources that will be adequate for them to cater for village roads and village dispensaries. But we cannot, for sure, entrust the tarmacking of roads and move the entire

Kenya Rural Roads Authority (KeRRA) or Kenya Urban Roads Authority (KURA) budgets to governors as we have seen. I say this with a lot of pain because even coming up with a simple budget in Kiambu, which is my county, has become a problem. This is because we are simply lacking leadership that respects other leaders who were elected, as the Majority Leader has said.

(Applause)

The hon. Members of the County Assemblies in Kiambu County were not appointed or nominated by the governor of that county, but they were elected by the people of Kiambu. So are the Members of Parliament and the Senator for Kiambu County. Therefore, they cannot be running those counties as if they are anybody's small houses and fiefdoms. We must tell the nation today that our governors must respect the Constitution that the majority of Kenyans enacted in 2010 and the leaders, including the MCAs whom some are arrogantly referring to as councilors. They are hon. Members of those county assemblies and they ought to be respected. This should not just apply to Kiambu County. There are a number of other counties where governors have refused to approve budgets that have been passed and amended. Nyeri and Nakuru counties had issues. We also have Migori where Junet comes from. The other one is Siaya. It is all over the country and I cannot name all those counties.

(Applause)

Hon. Speaker, Sir, it is, therefore, very clear that we are courting a problem with those governors. We have nothing against those governors. It is only that we want them to behave and respect the other leadership in this country. Let them not keep singing about "my government" in Nakuru or in Kiambu. I wish and pray that they could borrow a leaf from the governors for Machakos and Murang'a whom we have seen their action and less talk.

I, therefore, join hon. Junet and Members of this House in telling the Government that it is clear in our Constitution that we have a three year period to implement the devolution agenda that we have. Let us be careful and let us devolve resources slowly and over time as we allow the governors to also create structures that will enable them to absorb functions and be able to deliver services. This is because even if we give them all those services, they do not have the structures and ideas as to what they want to do other than boast about "my government", fly flags and change number plates. This is annoying.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker, Sir, for giving me this opportunity to add my voice to this important matter which has been raised by my good friend and colleague, Hon. Junet Nuh.

Looking at the behaviour of our governors today, this country needs to be very afraid. If you look at the principles that govern devolution under Article 174 of our Constitution, you will find that it is very clear that one of the key objects of devolution of government is to promote democratic and accountable exercise of power which we are not seeing in our governors. Most importantly, it is to foster national unity. However, many of our governors today are behaving as if they are kings.

The other day I was reading - and I hope that it is not correct - that today, there are governors who demand that when they leave their headquarters, the roads are cleared 20 kilometres ahead of them. Where are we heading to if we will go this way? The main reason why Kenyans clamoured for the repealing of the Constitution that we had was to try to bring down the powers of the imperial presidency. However, we are devolving imperial presidency to the counties. I would like to tell this House that it is within us and we know what we need to do to amend the laws. I would also like to tell this House that we represent the people of Kenya while the Senate represents entities. We can talk to our people and we need to relook at the powers of the governors.

If you look at the way devolution of funds to build roads has worked in Kenya, you will find that there are constituencies where roads were impassible five years ago, but they are passable today. This is working because they are being managed at the constituency level. The CDF has worked. Why do we want to give powers to people who are not tried and tested?

Hon. Speaker, Sir, I agree entirely with what has been said here. As a House, we must critically relook at the powers that have been given to the governors by the Constitution. The other day, I heard of a governor who had attempted to post an envoy in a foreign country.

(Laughter)

To me, that is a treasonable offence. Where is this country going? I want to agree with the Leader of Majority Party. Are we creating warlords or people who will devolve services to the people? The principle of devolution is very clear. It is to give services to the people. The people are supreme but we are seeing the supremacy being snatched by the governors. This must be objected to.

I want to speak here, and I am also to blame because in the county where I come from, we literally pulled a person from bed and made him a governor and he cannot prepare a budget today. We hear that he has done this as if he is the only person in the county. Kenya, first and foremost, must remain a unitary state. If we allow governors to go ahead with their wayward ways, I am afraid, we are going to have 47 countries in one country and that cannot be good for us.

I thank Mr. Nuh and my colleagues. I want to urge our colleagues here, we are the National Assembly of the Republic of Kenya and we represent the people of Kenya. There is something wrong with the structures and the powers we have given the governors. It is upon us to look at those powers. This obsession with titles, what difference does it make if I am called "His Excellency" or if I am called "Eng. Gumbo?" It is nothing! I am told if you address the governor as Mr. Governor, some get offended. That you must start with "His Excellency the Governor." His Excellency from where? Is this what we voted and sacrificed so much for, in bringing a new Constitution?

My colleagues, I urge you, when it comes to matters that are affecting all of us, let us come together, let us relook at those powers. Are we doing the right thing? The intention is good, but have we put it in the hands of the right people? I am afraid, the answer may be no. There is chaos all over the counties. Even a simple budgeting cannot be done, and yet every time they fail, they want to blame it on this House. This House brought CDF which has produced results for Kenya; we do not have to prove anything to

anybody. We have performed and we are performing, let the other House also prove they are performing by enacting the correct legislation so that money can go to our people, not to the governors.

Hon. Speaker, I thank my colleague and I thank you for letting me raise my voice on this debate.

Hon. Speaker: So many of you have put in request that we limit our contributions to three minutes?

Hon. Members: Two minutes! Three minutes! Two minutes!

Hon. Speaker: Three minutes. Hon. Dido, take the Floor.

Hon. Dido: Thank you, hon. Speaker, Sir, for giving me this opportunity. I also wish to thank hon. Nuh for raising this very important matter.

I think if anyone has doubts in this country, he must read the Constitution, Article 95 (1) and (2). If they read those two Articles, it will be very clear in their minds why we represent the people and why we should talk with passion.

When the new Constitution was passed by the people of Kenya, they were very clear in their minds that what they wanted is services. One of the good things with that Constitution is devolution. But what we are saying is that with the new Constitution, we have knocked down imperialism from the top. As a process, we see that imperialism has gone to the grassroots, therefore, what we see as representative of the people is that services are not likely to be delivered.

Hon. Speaker, in the olden days, we knew which doors to knock. But once resources have been devolved, and they go to a single bag and they are kept by an individual--- I think as the National Assembly, if we just sit here and send accolades to the governors, we will be doing a big mistake and we will not be serving our people. It is this House that passed CDF, Acts like that of KeRRA, REA *et cetera*. Through the efforts of the hon. Members of this House, they have been seen to be effective and have worked. If those things have worked, and we are going to devolve to an entity that you do not know if those services are delivered then---

Hon. Aburi: Ahsante sana mhe. Spika. Nilikuwa nafikiria kwamba ni jamii ya Wameru tu imeumia. Hiki ni kitu cha kushtua sana. Ukweli wa mambo ni kwamba, mwaka wa 2018, hakuna Mheshimiwa atarudi hapa. Ikiendelea vile ilivyo, hata Rais wetu, Uhuru Kenyatta, hapati kura. Ni kwa nini?

Juzi nilisikia sauti kwa kipasa sauti ikisema: “Mhe. Rais! Karibu Rais wetu mpendwa!” Nikashtuka na nikajiuliza: “Kwani Uhuru amekuja kwangu bila kunijulisha?” Mhe. Spika, kama nitakuita Rais, Uhuru Muigai Kenyatta akija kwangu, nitamwita nani?

