

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th June, 2014

The House met at 2.30 p.m.

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

PRAYERS

Hon. Njuki: Hon. Speaker, before I give my petition, allow me the privilege of recognising the presence of Ikuu Girls Secondary School, a great school from my county which has come to visit Parliament. They are in the gallery.

(Applause)

Hon. Speaker, I stand to seek your guidance under Standing Order No.227 on committal of petitions. Standing Order No.227(2) says: “Whenever a petition is committed to a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner---”. I brought a petition in this House on 13th March, 2014, touching on the status of stalled grain projects under Economic Stimulus Programme. It is now about 120 days since then but no commitment is forthcoming. What has been worrying about the status of issues in this country is when a Government Department or an individual lies when they are not committed to the promise.

Hon. Speaker, I seek your guidance on that particular issue.

Hon. Speaker: To which Committee was the petition committed?

Hon. Njuki: Hon. Speaker, it was the Departmental Committee on Agriculture, Livestock and Cooperatives.

Hon. Speaker: Where is the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives? Can you respond, hon. hon. Nooru?

Obviously, this must apply to all other Committees to whom petitions have been committed. There are timelines. If there are good reasons for delay, you should come to the House plenary and seek for extension. You cannot assume that you have blanket authority to “sit” on petitions that are under your consideration.

Proceed, hon. Nooru.

Hon. Nooru: Hon. Speaker, sometimes it is very difficult because even though we have a lot of responses to Statement requests, we do not control the Order Paper. On this particular one, I came in a bit late, and I apologise. I do not know what hon. Njuki was asking in particular but I have about five responses to Statement requests. I have been waiting for the last two weeks, but they have not appeared on the Order Paper. I have no mandate to put them on the Order Paper.

Hon. Speaker: Hon. Nooru, you need to know that the House sits up to 2.30 p.m. The hon. Member said that he submitted a petition, which was committed to your Committee sometimes in March, 2014. You have a timeline of 60 days within which to conclude hearings relating to petitions. The hon. Member wants to know what it is that has happened to his petition. He says that it regards the Economic Stimulus Programmes.

Hon. Nooru: Hon. Speaker, I am sorry I missed the request that was made by the hon. Member because I was not in the House. So, could he repeat so that I can understand which petition he is referring to? I have about three responses to petitions.

Hon. Speaker: What do you want him to do, repeat?

Hon. Nooru: Yes, hon. Speaker.

Hon. Speaker: Hon. Nooru, when you come late, you first of all start by apologising to your colleagues because we should not be wasting time here, repeating what you are expected to have heard. Hon. Njuki, could you repeat the prayers of your petition for the benefit of the Chairman of the Committee?

Hon. Njuki: Hon. Speaker, of course, I expect the Departmental Committee on Agriculture, Livestock and Cooperatives which is one of the largest Committees in this House to have a petition tracker. If they do not have one, they can use the one in the parliamentary website, which shows status of petitions at any particular time.

Hon. Speaker, this particular petition was presented to the House on 13th March, 2014 and was committed to the Departmental Committee on Agriculture, Livestock and Cooperatives. It is a petition by the residents of Chuka/Igambang'ombe Constituency in Tharaka Nithi County. It is in regard to the status of the stalled grain projects of the Economic Stimulus Programme. In the event that he needs further details, he should consult the Table Office for the record.

Thank you very much.

Hon. Speaker: He should not seek any further details because the petition was submitted to his Committee.

Yes, hon. Nooru!

Hon. Nooru: Hon. Speaker, it was in a Statement request form, and not a petition form. I have the response to that particular request. I can give it tomorrow.

Hon. Speaker: Will you give an answer tomorrow?

Hon. Nooru: Yes, hon. Speaker.

Hon. Speaker: Very well.

Next Order!

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The First Report on the Performance of the Ministry of Health for the calendar year 2013.

The Eleventh Biannual Report of the Monetary Policy Committee of the Central Bank of Kenya for the period, May to October, 2013

The Monetary Policy Statement on the Central Bank of Kenya for the period July to December, 2013.

The Report of the Auditor-General on the Financial Statements of the Kenya Literature Bureau for the period ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Kenya National Human Rights Annual Report and Financial Statements for the Financial Year 2013/2014.

The Transition Authority Progress Report for the month of April, 2014.

The Performance Report of the Independent Policing Oversight Authority for the period, July to December, 2013

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, there will be, much later, a Report by the Budget and Appropriations Committee, which will be tabled when they have concluded its consideration. It will be tabled later at around 5.00 p.m. They will also give a notice of Motion. So, I will exempt the Budget and Appropriations Committee business appearing under Order No.6, so that they can table the Report as well as give notice of Motion at that time.

NOTICE OF MOTION

Hon. Speaker: Hon. Members, again, with respect to that one on the Budget and Appropriations Committee, the same applies.

REQUESTS FOR STATEMENTS

Hon. Speaker: Hon. Members, in the interest of time, you will be limited in what you say. You will not be allowed to read an entire request that is prepared. You will just go to the heading of the Statement that you are seeking.

Let us start with hon. Robert Pukose.

STATUS OF LAND IN CHEPCHOINA UNDER ASTU AND GSU

Hon. (Dr.) Pukose: Hon. Speaker, pursuant to Standing Order No---

Hon. Speaker: Hon. Pukose, you can leave out that bit. Just go to the nitty-gritty of what you have to say. We want you to take one minute.

Hon. (Dr.) Pukose: Hon. Speaker, I want to request a Statement from the Leader of Majority Party on the status of parcels of land in Chepchoina being utilised by the Anti-Stock Theft Unit (ASTU) and the General Service Unit (GSU) for purposes of maize farming. The ASTU is utilizing 200 acres for maize farming while their GSU counterparts are utilising---

Hon. Speaker: Hon. Pukose, that is the important bit.

Leader of Majority Party, you have all the information that hon. Pukose wants to read. That is what I want us to reduce.

Hon. (Dr.) Pukose: Hon. Speaker, I would like the Leader of Majority Party to inquire into and report on the following:-

(i) whether officers from the two units have authority to conduct farming activities, and who authorised the same; and,

(ii) the amount of money that the Government has raised through the farming activities, indicating the beneficiaries.

Thank you, hon. Speaker.

Hon. Speaker: Yes, Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, the core mandate of our security officers is to secure property and lives of Kenyans. I do not think they are supposed to do farming. I will bring an answer in two weeks' time.

Hon. Speaker: Dr. Pukose, two weeks' time is not bad.

Hon. (Dr.) Pukose: It is okay, hon. Speaker.

Hon. Speaker: Very well, the next Member on the Order Paper! Hon. Daniel Maanzo, be as brief as Dr. Pukose.