Naomba, kama inawezekana, kwa sababu Bunge ndio ngao ya nchi yetu, hayo mamlaka ya gavana ni kama *side mirror*. Tutasema tuendeshe gari bila *side mirror*? Kwa nini ninasema hivyo? Ukiangalia zile pesa ambazo wamepewa, ni kama kuchukuwa mtoto mdogo na umshindilie ugali na maharagwe. Hiyo ni kumpasua. Hizo pesa ni shida. Huko kwetu Meru, ukikutana na gavana, mtasimamisha magari kwa muda wa masaa mawili mpaka apite. Tukiuliza ni nani anakuja, tunaambiwa ni gavana.

Bw. Spika, tuna taabu ya kutosha.

(Laughter)

Wakati Wabunge walisimama kuomba kura, kama Kabando wa Kabando alienda kule akasema: “Mkinichagua, nitawaletea maji, nitatengeneza barabara, ile maji ambayo imevunja akina mama mgongo nitaleta hapa, ile hospitali ambayo haina dawa na ile zahanati nitaleta hapa---

Hon. (Ms.) Leshoomo: Ahsante sana mhe. Spika kwa kunipatia nafasi hii. Nafikiri mambo kuhusu gavana, ninaona kwamba ni sheria ambayo haikuwekwa sawa sawa. Kwa ukweli, kila mtu anafikiria ni kwake pekee kuna shida, lakini ni kila pahali.

Kitu cha kwanza, tuna First Lady mmoja tu; Mrs. Uhuru Kenyatta. Lakini kule ukikuta gavana anasema: “First Lady wangu yuko hapa!” Sijui nani wangu ako hapa. Kwa hivyo, ningepomba tujaribu tuangalie sheria ile inaweza kusaidia Kenya yetu. Kama Katiba haikuangalia pande zote, ni afadhali iletwe Bunge tupitishie yale mambo yatasaidia Kenya. Mambo kuhusu gavana ni taabu. Tunajua Rais ni mmoja na First Lady ni mmoja. Hatujui mwingine.

Hon. Mule: Thank you hon. Speaker, Sir. This is a very serious matter and as a House, we need to be above board. If we must, then we should do away with those governors completely. This is because those guys are just squandering public funds. They have been given money and they are not using it to benefit the common *mwananchi*.

You can imagine a governor is sleeping in a hotel paying a hotel bill of Kshs25,000 per day as if he does not have a house. They are allocating themselves cars; they are looking for titles. I want to urge this House; the lawyers herein, please, hon. Stephen Mule wants to sponsor you for a retreat. We will go and relook at this law; bring it here and place those fellows where they belong.

This is because as the august House, we cannot just talk. Hon. Shebesh, we need to get the tools, come up with the law, deal with those governors and they can go. If the Kshs210 billion allocated to governors was divided amongst hon. Members here through the CDF today *utapata barabara zimejengwa*. It is crazy! I want to urge my colleagues--- Hon. Junet Nuh, we need to sit down, relook at the law, bring it here, implement it and ensure that we tell those guys once and for all and they can go hang! We do not need them. If you give---

Hon. Member: Thank you, hon. Speaker, Sir. I thought that in Kenya it is only the Head of State who is supposed to have an ADC. I am surprised that recently, when I attended a function where the Governor was present, there was a very huge fellow standing behind him as an ADC. So, I was wondering, “*Kwani Uhuru amekuja hapa na ADC wake?*” So, I would like to insist on what I have been saying that some of those fellows think that they have got a lot of power. I want to remind them that theirs is simply a consolidation of the mayor’s and the town clerk’s powers. So, they are simply glorified town clerks.

With regard to funds from KeNHA and KURA, we cannot compromise service delivery for money to be taken to some of those counties which are highly indebted and so, they will not be able to provide any service for the next, maybe, five years. I would like Parliament to seriously think of a way of amending the law so that we do not have 47 new presidents all over. I met one in a motorcade in Westlands. I was forced to stick in traffic for more than 10 minutes. I was wondering where our President Uhuru was going to, only for me to realize that it was another governor from North Eastern Province. So, you can imagine if they all came to Nairobi---

Hon. (Ms.) Ng'ang'a: Thank you, hon. Speaker. Just the other day, the governors were saying that we do not want to give them the money that they were asking for from the national Government. They insisted that they wanted Kshs248 billion as opposed to the Kshs210 billion that we released to them. They were convincing the people at the grassroots that the Government was not willing to allocate money to them. The other day, I heard them say that they are going to collect signatures. I dare tell them to try. I dare tell them to ask people at the grassroots whether they want them. The first thing that will happen is that they will be chased away from those counties because of the way they have been treating people at the county level.

In fact, they said that they wanted money for development and yet, we hear that they want Kshs58 million for entertainment. I can quote this for the case of Bungoma. In Kiambu County where I come from, they want Kshs1.4 billion to build the governor's house. If that money remained within the national Government, we would be having many roads constructed at the grassroots. I went through their budgets. They say that they want this and that. I wonder if they will be in a position to give hospitals medicine if all they are planning in their budgets is to get money for houses, entertainment and so on. At this rate, the governors do not have targets. Ask them what their roadmaps are and they will not tell you.

Hon. Ochieng: Thank you, hon. Speaker, for giving me this opportunity. In fact, hon. Junet Nuh has done us a lot of good service. This is something that has been affecting every Member of Parliament. Those people are not actually offering the services they are supposed to. They have become small kings. They are clan kings. We have seen them bring their relatives and even terminating very sensitive agreements. We have seen them do things that a normal person would not do.

We need to look at their roles afresh. As somebody has just said, if you go to the people today and asked them whether or not they want the governors, they will tell you that they do not want them. So, if we went out there to collect signatures to change the law, I am assuring you that we will succeed tenfold. I appeal to this House to return the budget to the Transition Authority. It was removed from it and I think it is destructive.

The other thing is that I would like to appeal to the President to ensure that the counties are ready to run as they are supposed to. All the powers and functions have been released to them when we know that they are not able.

Hon. Member: Mhe. Spika, shida kubwa ni kwamba Bunge hili halijatengeneza sheria nzuri za kuelekeza magavana katika kazi zao. Vitu vingi vinavyofanywa katika makaunti vinafanywa kiholela tu. Hakuna sheria ya kimsingi ya kuwaelekeza magavana katika kazi zao.

Tazama mambo ya barabara. Kuna sheria inayoitwa Kenya Roads Act. Hakuna sheria nyingine. Hii ndio sheria inayoelekeza jinsi mambo ya barabara yanafaa kufanywa. Bunge hili halijapitisha sheria nyingine. Tunaomba kwamba magavana na hata mawaziri wafuate hii sheria. Hakuna sheria ambayo inamwidhinisha Waziri wa Fedha kupeleka pesa kule kwenye kaunti. Hatujaunda sheria ya kusema kwamba pesa hasa zile za KeRRA zipelekwa kwenye kaunti. Sheria iliyoko inasema kwamba pesa za KeRRA zitapelekwa kwenye maeneo bunge. Hilo halifanyiki sasa. Ndiposa tunasema kwamba magavana na Mawaziri wafuate sheria. Iwapo hawatafuata sheria basi waende nyumbani na tutafute wale watu wanaojua kufuata sheria.

Hon. (Ms.) Munene: Thank you, hon. Speaker for giving me this opportunity to say something about the governors. I am very sorry for them. When they went round seeking votes, they said that they were going to serve the people. We passed money here for them, but they went round saying that we had not passed the money. The governors are just thinking about their big cars as if they have never seen a car. They think about big houses. Why can they not think about the people? When doctors and nurses said that they do not want their money to be taken to the governors, I think they were clever than us. They said that they would not be paid if the money was taken to the governors. This is because governors want to entertain their friends.

We must define powers. The roles of the President and the Deputy President are defined. There is a flag for the President. I am very sorry that when governors pass us on roads, we think it is the President passing. Why can they not be given their county flags? As the National Assembly, let us pass that they be given their county flags instead of the national flag. If we are not careful, we are going to fight.

Hon. Member: Thank you, hon. Speaker. I would like to thank hon. Junet for raising this issue. Indeed, when we passed the new Constitution and went for devolved governments, we were not devolving powers of the President. I am wondering why the President was so lenient to even have allowed them to use number plates which are going to make the people confused. That is because when we are at the counties, people really mistake them for the President. The motorcades that they are using to cruise at the counties are causing confusion. Unless this matter is checked, we are going to have problems very soon in this country. Indeed, we were devolving revenue and development when we went for devolved governments. The governors should toe the line. They should look at the Constitution and adopt the powers that are given by it. The law is very clear and it is good. It is them who are not obeying the law. I think, as a House, we can make sure that the Constitution is adhered to even by the governors.

Indeed, when the county representatives are in the counties, they do not know that they are supposed to play the oversight role. I think it is high time one of the relevant committees here called those MCAs---

Hon. Gikaria: Thank you, hon. Speaker. Let me also thank Junet, who is my friend, for bringing this issue as regards the governors. But, at the same time, recently in our Committee on Administration and National Security, hon Keynan came up with a proposal to amend the National Flag and Emblem Act so that we can understand who is supposed to use a flag. I think the only noble thing we can do in this House, other than just talking, is to try and change that law, so that we can put up some legislation that can guide us and give us the direction that we are supposed to take.

Secondly, today I was reading in the newspapers – and I want to thank the Controller of Budget. She has made it very clear that she is not going to give out funds for purposes for which they are not meant in the county governments. We need to support her, so that she can only give monies that are supposed to be used for purposes of county functions. Recently, we had a crisis in Nakuru. I remember on 1st June when I went to the stadium for the Madaraka Day celebrations, I was heckled by a few people because I tried to talk about the governor and his MCAs. But I want to say that it was only through the intervention of the President recently that peace was restored in Nakuru. I want to thank the President. He interceded when he came to open the agricultural show, for us to be able to--- I want to thank him for bringing some sanity.

Recently also, in the---

Hon. Momanyi: Thank you hon. Speaker, for giving me a chance to contribute. I am happy that Members of this House have, at the end of the day, seen the light. Indeed, we have serious issues with the governors. You find that they are calling themselves: “Your Excellency; His Excellency”, everywhere. We should preserve that term for our President. Everybody is using it everywhere, even in the streets. That is a title which is supposed to be used very, very sparingly. Tomorrow, you will find me calling myself “His Excellency Ben Momanyi”. It appears like you wake up in the morning and call yourself anything. So, indeed, it is a very serious problem. It is important that the relevant committee – like some of our colleagues have said – comes up with legislation so that this country can be governed.

Hon. Speaker, Sir, on the motorcades we are talking about, we thought we gave money to the counties so that our people can benefit. But, as most of my colleagues have said, traffic is a problem. For instance, if the Governor for Nairobi is going to Narok, why should he fly a flag? Who is he governing in Narok? We have a Governor in Narok. Therefore, we should have flags for particular counties. Actually, in the real sense, the governors that we have and the jurisdictions which they run today is exactly the same that county chairmen and mayors were running. Therefore, the chairmen and mayors were flying their respective flags.

Hon. Member: Thank you, hon. Speaker, Sir, for giving me a chance to contribute to this very important Motion and say that, as a country, we have what we call national symbols. We have the national flag; we have the coat of arms and we have the President. The President is a national symbol in this country. There are those aspects that make the President to be a President. Some of them are like the title: “Your Excellency”. So, what we are doing now as a country is actually diluting the presidency by giving that title to other individuals in the country. So, what we wanted as a country was to devolve the country, but not to devolve the aspects that make our national symbols. There is a governor who wanted to post ambassadors for his own county. If you are not careful, the same thing will happen. We should be very conservative when we use the titles. Actually, if you go to the ground, even MCAs are calling themselves “hon. Members”. You see! So, we are starting to dilute the aspect that gives us titles. I want to say this: We have 47 governments currently. If we are not very careful, we are going to have 47 countries in one country. That is because every governor will make his own budget – the way they are doing. They will start drifting towards their own direction. In the Constitution, we are supposed to be a unitary country.

Hon. Member: Thank you for giving me the opportunity to contribute to the matter raised by hon. Junet. This august House must enact legislation that will govern the way people conduct business where they are charged with the responsibility to serve Kenyans. I detect that there is a silent war between governors and Members of the National Assembly, Members of the National Assembly and Senators and even between the Members of the National Assembly and MCAs. Indeed, it is a concern to all of us because every governor wakes up and decides to do what he or she wants. In some counties, I see long motorcades running after the governors and I wonder whether the money that is used to run those vehicles belong to this country. Who sanctions the use of that money? We should be concerned that our resources are mismanaged in the name of devolved governments.

I agree with my colleagues that it is high time that we, as a House, discussed this matter and charged the relevant Committee of this House to come up with a report.

Hon. J.K. Bett: Hon. Speaker, Sir, I also want to thank you very much for giving me this opportunity to contribute on the role of governors. I just want to ask Kenyans the following question: Between CDF and county governments, which is the best form of devolution? Which money reaches the ordinary *mwananchi* most? I also want to ask the governors that when they are given the money, who told them they must buy 10 Prados for the 10 executive officers at once? What can they not buy them in phases? I want to challenge the governors. I want to join my colleagues in saying that we should not use names just anyhow - names like “Your Excellency” and “First Lady”. We know the people who should use them. I want to challenge the governors that they should use the funds prudently for the benefit of *wananchi*.

When we were looking for votes, we said that we were going to construct roads, build bridges and construct hospitals. Why are they giving priorities to things like vehicles? I want to support my colleagues that we should be prudent and see that the money is used prudently.

Hon. Ng’ong’o: Hon. Speaker, Sir, I appreciate the debate that is going on. First of all, devolution is here with us. It is something that we cannot do away with, unless we go for a referendum and do away with the devolved system of government. All the Members are in agreement that, that is not the route that we want to go. But at the same time, it is very much in order for us, as leaders, when we see possible misuse of resources, we must point it out. We should be understood. I know that when you discuss matters like those, later it will be interpreted to mean that the National Assembly is fighting governors and devolution. That is not our intention. Even if we talk about those things, we talk about them because we, as other Kenyans, are concerned.

The talk about Ksh210 billion for example, being not sufficient, truly, it may not be sufficient in the long-run but if that money is well utilized in the first year, it is sufficient. We did not budget for wastages through purchase of what hon. Bett has just talked about - of Prados in one year. We did not budget for the construction of the governors houses in one year. It cannot even work. Even the Vice-President’s house had to take many years. We did not budget for the construction of huge offices for governors and the county governments in one year. We want to speak to the governors and remind them that all functions, and this is something that we need to address with a lot of soberness, in the Fourth Schedule, the governors have fought for them to be devolved in one year even though Article 15 on Transitional Clauses gives us three years. I want to give an example---

Hon. Speaker: Hon. Mbadi, your three minutes are over.