STALLED CIVIL SERVANTS HOUSING PROJECT IN MAKUENI

Hon. Maanzo: Hon. Speaker, my request goes to the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the Government housing project for civil servants at Wote Town, which was started in 1989 but which to-date has not been completed. The contractors abandoned the works and the houses have been vandalised. The Chairperson should inquire into and report on the following:-

(i) give the initial and current total cost of the project and reasons as to why the project stalled;

(ii) provide details on the budgetary allocation made to the project and state whether the project has been prioritised in the 2014/2015 Financial Year;

(iii) state what concrete plans the Ministry concerned has to have the project completed in the 2014/2015 Financial Year; and,

(iv) whether there are any considerations by the Ministry of Land, Housing and Urban Development to transfer the project to the County Government of Makueni, if they are unable to complete it.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, there is something else that I need to draw your attention to. According to your own Standing Orders, you are not supposed to seek clarification on matters of law and on matters for which there is ordinary diligence on their disclosure. For instance, what is contained in the Budget Estimates for Financial Year 2014/2015 is a matter that hon. Maanzo can actually get to know without even seeking to find out from the Chairman of the Committee. Nevertheless, since I appreciate that he has been suffering from some head injury, I will excuse him.

Proceed, hon. Maalim.

Hon. (Eng.) Mahamud: Hon. Speaker, in fact, this is a very serious matter because there are quite a number of houses which have stalled. We require two weeks to find out where they are and how many they are. So, we will be able to respond to the request in two weeks' time.

Hon. Speaker: Is two weeks, hon. Maanzo, fine?

Hon. Maanzo: Yes, hon. Speaker.

Hon. Speaker: Very well!

Yes, hon. Chachu Ganya!

MEASURES TO OPERATIONALISE EQUALISATION FUND

Hon. Ganya: Hon. Speaker, I would like to seek a Statement from the Chairman of the Departmental Committee on Finance, Planning and Trade regarding utilisation of the Equalisation Fund as set out in Article 204 of our Constitution. For the last four financial years, money amounting to Kshs12.3 billion has been allocated to the Equalisation Fund but it has not been utilised to-date, and the Government does not seem to have any plans for the funds to be used in the foreseeable future. The Fund was set up by the Constitution to ensure that about 14 marginal counties can be brought to par with the rest of the country within 20 years. I want the Chairperson to inquire into and report on the following:-

- (i) why the Government has not put this Fund into operation;
- (ii) what legal framework the Government has or is planning to put in place in order for us to utilise the Fund; and,
- (c) give a clear timeframe on when the Government intends to operationalise the Fund.

Hon. Speaker: Yes, hon. Benjamin Langat!

Hon. Langat: Thank you very much, hon. Speaker. I need two weeks to respond to the Statement request.

Hon. Speaker: Yes, hon. Chachu Ganya!

Hon. Ganya: Hon. Speaker, we have waited for four years. Two weeks is not such a long time for us to wait. So, I will wait patiently but I hope that the 14 marginal counties will get the resources stipulated in the Constitution.

Hon. Speaker: Hon. Chachu Ganya, he is just going to get information from the Government. You now want to engage in unnecessary debate. It will be good that he gets a report and brings to the House. I am sure that very many hon. Members here will be happy to know what plans are in place to operationalise the Equalisation Fund. It is an important request.

Yes, hon. Joseph Lekuton!

MEASURES TO MITIGATE EFFECTS OF CLIMATE CHANGE

Hon. Lekuton: Hon. Speaker, I would like to request a Statement from the Departmental Committee on Environment and Natural Resources regarding the measures the Government is taking to mitigate the effects of climate change. In the Statement, I require the following to be addressed:-

- (i) whether the Government has in place methods of identifying who earns carbon credits in Kenya;
- (ii) whether the Government has a policy to encourage the planting of trees to mitigate the effects of climate change;
- (iii) whether the Government has in the past conducted an audit to determine the significant emitting sectors;

(iv) the efforts the Government has made to enable individuals and projects get certified, verified and registered to enable them earn carbon credits;

(v) following the adoption of the National Climate Change Action Plan that was formed to implement the National Climate Change Response Strategy, how far the Government has gone in its implementation and whether there are any visible gains since the strategy was employed; and

(vi) the efforts the Government is making to engage local scholars at the local universities who may have innovative ideas that may be used to help manage the effects of climate change.

Hon. Speaker: Hon. Amina Abdalla, the Chairperson of the Departmental Committee on Environment and Natural Resources. She is not present. What about the Vice-Chairperson? Who is the Vice-Chairperson?

Hon. Members we have agreed; we have set rules. If any Member of a Committee wants to start giving undertakings, you put yourself in trouble. Is the Chairperson present?

Hon. Members: No!

Hon. Speaker: The Vice-Chairperson is also absent not desiring to be present. Who is the Vice-Chairperson of that Committee?

An hon. Member: Hon. Kosgey.

Hon. Speaker: Hon. Kosgey! Do we have a Member by that name here?

(Laughter)

I honestly cannot even place--- His image is not anywhere in my reflection. How does he look like? Does that Member come to Parliament? Who has ever seen him here in the Chamber?

(Laughter)

It is even worse that you say that he is a Vice-Chairperson of a Committee. It would have to be a terrible accident that he is the only Vice-Chairperson of a Committee that I do not know. How did he become a Vice-Chairperson of a Committee? This speaks volumes about those who are Members of that Committee! The Members of that Committee should really--- Honourable Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, hon. Alexander Kosgey is a Member of this coalition. He is also a Member of my party; URP. I remember that I campaigned for him very vigorously. I will pass the message to him in the absence of hon. Amina Abdalla. I can confirm, however, that he usually comes and sits at the back. We have to sit on that side because of our numbers.

(Laughter)

The number of our colleagues is so small. If we allow them to sit alone, the House will look empty on that side. So, hon. Kosgey and many others sit on that side. I will pass

him the message and also tell him to pay a courtesy call to the Speaker's office, so that the Speaker can also know him.

Hon. Speaker: I think so. I think he must be among the very few that I have not seen. At least, I have seen hon. Simba Arati very frequently in the Chamber. So, Leader of Majority Party, then you should give an undertaking about this request by hon. Lekuton, since your troops are absent.

Hon. A.B. Duale: Hon. Speaker, even hon. Lekuton, until the last minute, was in my party and the Jubilee Coalition. He only changed the bus on his way to Parliament. I will make sure that the answer is delivered in ten days. He is also a serious colleague of ours and a Member of my party. Now that he is here, I am sure he knows where his heart is.

Hon. Speaker: Hon. Lekuton, are ten days fine with you?

Hon. Lekuton: Hon. Speaker, ten days are fine with me.

Hon. Speaker: Hon. John Kihagi, Member for Naivasha.

Hon. Kihagi: Hon. Speaker, pursuant to Standing Order No.44---

Hon. Speaker: I gave instructions earlier on that you spare us the agony of listening to that because it is monotonous. Just go straight to what you want.

ESTABLISHMENT OF IMARISHA LAKE NAIVASHA MANAGEMENT BOARD

Hon. Kihagi: Hon. Speaker, I seek a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources concerning the appointment and gazettement of Members of the Imarisha Lake Naivasha Management Board. That Board was established by the former Prime Minister on 12th May, 2011 to develop a programme to co-ordinate the activities of various players engaged in the conservation of the lake and its catchment area and for that purpose, review and approve projects. A team of 11 members was then gazetted. They were gazetted as members for a period of one year which ended on 5th April, 2012. In the Statement, the Chairperson should inquire into and report on:-

- (i) the status of the Board including the current and past members;
- (ii) when the new board members will be appointed and gazetted;
- (iii) the budget of the Board for the current financial year, including the source of the funding.