Hon. Ng’ong’o: Hon. Speaker, Sir, allow me an extra minute.

Hon. Speaker: Then it will be deducted from the next speaker?

Hon. Members: No.

Hon. Speaker: Well, since we are a House of rules and procedures and we agreed to take three minutes each, you must end there.

Hon. Sakaja: Hon. Speaker, Sir, if you deducted that minute, it would be from me, but I can say something similar to what hon. Mbadi is trying to say. There is need for an urgent national discourse on this matter of devolution. Indeed, it is there and it must be implemented. When Kenyans passed the Constitution, the highlight of the Constitution

was devolution. But what is happening is not what Kenyans wanted. The principles of devolution are not understood and are not being adhered to. Governors and such players are only focusing on the money that is coming to them. Of course, spending has nothing to do with priorities. But if we look at the principles that govern devolution, the biggest and most important thing is devolving power and finances, so that Kenyans can prioritize what they want in their respective counties. That is because in a centralized system, “one size fits all” approach does not help Kenyans.

If we ask ourselves how many Kenyans have been involved in the budget-making process in the counties, I think they are very few. If we ask ourselves how many Kenyans have said that they want to see big houses for their governors and vehicles, there are none. If you look at the principle of subsidiarity, which governs devolution, it says that a service is best offered in the smallest area compatible with the benefit area. That is why we have devolution. The first thing the governors should have thought about is their expenditure responsibilities, their functions, what they can do in the first year and what they can stagger. Secondly, which other ways can they raise revenue in those counties? The third principle is the money that comes from the national Government, which should be supplementing their revenue.

Hon. Member: Thank you, hon. Speaker, Sir, for giving me an opportunity to give my views on this issue. Devolution will only be meaningful if it reaches the lowest person possible in the village. I am grateful that this concern is being shown at this early stage, so that should there be cases of those who might be tempted to overstep, they will be hearing from us as early as we are doing now.

The best model of devolution has been shown through the way the CDF has been handled and it has worked. I am aware that there are some governors who would have wished that even that CDF is given to their offices for them to manage. We have been saying this very clearly and strongly that, that will only happen over our dead bodies. We will resist that to the end and this applies to the road levy funds. Those must continue to be administered at the constituency level and we shall, under no circumstances, allow that to be handled by the governors. I support devolution and I want to assure our people in the counties and the governors that we fully support it.

Hon. Kabando wa Kabando: Hon. Speaker, Sir, I think the question at hand is very critical. It stems from the fact that people do not appreciate what they are supposed to do. We have the Transition Authority which has its mandate. It has indicated what is supposed to be accomplished in the next three years, but we want to achieve everything in the first year.

We are now doing a propaganda campaign that the national Government and the National Assembly are frustrating devolution and yet, we have given 34.6 per cent of the revenue. That is more than double of what is deserved.

We urge the Controller of Budget not to release monies that are misdirected. If the county assemblies are not satisfied – those are elected hon. Members of the County Assemblies--- We have counties without cabinets and governors are resubmitting the same names because it is like they are dying to have their relatives and their friends nominated. That is nepotism and favouritism. Therefore, this House urges, and I am personally giving an opinion that the Controller of Budget should not release money to build a Kshs1 billion residence and buy 10 or 15 vehicles. That is the case and yet, the governors inherited the municipal councils. In some counties, you have two

municipalities namely town council and county council. Those local authorities had vehicles, most of which were bought in the last three years.

(Applause)

They do not want to use the vehicles of the mayors, the chairmen and so on and so forth.

Hon. Speaker, Sir, many of us are very proud even on the position you have taken on the issue of the leadership of this House. That is across the House---

(Technical hitch)

Hon. Speaker: Hon. Members, it is not that I want to demean those other Members who have pending requests. As it is, I appreciate that Hon. Junet has raised a matter of great moment. This matter goes to the core of the real functions of Parliament. If we go historically and in sequence, we will find that devolution is not a choice. A clear reading of Article 6(2) will leave everybody in this country and, indeed, even visitors in no doubt that this country has two levels of government. That is the national Government and the county governments.

The National Assembly has also played its part in the budget-making process of the Republic of Kenya, in terms of Article 218, by passing the Division of Revenue Act. It is clear, therefore, from that Act that a sum not less than Kshs210 billion has been allocated to the second level of the Government of the Republic which is the government of the counties. The balance of the sums that the Cabinet Secretary in charge of National Treasury came up with has also been allocated by this House to the national Government. It, therefore, means that Parliament through the Parliamentary Service Commission, has a budget and can operate. It also means that the National Executive has a budget and can operate because this House also passed the Appropriation Act, 2013, authorizing expenditure or withdrawal of funds from the Consolidated Fund. It also means that the Judiciary, which is part of the national Government, also has a budget from which to draw money for its services. The issue is if the Bill or the law that would allocate money to the counties remains a Bill for more than 30 days--- Hon. Members, I invite you to go and look at Sections 42 and 43 of the Public Finance Management Act. Hon. Mbadi who is around can confirm that if you have a public Bill especially that Bill – and in terms of our Standing Order No.234--- If we publish a Bill and it remains a Bill for more than 30 days, then it may easily find itself in the dustbin. It is for that reason that I have felt that hon. Junet has raised an extremely fundamental issue. It was necessary that the House expresses itself so that the country knows who is working and who is not working.

(Applause)

The National Assembly has played its part in the budget-making process. Several Bills are on the way into this House as we were told earlier on. I am sure that the House will rise to the occasion because we must do what we must and leave the others to do what they do best. Therefore, I want to thank hon. Junet for raising this matter. I also thank you, hon. Members, for your contribution and views. I am sure that they are not in

vain. Those who may have been keen to listen to what hon. Members were saying must have taken note that this House means business.

Thank you, hon. Members.

(Applause)

Hon. Ng'ongo: On a point of order, hon. Speaker, Sir. There is nothing really to emphasize on what you have said. This is because you have eloquently and elaborately mentioned what should be done. However, there is something that I wanted to point out because it has been spoken to many times and it is in public domain. I have heard people raise concern that now that the County Allocation of Revenue Bill has not become law, is it legal to give money to the counties? I just want to point out, maybe, not for your ruling but for Kenyans out there to have a discussion on this. This is because we have been misunderstood many times.

In my view, Article 224 of the Constitution is very clear that the counties can go on, do their appropriation and proceed without the County Allocation of Revenue Bill. If you ask me, I will tell you that the County Allocation of Revenue Bill is really downplayed by this Constitution. I would like to read out Article 224 of the Constitution. It says:-

“On the basis of the Division of Revenue Bill passed by Parliament under Article 218, each county government shall prepare and adopt its own annual budget and appropriation Bill in the form, and according to the procedure, prescribed in an Act of Parliament.”

Therefore, given the fact that the County Allocation of Revenue Bill is not in place but the Constitution only talks about the Division of Revenue Bill, my view is that our counties can function as we sort out our issues with the Senate. I got an opportunity because I have heard people say that without the County Allocation of Revenue Bill, the counties cannot do the appropriation. But that is not what is in law. In my view, the counties can proceed as long as there is Division of Revenue Act.

Thank you.

Hon. Speaker: Of course, they do that in accordance with the laws passed by the House. Hon. Members, you know that the last Parliament passed the County Governments Act, the Inter-governmental Relations Act, the Transition Authority Act and many other Acts to which anybody can make reference to and, of course, the Constitution as rightly pointed out by hon. John Mbadi.

Can we move on to the next Order so that the hon. Member who has a Motion can move it?

Hon. Njomo: Hon. Speaker, Sir, before I move my Motion, I would like, on my own behalf and on behalf of the people of Kiambu, to send my condolences to the family and the loved ones of the late hon. Chelagat Mutai. I would like to say that this is a loss for our country and we recognize the role that she played in order for us to be where we are in terms of democracy. It is my prayer that God will rest her soul in eternal peace and that He will give courage and strength to her family to bear the loss. I hope that the late Hon. Chelagat will remind us of the responsibilities we have to remember our heroes when they are still alive. I remember Bildad Kaggia died a very poor man despite the role

he played for the Independence of our country. We also know that Kenneth Matiba, a hero for Kenya, is ailing and we have almost forgotten about him.

It is my hope that the life of the late Chelegat Mutai will be a lesson to us as a country.

[The Speaker (Hon. Muturi) left the Chair]

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

MOTION

EXPANSION OF INDUSTRIAL TRAINING LEVY FUND TO INCLUDE SMALL AND MEDIUM ENTERPRISES

Hon. Njomo: Hon. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that the Industrial Training (Amendment) Act, 2007 provides for the submission of levy for each employee by the employer to the Industrial Training Levy Fund to facilitate the training of persons involved in the industry; concerned with the increasingly high number of apprentices engaging in drug and alcohol abuse after the programme due to lack of employment; noting further that the youth continue to have limited access to training and employment opportunities, this House urges the Government to enforce compliance with Article 55 of the Constitution and Vision 2030, in regard to the youth by expanding the structure of the Fund to include SMEs and setting up a Fund for the purposes of utilizing part of the Training Levy Fund to provide capital for the apprentices who have undergone instruction using the Training Levy to start businesses.

Hon. Temporary Deputy Speaker, the economic growth of any country is dependent on the strength of its workforce. Our country is like a rally car raring to go. Our rally car, model Vision 2030, as I can envision it, is driven by His Excellency the President of this Republic, Hon. Uhuru Kenyatta and navigated by his Deputy, His Excellency William Ruto. But that vehicle needs to be fuelled and the fuel of that car is the strength of our workforce. If we do not have a strong workforce, we will not be able to finish the race. The purpose of our race is to industrialize our country. That is how we shall win the race. This will result into economic growth, we will increase employment, and our Gross Domestic Product (GDP) will go up.

Hon. Temporary Deputy Speaker, before the *Nyayo* Era, we only had one University of Nairobi and this is the university that was providing graduates for our country. If there is one thing we have to thank President Moi for, it is his engagement and work on the education system of our Republic. It was during his time that the number of our universities increased. That is why, today, we have so many graduates in our country. That is why we have sharp decision-makers in our country today and that is why we are able to move forward in our country. That is why things are being invented in our

country, like the M-PESA service which was invented in this country. That is because people have received good education from our universities.

Hon. Temporary Deputy Speaker, that is why even the Jubilee Government is able to come with a very good manifesto that will move this country to the desired level. That is because we have sharp minds and people who are well trained in our universities. That is why we are able to conceptualize and look far much ahead and to see that our children need to have digital education and thus, we provide them with laptops in their schools so that they are able to learn. They will not be scared of technology later in their lives. We will have people who are well trained in the universities and they will be able to make decisions and see how the future will be.

Hon. Temporary Deputy Speaker, I must say that the Higher Education Loans Board (HELB) has played a very key role because it gives loans to students to pay for their tuition and buy books. It has an elaborate system of recovering that money from the students when they are employed.

I must also say that there is a good system in the entertainment industry, the hotel and catering levy systems, where hotels pay a certain amount of money to a fund so that they can get good training for their staff. That is why, today, the hotel industry in Kenya is one of the best in the world. If you go to the good hotels in Kenya, the service and the treatment that you get and the quality of service is as good as in any other country. That is because we have the best training in the hotel industry. Many African countries bring their students here to learn how to take care of their hotel industries. That is because we have a good system in our catering industry.

However, we have failed in our institutions such as polytechnics, technical training colleges and vocational training centres. We do not have a system that is well taken care of to train our technicians and students who are not able to make it to the universities. We are not able to train them adequately. That is why there has been a lot of desperation in our middle class youth. There has been an increase in crime, drug and alcohol abuse. That is because there is a middle section of our society that we are not taking care of. They are desperate. They know there is something that they can do, but they are unable to do it. They know that if they could get money to pay for their tuition and to learn trades, they can be more useful. But they have been unable to do it and they do not know where to go.

Hon. Temporary Deputy Speaker, that way, we have contaminated the fuel and our rally car cannot move. We must put measures in place to make sure that we take care of middle class citizens; children who are not able to make it to the universities. We must find a way of helping them because, to industrialize, we will need them. We will need the technicians to attain Vision 2030.

We shall need our masons and carpenters to build homes and industries. We shall need our electricians and electronic engineers if we have to make our Konza City a success. We need to have power men if we have to supply power to all the areas in our country, in order to attain the dream of Vision 2030.

Hon. Temporary Deputy Speaker, we shall need secretaries and computer operators, services that are not offered in our universities, but in our tertiary institutions. We shall have laboratory technicians, painters, mechanics and all those categories of people and we need to train them. If we do not do that, we shall continue to import

toothpicks and matchboxes. We shall continue to import everything that we need because we will not be able to produce them.

Hon. Temporary Deputy Speaker, the Industrial Training Act, Cap. 237 as was amended in 1978 gives a provision where an employer is supposed to pay a levy of Kshs50 for each employee in his institution and that money is put together in a fund known as Industrial Training Fund, which is used to reimburse employers who conduct training of either new employees or who pay for the training of employees in their organization to improve their skills. That fund has been there since 1978. Up to date, there are only 16,000 registered contributors; those are companies and employers who contribute to this Fund. This is about a third of the qualified contributors in this country. Why is this not a successful scheme?

This is because the authority that is supposed to monitor this Fund is not properly funded. There was an amendment to the Act in 2007 which gave birth to the National Industrial Training Authority (NITA). This institution is supposed to run the Industrial Training Fund. It is supposed to reimburse the employers who have trained their staff and also link the trainees to the employers. NITA has been host to the industrial training attachment portal which is a platform under which all employers who have requirements for trainees put up requests and all the trainees who need attachment also put their requests on this portal. NITA then links up the two. This could be very successful, but the participants are few. It is because it has not been marketed properly and so it is not known to many. I am sure that many Members of Parliament here are not aware of the existence of NITA.

This is one area that we need to promote and support. As much as we have many people trained in the hotel industry, we also need to have so many people trained in different trades so that by the time we attain Vision 2030, we shall have enough technical staff to run our industries and factories. Already, there are people in the private sector who have started similar schemes. The Kenya Private Sector Alliance (KEPSA) recently started a similar project where they recruit trainees and offer them life skills using different companies. They are offering life skills because many of our youth are not responsible and they have got into drinking alcohol. That is why KEPSA decided to start with giving them life skills so that they can redirect their lives.

After the life skills, they are offered trade skills. After trade training, they are offered attachment. This is because NITA has not been able to do the same. It is faced with a lot of challenges. It is unable to enforce the Act which requires that every employer must contribute Kshs50 for every employee. Many employers have given a false number of their employees so that they reduce the amount of money they are supposed to pay. Others have literally ignored the law and they do not contribute at all. Unfortunately, NITA has not been able to enforce this part of the law because it is not properly funded. In fact, it is operating at one-third of its authorized capacity. I believe that if NITA was adequately funded, it would be in a position to enforce this.