Hon. Speaker, this is also a question that lapsed in the last---

Hon. Speaker: What you are saying is not included---

Hon. Kihagi: But I am---

Hon. Speaker: Hon. Members, I have said that Members should be attentive and listen. You are restricted to what you have put on the paper here.

Leader of Majority Party, this question, again is directed to the same Committee.

(Hon. Njomo stood up in his place)

Hon. Njomo, you are not the Leader of Majority Party!

Hon. Njomo: I am a member of the Departmental Committee on Environment and Natural Resources.

Hon. Speaker: I said that it is the Chairperson, the Vice-Chairperson or Leader of Majority Party.

(Laughter)

Hon. Maalim, you are keeping the Leader of Majority Party too busy.

Hon. A.B. Duale: Hon. Speaker, I can confirm that this is one of the most active committees headed by an active chairperson; hon. Amina Abdalla. Hon. Kajuju is telling me “lady”, but in Parliament we do not discuss the sexual orientation of our colleagues. It is not about gender; it is about Members. I will pass the message and in two weeks’ time, the answer will be brought to the Member.

Hon. Speaker: Well, hon. Kihagi, there is nothing we can do. You have to live with the two weeks because, in any event, this is an undertaking from the Leader of Majority Party.

Hon. Kihagi: Hon. Speaker, in one of our private discussions with hon. Amina Abdalla, she had hinted that the answer was actually ready. She was only awaiting renewal of the Statement. If the Leader of Majority Party can agree---

Hon. Speaker: Hon. Kihagi, resume your seat. You see, if you start giving the House discussions that you held somewhere else, I do not know what to say. The Chairperson herself is not present neither is the Vice-Chairperson. We can only go by what the Leader of Majority Party has said. But you may be lucky because the Chairperson of the Committee appears to have remembered that the starting time is after 3.00 p.m.

Hon. Amina Abdalla, can you confirm what the Member for Naivasha has said? I would also like to remind you that the House sits from 2.30 p.m. on Tuesday afternoon.

Hon. (Ms.) Abdalla: Thank you, hon. Speaker. I want to apologize for coming in late. I would also like to assure the Member for Naivasha that he will have his Statement in a week’s time because it is an old Statement.

Hon. Speaker: Is the answer ready? So, when can you respond?

Hon. (Ms.) Abdalla: Next week on Tuesday.

Hon. Speaker: Hon. Kihagi, next week on Tuesday. Hon. Amina Abdalla, responses are not given on Tuesday afternoon, unless you do it on Wednesday morning. The next request for Statement is from hon. Francis Waweru Nderitu, the Member for Ndaragwa Constituency. Is the Member present or absent?

(Statement dropped)

Hon. Sharif Athman, Member for Lamu East.

REOPENING OF KENYA-SOMALIA BORDER AT KIUNGA

Hon. S.A. Ali: Thank you, hon. Speaker. I wish to request for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations with regard to the Kiunga-Somalia border.

Hon. Speaker, the Operation *Linda Nchi* that was initiated more than two years ago led to the closure of the Kiunga-Somalia border, which has still not been re-opened and has affected the economy of the people. It has also been observed that the other borders which are prone to more insecurity, like Wajir-Somali border, Garissa-Somalia border and others, are still operating.

In the Statement, the Chairperson should inquire into and report on:-

(i) when that border will be reopened and allow the resumption of the benefits to the Lamu East constituents similar to the other borders; and

(ii) plans by the Government to assist the people of Kiunga and the entire region in fishing and agricultural sectors.

Hon. Speaker: The Chairperson, Defence and Foreign Relations Committee.

Hon. Gethenji: Thank you, hon. Speaker. I seek direction from your Chair as to whether this Statement is properly directed to our Committee, because matters of immigration are in the domain of the Administration and National Security Committee. Your guidance, please, hon. Speaker.

Hon. Speaker: Is it about immigration?

Hon. Gethenji: If it is an issue of single border closure, that is an immigration issue. If it is an issue of all borders being closed, that falls in the domain of Committee on Defence and Foreign Relations; which is not the case.

Hon. Speaker: Hon. Athman, could you explain because there is a lot about fishing. I can see the Member behind you, hon. Millie Odhiambo is excited when I mentioned fishing, but this one is within the ocean. Can you explain what exactly the main issue is? Is it about immigration or about fishing and Operation *Linda Nchi*?

Hon. S.A. Ali: Hon. Speaker, people used to fish in Somalia, but as we speak now, they are not allowed to go there because that border has been closed. They are not allowed to go fishing. So, this issue has really affected them. It is not only the fishing issue, but the border has been closed and so, there is no business going on along the Kiunga-Somalia border. Other borders, as I said, are operating as usual.

Hon. Speaker: So, you want the Somalis to cross over and fish?

(Laughter)

Hon. S.A. Ali: No! People from Kiunga used to fish in Somalia but, nowadays, they are not allowed to go there as they used to.

Hon. Speaker: Leader of Majority Party.

Hon. S.A. Ali: Here, we are talking on the issue of business, because other borders are operating businesses as usual.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, if the hon. Member can allow me, it is illegal for Kenyans to fish in Somalia, both in terms of international law, the threats from *Al-Shabaab* and Somali Defence Forces. So, I think it is safe for your constituents not to cross to other countries' waters and the Departmental Committee should help you. That is

because what you are talking about is illegal smuggling of fish from other countries' waters.

Hon. Speaker: You see, hon. Athman, in the build up to your request, and it is fair that it be read to the entire House, you said that before Operation *Linda Nchi*, the area residents depended mainly on fishing and agriculture as their source of income, and Kiunga is one of the major fish trading zones that neighbours Somalia. Operation *Linda Nchi* was initiated more than two years ago and led to the closure of the Kiunga-Somalia border, which has still not been reopened. The natives cannot, therefore, go fishing in the neighbouring border waters, where fish catches are impressive; neither can they trade with the neighbouring towns as they used to do before.

The Operation *Linda Nchi* has had an adverse impact on the economic status of area residents, without them being duly compensated. It has also been observed that other borders which are prone to more insecurity like Wajir-Somalia border, Garissa-Somalia border, Nairobi-Somalia border via Wilson Airport and others are open to trade and the residents of those areas are still able to reap business profits, unlike the people of Kiunga.

Hon. Jimmy Gethenji, this is about Operation *Linda Nchi*; it is not so much about immigration. I think he wants to know when normalcy will resume so that they can fish and trade more with Somalia border residents.

Hon. Gethenji: Thank you, hon. Speaker. It looks like it is an issue of the fish being in Somalia, but the people who own them being in Kenya. But there is a dispute of the international maritime border with Somalia. That falls squarely in our domain and we will give that Statement its due hearing. One week will suffice hon. Speaker. If you give us one week, we will respond with an answer.