Hon. Temporary Deputy Speaker, the amount of Kshs50 per employee is too low compared with the amount of money required to offer technical training in Kenya. I know there are hon. Members here who have children in colleges or technical learning institutions. For an institution with 100 employees, the employer will give out Kshs5,000. This amount of money is not enough to offer training for even one member of staff. This

money needs to be raised. Many companies are not contributing and so, we need to enable NITA capture many organizations that have come up.

A lot of business in this country is being done by the small and medium enterprises. Many of them cannot be captured by NITA because it does not have the capacity. The levy of Kshs50 was imposed by an amendment to the Finance Bill in 2007. This makes it look like a tax on the employer. It becomes difficult to change it under the Industrial Training Act. We need to change this. The levy by NITA should not get force from the Finance Bill.

There are inadequate attachment positions for our students once they finish training. It is my hope that when we introduce a Bill on this, we shall be able to give NITA more authority. We will also urge the Government to provide attachment places for all the trainees. If we do not do so, we shall have half-baked technicians, that is, those who only know of theory. You can learn how to dismantle and assemble the engine of a car, but unless you do it in practice, you cannot be called a mechanic.

Hon. Temporary Deputy Speaker, soon I will be tabling a Bill which will seek to adequately fund NITA. It will seek to enable the same organization to increase its number of contributors so that the Fund can have money to train more of our technicians. The Bill will seek to allow NITA to collect levy and impose stiffer penalties on those who fail to contribute. In the same Bill, we shall require that for any contractor to offer services or supplies to the Government, they will have to be registered with NITA. This will enable the Fund to have more money which it will use to train more and more staff. It will also remove the control of the training levy from the Finance Bill to the Industrial Training Act. The Bill will urge the Government to provide more attachment places to our trainees so that they are able to manage their businesses properly, and not like governors are running the counties in an imprudent way. I have witnessed this happen. Those are people who were begging people for votes and now are moving about with police battalions to protect them.

With those few remarks, I beg to move and ask hon. Eng. Gumbo to second.

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Gumbo, you have 10 minutes.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I wish to start by thanking hon. Njomo who has got a technical background, for thinking about our youth and bringing this important Motion. In any society, the importance of youth cannot be gainsaid. That is why in our Constitution under Article 55, it is stated clearly that the State shall, and the operative word is “shall” take measures, including affirmative action programmes to ensure that the youth access relevant education and training. It also states that the youth shall have opportunities to associate, be represented and participate in political, social, economic and other spheres of life in addition to accessing employment. They are also protected from harmful cultural practices and exploitation.

Hon. Temporary Deputy Speaker, much as we recognize the role of the youth, the biggest problem in our country today is youth unemployment. Yet, I dare say that it is not impossible for our country to engage our youth productively. A population that is just about 40 million is comparable to the population of several metropolises in the developed world which are managing very well. But it is true that countries which have taken steps to look after their youth have seen a lot of improvement in their economies. Here for instance, I have in mind countries which just 50 years ago had lower GDPs than Kenya,

but they invested in their youth and today while we are fighting to look for employment for our youth, in some of those countries, they have managed to reduce unemployment to as low as 2 per cent. It is possible and it can be done. Therefore, with this Motion, I hope we can take the cue and progress it forward into a Bill so that we are able to engage our youth more productively. By engaging the youth more productively, we are actually increasing the productivity of the nation. There is a lot of hope even as we engage in this process. There are thousands of youth all over Kenya who are very creative. I remember few years ago there was a young man from Nyeri – and I stand to be corrected - who had never gone beyond Standard VII. He was able to make a radio transmitter, he even moved ahead to make a television transmitter and I think for a time there was a television station which was broadcasting from Machakos in a rundown warehouse called Uwembo Television Station. I could be wrong, but I remember that young man with a lot of nostalgia. The problem in our country has been that when we see this productive youth, instead of supporting them, we ridicule them. Recently, there was a young man in Kiambu County who was attempting to make a helicopter. Instead of the Government coming forward to help him, he was declared a threat to the security. A few years ago, there was a similar young man in Trans Nzoia who was also trying to make a helicopter. Again, he struggled. I remember there was a day he promised the whole nation that his chopper would fly and television crew went there. I do not know what has happened to him. As an engineer, I want to say that in the case of the young man from Kiambu County, I am very pleased to report that our association; the Association of Consulting Engineers of Kenya, at least, went out of its way and bought the young man a motor bike to be able to earn a living so that he can incubate what is in his mind. Those are the things that we need to do. As we do that, I thank hon. Njomo more sincerely.

Our education system must be able to evoke curiosity in our youth. Our education system must be able to be one that encourages our youth to think beyond the box and to be able to discover. Our education system must be able to train our youth to always ask why something is happening. If we were not able to ask the “why” question; if we were able just to be contented with what we have, this world would have stagnated. The Kenyan youth must be encouraged to dream and be assisted to dream big. It is because of dreaming big that the Wright brothers were able to invent the airplane. It is because of dreaming big that as an Electrical Engineer, I am proud to say that people like Michael Faraday and Nikola Tesla were able to change our world. Today we are speaking here, thanks to the wonders of alternating current. Those fellows were assisted and they were allowed to dream big. It is because of dreaming big that today we are enjoying the services of automobiles. We remember Henry Ford who never had formal education but was encouraged to think and dream big.

Even in our own country, it does not have to be in the area of technology. The likes of Thomas Joseph Mboya with their limited education were able to dream big and construct in their minds a future for this country and that is how we were able to overcome some of the difficulties. People may deride him, but I want to declare that personally, I admire some of the things that he has done. People may deride President Robert Mugabe of Zimbabwe but personally, I admire what he stood for those years. It is because of that, that I dare declare here that my last born son is called Robert Gabriel Mugabe Gumbo. I am very proud of Mugabe, not the current one but the one before. He was able to take the Zimbabweans to another level because of his dreams. What he did

with that dream is another problem all together, but we must allow our people to be able to dream.

I thank hon. Njomo for looking at the technical training for our youth because we have had a problem in this country where we tend to be obsessed with university education. Most of us, prior to coming here, were employers in their own right. Sometimes when I look at some of the curricula vitae that are brought, you wonder why we allow our universities to give such kinds of training. What do we hope to achieve by training our children in courses that really do not help them at all? In my life, I have seen people come to me with degree certificates in courses that are called team building. I do not know if you need a degree for that. Some have come to me with degree certificates in governance and national cohesion. Those are things that probably you do not need a degree for. Some have degrees in peace building and all sorts of things. I think the relevance of our education is very important. It is important that we need to give the youth capacity. Truly, looking at what we were discussing earlier, I would believe those counties that want to grow--- The good thing about devolution is that it gives you a chance to exercise your capacity at the local level. That is why countries that embraced devolution long time ago have moved on. Where there is federalism like India, sometimes when you are in one state and you move to the next state, it is like moving from First World to Third World. We were just discussing this matter a short while ago. Those governors who are obsessed with opulence, appearances and titles, before they know it, their counties will be lagging behind. What we would encourage them as a House is to invest in the youth because by investing in our youth, we are certainly investing in the future. I second this Motion.