Hon. Speaker: I think at the heart of his question is when the border will reopen or normalcy returned - that is if it is closed. According to him, it is closed. So, what is most important to him is when normalcy will be restored.

Hon. Gethenji: We will endeavor to get that response from the Ministry of Foreign Affairs and any other relevant Ministry so that we can have a response within one week, hon. Speaker.

Hon. Speaker: One week?

Hon. Gethenji: One week, hon. Speaker.

Hon. Speaker: Very well. Hon. Athman.

Hon. S.A. Ali: One week is okay. But it should be noted that what I am requesting is normal operation of business because at Kiunga border, people have been transacting business like fishing. What I am requesting is for the people to be allowed to move freely and do business.

Hon. Speaker: Even in the pirate-infested areas?

Hon. S.A. Ali: I am saying the issue of pirates and insecurity is everywhere and not in Kiunga only. So, if we say that we are closing Kiunga border, then it means you are isolating the people of Lamu East in this issue. That is because other borders like Wajir are operating. Why not Kiunga? We need to have our security firm and make sure that those people can do their businesses as they used to.

Hon. Speaker: Hon. Nooru, just sit down! When you were required to answer a question on agriculture, you were not there.

So, do not get excited merely because I have mentioned the issue of fishing.

(Laughter)

Hon. S.A. Ali: Hon. Speaker, not unless the Government closes all the borders bordering Somalia.

Hon. Speaker: Now, hon. Athman, let me come to your aid. The Chair of the Departmental Committee on Defence and Foreign Relations, I think you need to conduct some hearing because hon. Athman seems to have greater issues other than just the opening of the border. This is so that he can explain and question whoever is responsible, even if it is the Cabinet Secretary (CS) responsible or whichever other technical agencies under the Ministry are involved.

Hon. Gethenji: Hon. Speaker, in which case, if we were to conduct a hearing, I would request, maybe, two weeks because we need a seven days' notice to the relevant Cabinet Secretary. Therefore, we can respond within two weeks.

Hon. Speaker: Exactly! Then invite the Member to the meeting so that he can share the information he has with whichever agencies.

Hon. Gethenji: Noted. You are very warmly welcome *Mheshimiwa*.

Hon. S.A. Ali: Thank you.

Hon. Speaker: Next Order.

Hon. Ichung'wah: On a point of order, hon. Speaker.

Hon. Speaker: Yes, hon. Ichung'wah. What is your point of order?

Hon. Ichung'wah: Thank you, hon. Speaker. I rise under Standing Order No.108 regarding a matter that occurred outside this House over the weekend and, indeed, my concern is that this is a matter that has been perpetuated by one Member of this House, not just in the villages and churches, but also on national television. That is because I had an occasion to appear on a national television debate with hon. Junet Mohammed last week on Thursday. In the dialogue, he said that our friends in CORD cannot bring the dialogue to this House because it is a House that is myopic. The same was repeated on Sunday outside a church on Kiambu Road while surrounded by villagers, including one villager who had just landed in this country.

Hon. Speaker, Sir, hon. Junet proceeded to assert that this is a House that deals with trivialities and, therefore, they are not interested in dialogue in this House. This is a House that is constituted of duly elected honourable Members of Parliament who represent Kenyans. It is really hurting to see an hon. Member and a colleague in this House, in front of villagers and surrounded by villagers, say that this is a House that deals with trivialities. Indeed, this is not just demeaning to himself as a Member of Parliament, but is also very demeaning to Members of this House, the House as a whole and also the Senate.

Hon. Speaker, therefore, I truly seek your guidance because if we allow this kind of behaviour to continue, whether on the Floor of this Parliament or outside, we shall continue to demean this House. It is not just the House, but the people of Kenya who have duly elected the 349 Members of Parliament who sit in this House and the 60 something Senators who sit in the other House. Therefore, I will be seeking your indulgence that we take action and if you find this Member to be grossly out of order in

line with our Standing Orders, that we name him to protect the dignity of this House. That is because if we allow an hon. Member to demean the character of these Members, people who come and sit here for four sittings every single week; that they deliberate on trivialities when we know we are dealing with very serious national issues, it will be very bad. I understand him. He might have been excited because of the people he was standing next to and as I said, those were jobless villagers who were standing next to him---

Hon. Members: On a point of order, hon. Speaker.

Hon. Ichung'wah: Hon. Speaker, with all due respect, there are many jobless villagers who respect this House and, therefore, we must demand respect for this House and these hon. Members from that Member of Parliament.

Hon. Members: On a point of order, hon. Speaker.

Hon. Speaker: Hon. Members, I am speaking. You cannot keep on shouting points of order when one of you is on a point of order. You are totally out of order. Look at your own Standing Orders; if one of you is on a point of order, allow him or her to prosecute his or her point of order and then you can be given a chance. May I hear the point of order raised by hon. Olago Aluoch who has not spoken for some time!

(Laughter)

Hon. Aluoch: Hon. Speaker, before I say what I want to say, I wish to urge you to kindly allow other Members to ventilate on this issue and while I say so, I want to put it very clearly before the House that I agree with hon. Ichung'wah only to the extent that the deliberations of this House should be taken very seriously. I would be the first person to disagree with any Member of this House who trivialises debate in this House and the issues that are discussed here.

(Applause)

Hon. Speaker, but having said that, I think the most cardinal principle that comes out from the submission by hon. Ichung'wah is this: Can the House debate any issue based on media reports on its own? Is it possible to do that? If you allow that to happen, then the risk you are putting the House to is this: That a report will come out in the media - whether true or false - and then it will become the subject of debate on the Floor of this House. So, as much as I agree that the issues raised are serious, but I think they have been raised wrongly and we should not allow any debate on that issue based on media reports which are not substantiated. That is all, hon. Speaker.

Hon. Speaker: Hon. Olago Aluoch, you have contradicted yourself, did you not? You started by saying that I should allow a number of Members to contribute to this. What are they going to contribute to? Is it the point of order?

Hon. Aluoch: Hon. Speaker, when I said I wanted to ask you to allow other Members to ventilate on this matter, the point I was driving home is this: That, if this matter is not concluded properly - and we know where the Standing Orders put us - then tomorrow somebody else will raise it on the Floor again. So, I would like debate only to the extent of the propriety of debating that issue the way it has been brought.

Hon. Ichung’wah: Thank you, hon. Speaker. Hon. Olago Aluoch is well heard. But it is important to note that this is not a matter that emanates from a report by the media. It is something that was brought verbatim, as he said it, on national television. I do not know whether hon. Junet is in this House. But it will be important first to give him that opportunity to explain himself to the House. If he can apologise to Members of this House, then we are at liberty not to name him. But I would still insist that for us to maintain the dignity and the decorum that we expect of every single Member, and if this House is to be respected by the villagers that we speak to when are speaking out in the villages every other weekend, we must be very clear in asserting ourselves as to how we conduct ourselves as Members of Parliament.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker, for giving me this opportunity. From the outset, I want to say that I fully respect the right of hon. Kimani Ichung’wah to raise the issues in the manner he has done.

I only have two points of concern with the way he has raised the issue. One, in my view, unless of course hon. Ichung’wah came to this House through a different way, I have heard him referring to villagers. I do not know what he means by “villagers” because our Constitution is very clear under Article 1, that the sovereign authority belongs to the people of Kenya, and shall be exercised only in accordance with the Constitution.

Hon. Speaker, would I be in order, perhaps, to ask hon. Ichung’wah, if in his context, in the way he has canvassed this issue, those villagers are not the people of Kenya as contemplated by Article 1 of the Constitution?

Secondly, much as the issues he has raised are serious and concern the way we conduct matters in this House, I think there is no reason whatsoever to depart from the rules, customs and traditions of this House. The rules and the traditions of this House are very clear; you cannot discuss the conduct of a Member, unless you bring a substantive Motion to this House.

(Applause)

If hon. Ichung’wah; a man I respect – he knows that I have even taken it upon myself to have a function in his constituency with him. If hon. Kimani Ichung’wah feels he is right - and he may be right--- I am not saying that he is not right. But the conduct of an hon. Member of this House deserves to be examined by the House. I think it cannot be proper for us to accept that it be brought in a way that contravenes and disabuses our own Standing Orders.

Hon. Speaker, I ask you to rule that, much as hon. Ichung’wah may have a valid point to bring to this House, the manner he is trying to canvas it is disorderly. Therefore, rule him out of order.

Hon. Speaker: Hon. Ichung’wah, you want to respond?

Hon. Ichung’wah: Yes, hon. Speaker.

Hon. Speaker: Proceed.

Hon. Ichung’wah: Thank you, hon. Speaker. I appreciate the input by hon. Gumbo, who has truly been kind enough to attend a funeral with me in my constituency. That also constitutes a function because we know –

Hon. Member: Not *harambee*?

Hon. Ichung'wah: Of course! Not anything else but a funeral! But, more importantly, I want to point out to hon. Eng. Gumbo that I rose under Standing Order No. 108, asking the Speaker or the Chair what he can do when he finds a Member grossly disorderly for his conduct in a manner that would demean this House. I urged hon. Members of this House that in such a case, we can name him or her. Therefore, I do not seek your indulgence to discuss the conduct of one Junet Mohammed, the hon. Member for Suna.

Hon. Speaker, understandably, that hon. Member is a former councillor in Migori and I do understand the background he is coming from. Therefore, he may have little respect for someone like Eng. Gumbo, Leader of Minority Party and I, who are very serious professionals in our own right and never involve in trivialities.

Therefore, I am only begging that you find that hon. Member grossly disorderly and we do name him.

Hon. Speaker: The hon. John Olago Aluoch suggested that many of you wanted to speak to this point. Do I see hon. Millie Odhiambo-Mabona wanting to contribute on this matter?

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker. It is unfortunate that my good brother, hon. Ichung'wah is raising very important issues but, again, he is doing exactly the same thing he is complaining about. It is very unfortunate because if we want this House respected, you cannot seek respect when you do not give respect. There are very many hon. Members in this House who are former councillors. I do not think that really makes them any lesser beings.

Having said that, I just want to raise an issue on the Standing Order he is relying on. If you look at Part XVIII; it says if there is breach of order in the House and Committee of the whole House. It does not talk of breach of order in the "committee of the whole funeral" It is order in the House.

If you look at Standing Order 108 (2); it partly states:-

"Whenever a Member shall have been named by the Speaker or by the Chairperson, then- (a) if the breach has been committed by such Member in the House---

Even if you look at the other Standing Orders, it is either referring to action in the House or in the Committee of the House.

Hon. Speaker, it does not mean that we cannot discuss the conduct of hon. Junet. I actually watched it and I do not think it was appropriate the way he spoke about the House. But we must be respectful, whether we are from the Opposition or the ruling coalition, when we are referring to everybody. Even now, what hon. Eng. Gumbo has said is true. You cannot refer to the former Prime Minister as a villager. Yes, he is a villager; hon. Ichung'wah and I are villagers, but we cannot refer to villagers in a disrespectful manner as if being a villager is a contagious disease. He who comes to equity must come with clean hands. Therefore, we cannot seek the House to guide us and treat us with dignity, when you have a whole former Prime Minister --- We want to pull him down and treat him like he is some useless guy. He is not! The history of this country made him a Prime Minister and you cannot change that. You cannot rub it with any ink. He is a former Prime Minister.

In the same manner, I did not vote for Uhuru Kenyatta, but he is the President. There is no rubber that I can use to rub that out. He is the President and I will give him the respect due to him as a President. You must give Raila Odinga the respect due to him as the former Prime Minister.

Hon. Speaker, if we want this country to move forward, whether we agree with the dialogue or not, this House must first lead by example; by behaving in a dignified manner. Therefore, we should not call people names here and expect that we will be respected.

Having said that, I will seek your guidance and indulgence that you guide the hon. Member to bring a substantive Motion, which I may also consider bringing against Kabando wa Kabando, who was calling other hon. Members devils. I think the Chair needs to guide this House that when hon. Members are speaking out there in the public, they should not be overly excited. We are not devils! I am a Christian and it is against my religion to be considered a person serving the devil. I heard hon. Kabando wa Kabando on television saying that members of CORD and Members of Parliament are devils. I am a member of CORD and a Member of Parliament, but I am not a devil.

Hon. Member: Christians do not dress the way you do!

Hon. (Ms.) Odhiambo-Mabona: I am a very good Christian; my dressing may not show it.

(Laughter)

But I am a Christian who speaks in tongues and who is a devil-chaser. Therefore, he must respect that I can chase devils, including some---

Hon. Speaker: Hon. Millie Odhiambo-Mabona, all of you are guilty of the same thing. If you want to do what you have just indicated or intimated your desire to do, you know the rules, again through the same thing you are saying - a substantive Motion. Yes! Therefore, what is good for goose must be good for the gander.

Indeed, hon. Members, those of you who care to follow what I said, I have already expressed myself on this issue on hon. Junet. I said that he is at liberty to say what he chooses to do; but the House also reserves the right to express itself in a proper way; which is what you are saying. It should be through a substantive Motion because this House, in terms of Article 95 (1), represents the people in the constituencies and other special interests. Article 95 (2) says this House resolves matters of concern to the people and goes on to legislate and to oversee.

Surely, if a member is unhappy on any proposed legislation that another colleague has brought forth, the best way to do it is to stand in your place here and make your point. But, at the end of the day, what would determine the outcome would be the vote.

Hon. Junet may not be happy about some of the Bills that you have been passing. Of course, I am sure, those of you who know hon. Junet very well, he is never around when you are dwelling with very crucial aspects of legislation or making laws. I would like to encourage hon. Nuh to sit in the Chamber and actually participating in law-making because that is one of the key functions that, as a legislator, he is expected to perform. But having said that, hon. Nuh is not on trial. There is no Motion which has been brought to this House and so, like I said, he cannot be gagged. Let him say what he must but,

again, the House is at liberty to deal with him as it pleases. Indeed, the House can also try to pardon him even if he had been named properly, but he has not. There is no Motion before me to name hon. Nuh. So, there is nothing that should excite us to start saying: "I will name this one! I intend to bring a Motion to name the other one."