(Question proposed)

Hon. Okoth: Hon. Temporary Deputy Speaker, I rise to support this Motion and thank hon. Jude Njomo, Member of the Departmental Committee on Labour and Social Welfare, for bringing it up. It is a timely issue. I want to comment about this Motion in the sense of our education system, in a broad sense, and how it serves or does not serve our young people. Training is at the last end of education once we are done with basic education and preparing our young people to be productive citizens in different careers.

One of the key things, and I think is an initiative beyond what we are talking about in this Motion, would be to consider basic financial skills and business management skills. One of the aspects of this Motion is to look at ways where apprentices who gain practical experience can also go ahead and gain the funding and capital to start their businesses. Our young people are crying and dying to get capital to start their businesses. Without access to title deeds or other resources which they can put up to get funding from commercial sources, their ideas, opportunities and training does not move them far in life. We are looking at one or two ways to generations already in Kenya just based on this issue of lack of a clear plan of transitioning our young people from the education system into the labour force in a very productive manner. So, I would emphasize and ask that we look at ways in which our education system at all levels, beginning at the primary school level, can have an introduction to financial literacy and business management skills, so that by the time we get to a point where young people

have practical knowledge and skills, for example, mechanics and plumbers, they can also get funding.

I appreciate initiatives that are coming out of the private sector. My Kibra Constituency is the headquarters of banking and insurance in this region. We have in Upper Hill, banks such as Equity Bank. I hope others will follow in their footsteps because they have already been filling in those gaps to know that we cannot lift our people out of poverty if we expect all of them to wait to be employed. We have to give them capital and the skills to manage that money to grow it to create jobs and wealth. That is the model that we need in order to move ahead.

I also want to emphasize that beyond the financial literacy and business management skills in our schools, one of the things that we need to look at is job readiness and career guidance. I happen to have been blessed to go to the Starehe Boys Centre where we did not just focus on academics and books, but we also had a chance to meet with professionals from different fields to talk to us about the basics of what different careers look like. So, as young people, we did not spend a lot of time making the wrong directional choices into careers that did not fit with our personalities, inclinations and skills. Again, this is a key part of our training that we need to work on and make sure that young people are aware of the right career choices and how they get ready for the job market and with what skills. This includes if they are not going to get employed in the job market, how they will create their own jobs.

The third point is to emphasize the capital for youth development in businesses which ties in with the points I have already mentioned. The formula here is to get willing young people, who are well trained and competent and capable, with a desire to lift this country and move it forward. Add on to that access to capital. With that capital, let the youth businesses be recognized and allowed to get competitive and substantial tenders from the Government. We have paid a lot of lip service. A lot of good things have been said about giving tenders to the youth, but many of the young people are still not yet at the level of getting those tenders from the Government to build, scale up and boost their businesses. I hope that the different Cabinet Secretaries and Government Departments will be pro-active, along with the Jubilee Government Manifesto and the President of this nation, and adopt a pro-youth policy and ensure that 30 per cent of the Government tenders are allowed to qualified youth groups and businesses. This is another way of stemming this generational gap and time-bomb that we have where our young people are not empowered and have not had a chance to start building an economic base and foundation for them.

It is only with that formula of proper training, access to capital as well as access to business opportunities that we will see an explosion of the next generation of wealth and job creation in this country that does not rely on a very small section of our society that has had the blessing of inheriting any wealth or businesses from their families.

We discussed this before and hon. Njomo brought up the National Industrial Training Agency. It is disappointing that only 16,000 employers in our nation are participating actively. We have a possibility of having more than 50,000 employers contributing to this levy and participating in this system to make it reach a level where it can have a quantum impact on what we need to do. My suggestion here would be that we look at a system of naming and shaming the employers who are avoiding this. We should point them out and publish that and see if they do not rectify their ways. Even without

any court action, just publicizing their names and saying that they are not good corporate citizens and are letting down our country and not following the law is enough of a deterrent and an incentive for employers and corporations to change their behaviour.

Also, the other side is not in the naming and shaming, but naming and praising the top participating corporations that register all their employees and train them as the Act envisages and contribute in a good way. They are corporate entities that have demonstrated success with following through on such programmes in investing in our youth and providing funding for our youth to be trained and transitioned to successful careers. If we can celebrate those, even award them and hold them up to the light, then they will serve as an example that other people desire and look up to and will follow suit. I hope this will be considered in the Bills that will be brought to the House and we will think of ways, modalities and systems where that can work.

My next point of concern is something that has happened in this nation which, while in a hurry to move forward and the desire and the allure of having a degree and paper qualifications, we have gone astray.

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

[The Deputy Speaker (Hon. (Dr.) Laboso) took the Chair]

In the rush to grant our young people a generation of diplomas and university degrees, we have gone astray as a nation. Education is good, but education that is good in itself can have the important outcomes that we want. If we just simply rush to get every young person a bachelor's degree, which is a valueless piece of paper once they have graduated, we are not doing our young people any favour. We are misleading them and our nation will not move forward. We have made this huge mistake by turning all the middle level colleges into universities. There is a certain prestige to that, but quickly, we are realizing that those universities are half-baked. Let us find ways of moving back to having fully-fledged, 100 per cent functional polytechnics, which are 10 times better than having half-baked universities that cannot produce useful graduates with good qualifications. We really need those polytechnics back. We really need those polytechnics in Kibra which is my constituency, and Lang'ata District where there is no Government youth polytechnic. We used to have the Kenya Science Teachers Training College, but it has been taken up by the University of Nairobi. We are losing the teachers who got excellent training in that college to teach science in our primary and secondary schools. We need to revert back to quality polytechnics that offer diploma courses in six, 12 or 18 months in order for our young people to be ready for jobs. Those polytechnics should expose them to practical skills. This is as opposed to four years of bachelor's degree training with no useful knowledge and skills.

Hon. Deputy Speaker, my final point is that we exist not in a vacuum. We exist in a regional economy with our neighbours within the East African region. We also exist in a global economy. Countries such as Brazil, Russia, India and China have done amazing things. We are not talking about the First World countries in the West that we thought about during the Cold War. Those were countries that were in the second level in terms

of development, but they have lifted their economies and quality of life of many of their people.

Hon. Deputy Speaker---

Hon. Deputy Speaker: Your time is up! You have made some very useful contributions. Yes, the Minority Leader, Hon. Francis Nyenze.

Hon. Nyenze: Thank you, Hon. Deputy Speaker, for giving me this chance. I want to congratulate Hon. Njomo for coming up with a good Motion and I rise to support it. This is because many times we talk about youth empowerment and it is just a mere talk. I am happy that this Motion will address a key component in the development of the youth in terms of funding. If we can expand this Fund to include small and micro enterprises and we make sure that every corporation or company pays, I am sure that there will be enough for that. Besides, whatever they put in for the employees, this Government should put up an affirmative action the way they have done with the girl-child. If you visit some schools, you find that there are more girls than boys in primary and secondary schools. That is the affirmative action that the Government should put in place for the youth of this country. Any country that wants to develop and has to be in good path to industrial development has to train its youth and make sure that they access credit and funds are set aside for their development and things will move very fast.

On our training, as my colleagues have said, parents push their children to get degrees and diplomas and it is like certificate courses are outdated. If you look at foreign students in countries like in India, USA and UK, you will find that Kenya is always number one or two in training its children in those countries. Most of those children go there to train for degrees and not middle-level courses that are very key for industrial growth in any country.

It is good for a Bill to be brought to this House stating that a certain percentage like 10 per cent of the budget should be directed to youth training and youth enterprise funding. The SMEs should be funded. This is because all the innovations and discoveries in countries where science has taken root were never made by small children or old men and women. It is the youth during their prime age who came up with those discoveries. That is why we can enjoy the services of a mobile phone, radio, television, automobile and other things today.