Hon. (Ms.) Odhiambo-Mabona, in exercise of her right again, has also given notice of intention. I hope that is what it was - a notice of intention to bring some Motion against hon. Kabando wa Kabando. I hope hon. Kabando wa Kabando also does not have intentions to bring a similar one against some other person. But, of course, in all that, you will be exercising your rights under the Constitution.

Hon. A.B. Duale, you wanted to say something. Is it on this?

Hon. A.B. Duale: Hon. Speaker, first, I want to confirm that, despite her mode of dressing, hon. (Ms.) Odhiambo-Mabona, a friend of mine, is a serious Christian. I have attended several churches she has contributed to and, as an old friend in the Tenth Parliament, do not look at her dress. I look at the heart.

(Laughter)

The matter before the House that you need to address yourself to - and I am sure hon. Ichung'wah will read the Standing Orders very carefully when he wants to bring a Motion to discuss his colleague--- But the matter we want you to address yourself to - for all of us including myself - is that we must protect the dignity and integrity of Parliament and hon. Members. When you look at Article 1(3) - and hon. (Eng.) Gumbo, for reasons best known to him only read that Article selectively - it says the sovereignty is delegated to the State organs which shall perform their functions in accordance with this Constitution. The first one is Parliament and its legislative assemblies in the county governments. I do not want to go to the Executive and the Judiciary. So, what does that tell you? It tells you that Parliament is a serious organ. Under your leadership, Chapter 84 tells you what Parliament is and its Members. Chapter 95 says it represents the people, constituencies and special groups. It is Parliament that enacts laws. It is Parliament that is today discussing the national Budget. It is a serious institution; as serious as the Presidency; as serious as the Judiciary. Article 251, for those who feel it violates the Constitution, deals with abuse of office. This document has given this House the roadmap to take. I watched that clip and when a Member calls Parliament a house of triviality; a workshop, a lecture hall and a voting hall led by the Leader of Majority Party--- You might hate hon. A.B. Duale but hon. A.B. Duale and Hon. Nyenze's positions and that of the Speaker are created by this Constitution under Article 98. The only redress you have, if you hate hon. A.B. Duale, is to go and talk to the hearts and minds of each and every 216 Members of the Jubilee Coalition. But the Constitution has created this. If you do not like hon. Nyenze or the Speaker, then you will have a problem with the Constitution. What ideally hon. (Ms.) Odhiambo-Mabona is saying, for the defenders of this House and the products that come out of this House, it is incumbent upon all of us, as the 349 hon. Members--- We might have different shades of opinion on the political landscape. We might have different shades of opinion on how things are run. It is again incumbent upon us that we must respect the leaders who run the affairs either in this House or outside. They deserve respect. For example, I have in mind the former Prime Minister.

Even if we disagree with him or the Head of State, hon. Uhuru, the language you use as a Member of Parliament should be different from the guy in the streets. What your constituency bestowed upon you is a political leadership responsibility. What you say, what you do and how you move and relate to matters is different from the guys in the streets. So, I am very sorry. I did not watch the one of hon. Kabando wa Kabando, where he is alleged to have called people--- We were with him in Meru and I can confirm that in the meeting where I was with him in Meru, he spoke very well. But I can see my colleague, hon. A. Keter is agitated. Yes! I said you do not speak in Parliament and the HANSARD can bear me out.

(Laughter)

I have the evidence. If you do not speak in Parliament, all that you need to do is check the HANSARD and I read it every day. I can even repeat it here that, yes, today it is not hon. A.B. Duale to give--- There are many hon. Members who speak more than others. So, hon. Alfred Keter, you will make matters worse because I will repeat it here on the Floor that when I look at the HANSARD, you do not appear. So, that was just on a light touch! But I am saying, including hon. A. Keter who is from my party, we need to respect and even where you feel the Leader of Majority Party or the Leader of Minority Party or any of our hon. Members has gone astray, let us talk to each other; let us say we respect our leaders.

(Hon. (Ms.) Abdalla stood up in her place)

Hon. Wandayi: Hon. Speaker, thank you for giving me this opportunity also to talk briefly on this very serious matter. I do not want to reiterate what my good friend, hon. (Ms.) Odhiambo-Mabona, has eloquently---

Hon. (Ms.) Abdalla: Hon. Speaker, there are three microphones on; I do not know who you have given the Floor to.

Hon. Speaker: Hon. Members, there is no Motion for us to spend time on. I am sure all you wanted to do is to ventilate. Looking at the requests, if everyone who is on the queue was given a chance to speak, 38 hon. members would want to contribute on this. I am sure you know this is not business. I think we have said enough.

Hon. Member: No!

Hon. Speaker: You will not direct the Chair on who speaks. So, sit pretty in the knowledge that you have no such authority.

(Hon. Aburi consulted loudly)

Order, hon. Members! Order, hon. Aburi! Hon. Members, having said that, because the name of hon. Alfred Keter was mentioned by the Leader of Majority Party, it is only fair that I give---

(Loud consultations)

Order, hon. Members! Every hon. Member is supplied with a card, but hon. Alfred Keter appears not to have---

Hon. Members: He never comes with it!

Hon. Speaker: You normally do not come with it? I will give you one minute on the Dispatch Box.

Hon. Alfred Keter, if it is your Maiden Speech, just confirm.

(Laughter)

Hon. Members, this is serious because it is our tradition. If it is hon. Alfred Keter's first speech---

Hon. Alfred Keter: It is not, hon. Speaker.

Hon. Speaker: It is not? Then proceed. It is good to confirm. Hon. Alfred Keter is saying that it is not. So, you have no reason to start--- Hon. Keter may speak from the Dispatch Box.

Hon. Alfred Keter: Thank you, hon. Speaker. I want to be on record, having stated that this is not my first Speech, I do not know when my brother, hon. A.B. Duale, became the custodian of the HANSARD. I want to raise the issue that it is important for every Member to respect others. He should be the last person to tell us who is wrong and who is not respecting others. Some time back, while he was on a national television station, he said that I am dumb and cannot speak and, every time there are serious matters, I run to the washrooms. It is high time for my brother Duale to know that even if I am a first timer - a one year old Member, I want to be respected because I was given the mandate by over 30,000 people of Nandi. If we were to allow IEBC to tell us how many votes he got, then---

Hon. Speaker: Hon. Alfred Keter, do not bring that to the Floor of the House. There must be order!

(Applause)

You have less than 30 seconds to make your point.

Hon. Alfred Keter: Hon. Speaker, I want my brother to apologize to me, the people of Nandi and the people of Kenya. Every Member deserves respect and dignity.

Hon. Speaker: Very well. You may resume your seat. Hon. Members, it is fair to know that even if you keep shouting while seated, purporting to be saying something about points of order and points of information, who are you informing? Hon. Ken Obura, you represent the great people of Kisumu City.

Hon. Mirenga: On a point of information, hon. Speaker.