However, in Kenya we talk and we know what is needed but midwifing that idea into action so that our youth have resources to develop, has been lacking because there is disconnect. It is very easy if we take all counties; we have 47 counties which are distinct governments. If all the governors and local leaders set aside from their budget, a certain percentage and lend money to the youth in a kind of revolving fund, they should also set aside some of the jobs, like construction of rural roads, bush clearing on the roads and maintenance of drainage. If those jobs can be set aside for the youth, I am sure you will see a lot of development, as we will be killing two birds with one stone. First, you are reducing crime because the youth are not engaged in economic and productive services and, at the same time, you are generating wealth for the youth.

Hon. Deputy Speaker, if we look at the map of Kenya where each one of you hon. Members come from, most times, you see youth are reserved because they are not part of the economy. Most of the time, they are either chewing *Miraa* or *Muguka* or they are drinking alcohol. From morning, you see them sitting in the shopping centres because they are idle and have nothing to do. It is good if those youth could be made productive.

One thing that can make them productive is to train them in those middle-level colleges, polytechnics and technical colleges and make sure that after training them, you advance credit to them. Once you do that, they will start SMEs. Once they start those, they will be busy, crime will reduce and there will be economic growth in those counties and this country by extension.

Hon. Deputy Speaker, a lot has been said about universities. It is good to have universities because education is good but what has happened? There was competition and mushrooming of universities which swallowed our polytechnics and technical institutes and we never built more middle-level colleges to train the youth. So, there is a big gap. Once students complete Form IV, those who are not admitted to universities have nowhere to go. They start SMEs without training because those colleges have been taken over by universities.

Hon. Deputy Speaker, it is high time this Government brought in an affirmative action to build village polytechnics and technical colleges in every constituency to replace those that have been taken. A law should be enacted so that any university wanting to expand to the rural areas or other places should build new campuses instead of buying the existing colleges that are there to train our youth.

Hon. Deputy Speaker, access to credit has been a big challenge to our youth. Whenever there is money - like now we are told there is Kshs6 billion for the youth and women - it is taken to certain banks and the youth will be asked for collateral or security. The method of accessing that money will be so cumbersome. There will be so many roadblocks that the youth will give up before they even apply for that money. So, those are the kinds of challenges that this Government should remove for the youth so that credit is easy to access.

If it is through affirmative action, then let the Government pump in money even without asking for repayment. This money will generate other businesses and the country will expand. The countries which have done well are those that have taken their youth very seriously.

A Member talked about BRICS. This includes Brazil, Russia, India, China and South Africa. They have affirmative action for their youth. They train their youth and engage them in production in the textile industry, road construction, farming and so on. They are moving so fast ahead. Today, China is the second largest economy. It has overtaken Japan. Very soon, it may be the biggest economy in the world. The reason is that they create work for every youth. Work can be any kind of work, be it construction, farming, manufacturing and so on. They perfect that through training. That is why China is called the manufacturing house of the world.

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

Hon. Gichigi: Thank you, hon. Deputy Speaker. I rise to support this Motion. I also want to thank hon. Njomo for remembering that segment of the society. In Kipipiri where I come from, only about 10 per cent of the candidates in Form IV are able to make it to the university as per the last Kenya Certificate of Secondary Education results. We do not have any middle-level college in that constituency. In fact, we do not have one in the entire County of Nyandarua. The effect of this is very clear that majority of the Form IV leavers end up loitering in the village. They end up being unemployed drunkards. Soon we are going to have a big problem with the unemployed youth in the constituency.

When my colleague comes up with this kind of Motion, I think, in a way, it provides a solution to this particular problem.

Most of the western countries have the problem of an elderly citizenry. In Kenya, the youth who are sought by the western world as an asset and resource, are forgotten and abandoned. They end up being a problem to this country. It is high time we looked at our youth as a resource. All we need to do is to sharpen them. Let us sharpen those tools and in a few years' time, they will come back and help us.

Hon. Deputy Speaker, the trend in this country is that the majority of school leavers in the rural areas would want to come to the urban areas. This particular Motion seeks to provide a solution to this particular problem. Let us train the youth and assist them with the necessary capital. I can assure you that they can be retained in the rural areas. I recently visited Githunguri Constituency, where I found that the community provides people with skills and capital to enable them to undertake dairy farming. If today you ask a young man from Githunguri to come to work for you in Nairobi for a salary of Kshs20,000 or Kshs30,000 per month, if he has a farm and cow there, he will not accept the offer. So, let us give the youth the necessary capital in order to solve the problem of over-crowding our cities with jobless youths and the emergence of slums.

The reason as to why mankind decided to have government is to ensure that there is a body responsible for provision of security and other essential services for everyone. Due to the fact that for about 47 years, the Kenya Government has failed to provide such services, including employment, the citizens have become very desperate. I think Kenya is the only country in the world where every single service has been put in the Constitution and made a right of the citizenry. We have listed down in our Constitution all the services that should be rendered to the citizenry, as a matter of right. We are the only country in the world to have done so, the reason being that our Government has failed in its mandate. If the Government had been doing its job well and taking care of the interests of the citizens, we would not be rushing to court every other day to demand that the Government provides those services as per the Constitution.

Hon. Deputy Speaker, this country is made up of very hardworking people. Where I come from, if you give a job to a young person, he will be awake at 3.00 a.m. to partake his duties. I will not repeat what my colleagues have already said, but our youth are very innovative. We have seen them come up with all sorts of innovations. If we give them capital, we will gradually become industrialized. Once this Motion progresses into a Bill and subsequently becomes an Act of Parliament, the resources should be devolved. The Constituencies Development Fund might be the most appropriate model to adopt, to ensure that the benefits reach everybody in the country. They should not be concentrated in Nairobi or in only a few areas.

This is a good Motion and, therefore, we should graduate it to a Bill and support it. With those remarks, I beg to support.

Hon. Deputy Speaker: Yes, hon. Muia.

Hon. (Ms.) Muia: Thank you, hon. Deputy Speaker. In supporting the Motion, I would like to thank hon. Jude for bringing it to the House. It is very important for all of us.

I want to urge the Government to enforce compliance of Article 55 of the Constitution. Hon. Members will remember that during the Referendum on the Constitution, the youth of this country voted for it overwhelmingly because the

Government had made sure that they had a stake in it. Article 55 of the Constitution says that the State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training.

Hon. Deputy Speaker, speaking about my constituency, I have never come across any agency that gives free education and training. Most of the youths wait for money to be given to us, through the CDF. Even though a certain percentage of CDF funds has been set aside for bursary, the allocation is not even enough for the most needy cases. Therefore, I urge the Government to come up with ways of addressing this issue and also set up a special kitty through which to provide what has been stipulated under Article 55 of the Constitution.

In the same Article 55, the Constitution says that the youth will have opportunity to associate and be represented and participate in the political, social, economic and other spheres of life. I know that the 11th Parliament has a few Members who are under the age of 30 years. I know that they really struggled during the campaigns because they were unable to access funds.

Hon. Deputy Speaker: Order, hon. Members! Hon. Regina, you will have your balance of seven minutes when debate on this Motion resumes next time.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, it is now time for interruption of our business. Therefore, the House stands adjourned until Tuesday, 16th July, 2013, at 2.30 p.m.

The House rose at 6.30 p.m.