Hon. Speaker: There is no information you are giving to the Chair, hon. Ken Obura. The people of Kisumu City are well represented and they are happy. Members, I did indicate that I had some Communication to make.

COMMUNICATION FROM THE CHAIR

SPECIAL MOTIONS UNDER ARTICLE 152(6) OF THE CONSTITUTION

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This relates to special Motions filed under Article 152(6) of the Constitution of Kenya. Every Member has a right under Article 152(6) of the Constitution to move the House to remove a Cabinet Secretary. Before giving notice of such a Motion under Article 152(6) of the Constitution, the Member must, however, deliver to the Clerk a copy of the proposed Motion in writing, stating the grounds and particulars in terms of the said Article, upon which the proposed Motion is made. The notice must be signed by the Member and signed in support by at least, one-quarter of all the Members of the Assembly.

I wish to notify the House that pursuant to the aforementioned provisions, I have received a Notice of Motion from hon. Mithika Linturi, MP, of his intention to move a Motion for the removal of the Cabinet Secretary for Devolution and Planning, Ms. Ann Waiguru, in accordance with the provisions of the said Article of the Constitution.

(Applause)

The Mover of the proposed Motion has satisfied all the requirements and the Motion has been forwarded to the House Business Committee, which sits this evening at the rise of the House to allocate time. Once they have allocated time, the Order Paper on which the Motion is listed, must set all the grounds and particulars upon which the proposed Motion is made, the name of the Member sponsoring the Motion and the names of the Members in support of the Motion.

Holding the Executive to account is an alienable right of Parliament which, while performing its oversight role under the Constitution, exercises the powers delegated to it by the people of Kenya under Article 1 of the Constitution. Thus, Members bringing Motions as per the provisions of Article 152(6) of the Constitution are, indeed, exercising that role of oversight.

Once again Members, I resume my seat to allow the Member who is coming in to come in.

*(Members applauded as hon. (Ms.) Munene
walked into the Chamber)*

Hon. Members, in a 1999 Report prepared at the request of the Speaker of the National Assembly of South Africa, by one Hugh Corder, Saras Jagwanth and Fred Soltau of the Faculty of Law, University of Cape Town entitled, "Report on Parliamentary Oversight and Accountability," the authors stated as follows:-

"Oversight is a function of a legislature which flows from the separation of powers and the concept of responsible government, like law-making, which entails certain powers. Foremost amongst these is the power to hold the executive accountable. Monitoring the implementation of legislation goes to the heart of the oversight role. The legislature is in this way able to keep control over the laws it passes, and to promote constitutional values of accountability and good governance. Thus oversight must be seen as one of the central tenets of democracy.

Accountability is also designed to encourage open government. It serves the function of enhancing public confidence in government---”

In brief, this oversight role of Parliament entails overseeing the effective management of Government departments in order to improve service delivery and the rule of law.

Hon. Members, this cardinal role of Parliament must, however, be exercised responsibly and with decorum. Whereas Members are at liberty, upon stating the grounds and particulars in terms of Article 152(6) of the Constitution, the proposed Motion such as the one I have referred to for removal of Cabinet Secretaries, the entire process should be structured and should uphold the integrity of the House.

The Chair is dismayed to learn through other means, of intention by certain Members to exercise this right under the provisions of Article 152(6) of the Constitution without those Members first having the courtesy to make the proposals known to the Office of the Clerk. I wish to remind Members that provisions of Standing Order No.85 prohibit Members from anticipating debate on matters that are likely to be brought before the House within reasonable time. Special Motions include the Motion for removal of Cabinet Secretaries as they are given priority in the House. Prosecuting matters relating to these Motions outside the Chamber compromises the sanctity of the Floor of the House as a forum for debate among the people’s representatives.

Hon. Members, Special Motions, as I have already stated, require that they should be dealt with without delay. Indeed, Standing Order No.64(2)(a) and (b) give timelines on actions to be taken by the Speaker and the House when a Motion of this nature is delivered to the Clerk of the National Assembly. However, there is no time limit given to the proposer of the Motion to give notice once the House Business Committee (HBC) has allocated time for its debate. A reading of the relevant Standing Orders presupposes that the entire process should be resolved either way within a reasonable time. The intention to move the Motion and the processes preceding the hearing itself must not be allowed to hang like the sword of Damocles on the head of any State Officer nor be allowed to drag on indefinitely. The Damocles must either fall or be removed and the Speaker will demand justice and fairness for public officers for which the House has a right to remove when Members are exercising this oversight role. Obviously, the Speaker will not countenance endless fishing expeditions.

Accordingly and using Standing Order No.1(1) which reads as follows: “In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the House, any procedural question shall be decided by the Speaker”. I, therefore, order that whenever a Special Motion is filed and having been approved by the Speaker and time for its debate has been allocated, the Member who intends to move the Motion must give notice of the Motion within three sitting days, a failure to which the Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session except with the leave of the Speaker.

In the case of the Motion by hon. Linturi, the three days period will start counting from tomorrow morning’s sitting. I also wish to direct that Members should refrain from commenting on the substance of the Motion intended to be filed under the provisions of Article 152(6) of the Constitution and Standing Order No.66. Any Member wishing to introduce such Motions should, as a matter of courtesy, first discuss with the Clerk so

that proper procedures are followed. Thereafter, they need to approach the Clerk of the National Assembly who will advise on the process and, in particular the need to have a clearly stated heading of the Motion with the grounds and particulars upon which the proposal is made and stated in general terms. This will enable Members who are in support of such a Motion to understand the contents and vote for what they are signing. This is more important as Standing Order No.64(5) provides that any signature appended to the list accompanying the Motion cannot be withdrawn.

I thank you, hon. Members.

(Applause)

Hon. Linturi: Hon. Speaker, thank you for that Communication and with your leave and indulgence, I want to make a brief Statement.

Hon. Speaker, I am now a relieved man. The pressure that has been on me on this matter has been too immense and I am happy that the matter is now before the owners. So, I want to take this opportunity to invite the people that gave me support on this particular Motion for breakfast tomorrow because there are things that we need to discuss and agree with them. This is so that by the time I am giving notice tomorrow afternoon, I need to be sure that the whole of my army is with me.

(Applause)

Hon. A.B. Duale: Hon. Speaker, hon. Linturi was not very clear. He is calling for a breakfast meeting and yet the venue is not known. Who is paying for this breakfast? This is in the interest of transparency. We want to know this.

(Loud consultations)

Hon. Linturi: Hon. Speaker, for any Member of Parliament to get elected to come to this House, it is common knowledge that, that man must be a man of means. So, I am not a man of small means and if I was a man of small means, I would have been compromised a long time ago. So, I am paying for the breakfast at Panafric Hotel at 7.30 a.m. We must move together. I have said time and again that this is a Motion that belongs to the signatories and not me alone; I am only a conveyor belt. The Leader of Majority Party is not invited.

(Laughter)

Hon. Speaker: Hon. Members, we shall now go back to the Order Paper after hearing that relief. Of course, we do know that hon. Members are not people of straw; they are people of means. Next Order, please.

MOTION

ADOPTION OF REPORT ON ESTIMATES OF REVENUE

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AND EXPENDITURE 2014/2015

THAT, this House adopts the Budget and Appropriations Committee Report on the Estimates of Revenue and Expenditure for 2014/2015, laid on the Table of the House on Wednesday, 4th June, 2014 subject to:-

(i) Deletion of the words “Kshs200 million for geo-spatial mapping under the Ministry of Lands, Housing and Urban Development” appearing under recommendations, part (b), paragraph 47(ii) on page 19 of the report and substituting thereof with the words “Kshs850 million for geo-spatial mapping under the Ministry of Lands, Housing and Urban Development”;

(ii) Deletion of the figure “1.779” appearing under the Recommendations, part (b)(iii) of paragraph 47(ii) on page 21 and substituting thereof with the figure “1.780” and

(iii) The schedule be amended accordingly;

(Hon. Musyimi on 5.6.2014)

*(Resumption of Debate interrupted
on 5.6.2014)*

Hon. Speaker: Hon. Aden Abdikadir, Member for Balambala.

Hon. Aden: Thank you, hon. Speaker for giving me this opportunity to speak to this very important matter before us. Budget-making process is one of the critical functions of this House. Indeed, I want to agree with my colleagues that matters that come before this House cannot just be dismissed as trivial matters. Indeed, they are serious matters and one of them is the Budget which this House has to approve today.

I am privileged to be a Member of the Budget and Appropriations Committee and we have spent many days in May, 2014 to come up with this Budget proposal.

This year’s Budget is one that came as a result of very serious deliberations the entire month of May and even before, by the Budget and Appropriations Committee and various Departmental Committees. In accordance with Article 201(a), indeed, the general public got an opportunity to participate in this budget-making process, and we were able to do it in several places across the country. The Budget was based on the approved audited accounts of 2009/2010. I want to stress the point that, indeed, this Budget has given 43 per cent to county governments which is, Kshs226 billion and the rest to the national Government. I have heard several people complaining about the percentage that was given to the county governments. I want to say it very clearly that we must go by the Constitution. We can only go as per Article 203(3) which says that the minimum that we can give is 15 per cent of the last official audited and approved accounts, which in this case was the 2009/2010 Financial Year. Therefore the 43 per cent given, which is Kshs226 billion is a true representation of the percentage stated. I support this Budget because it has given a lot of good focus to critical areas. The area of

security is well funded through this Budget, knowing what this country is going through right now.

The Members of the Budget and Appropriations Committee have taken with a lot of seriousness the idea of supporting and funding national security, so that our policemen and women are well equipped and given the resources that they need. These include vehicles, good housing and such like things. I want to say that this Budget has funded critical sectors such as agriculture and water. Indeed, the functions that were left to the national Government have also been given consideration in this year's Budget. I must say, as I end my contribution, that I support this document and urge my colleagues to do the same. The process of coming up with this particular Budget started by the tabling of the Budget Policy Statement. I want to explain to our colleagues in the Executive, particularly Treasury, about one of the challenges that we faced. After the Budget Policy Statement was tabled, as required again by the Constitution, the approvals thereof that were made by this House ended up being changed and new estimates being printed. Well, within the law, the Executive is allowed to do that, but I just want to say that it would help a lot if the Executive can sit and plan its priority well before they present the Budget Policy Statement, so that once this House starts to deliberate on the figures given, then we do not have to worry about looking for resources to fund additional afterthought development programmes. The Executive must respect the approved estimates of the Budget Policy Statement.

I end by saying that, indeed, a lot of good work has been done here and as a Member of the Committee on Budget and Appropriations, a lot of my contributions were made at the various levels of making this particular document. I just wish to thank our chairman and my colleagues who did a very good job, working for very long hours. I urge hon. Members to support in approving this particular report.

Thank you very much, hon. Speaker.

Hon. Speaker: Leader of Majority Party.

Hon. A.B Duale: Thank you hon. Speaker, I stand to support the Budget for the fiscal year, 2014/2015. From the outset, I want to thank the Chair and the Members of the Budget and Appropriations Committee of this House. The Cabinet Secretary for the National Treasury submitted the 2014/2015 Budget in accordance with Articles 220(1) and 221(1) of the Constitution. At the same time, in submitting that Budget, he did it in conformity with Sections 37 and 38 of the Public Finance Management Act of 2012. The Cabinet Secretary submitted all the necessary information and documents to the National Assembly and the Budget and Appropriations Committee so as to initiate the public participation process. The Budget and Appropriations Committee has submitted its report to this House. In this Budget, the expenditure was financed through carefully estimated revenue and financing assumptions that took into account the happenings in the global economy; the emerging economies in the Sub-Saharan region, in fiscal and the multi-economic indicators. Kenya's growth prospects and macro-economic framework will enhance the private sector growth and its participation in facilitating the growth of our economy and development of our country. This framework of the Budget submitted to this august House, for the national Government, county governments, the Parliamentary Service Commission and the Judicial Service Commission is summarized as follows - I do not want to go into the table.

If you look at the area of food security and agriculture, Kshs9.5billion has been proposed for the ongoing irrigation project countrywide and the transformation of agriculture. From subsistence farming to productive commercial farming, food security is a flagship project in the Jubilee Manifesto and is key to the agenda of President Uhuru Kenyatta. In the Kshs9.5billion, Kshs3 billion has been set aside for the farm subsidies; Kshs2.7 billion for strategic grain reserves, Kshs1billion for fisheries development - I am sure hon. (Ms.) Odhiambo-Mabona, my colleague from Lamu and all the Members from fishing areas are happy. There is Kshs700 million for the revival of the Kenya Meat Commission; for us, I included, the pastoralist communities. The Kenya Meat Commission must work and that Kshs.700 million must be used prudently.

If you go to transport and logistics, which are key for investments in infrastructure, very key flagship project for economic growth and vision 2030, Kshs41billion has been provided for the ongoing road construction. Kshs22.4 billion for road maintenance has been provided. I want to make it very clear, since Independence, northern Kenya has never had tarmac road. The tarmac ends in my constituency.

We are looking at this Government and hoping that this time round, the road from Garissa to Mandera will be tarmacked, otherwise, it will not be business as usual. An amount of Kshs.42.3 billion has been earmarked for financing of foreign roads, which are roads that are funded by foreign donors. An amount of Kshs.1billion has been set aside to decongest the junctions in Nairobi City, and Kshs.1 billion is meant for new roads. Kshs.19.4 billion has been put aside for the standard gauge railway; this is the signature project of President Uhuru Kenyatta and the Jubilee Government. The first railway was constructed in the 1800s. The governments of the late President Kenyatta, President Moi, President Kibaki and former Prime Minister Raila Odinga did not see the need for a standard gauge railway. This Government saw the need to transform Kenya and the building of that railway alone will bring a five digit growth to our economy. So, if that railway is completed, five per cent will come from that infrastructure alone and we can use it for development.

An amount of Kshs.5.37 billion has been allocated for JKIA commercial rail; that is a brand of Kenya. Energy has Kshs.10 billion for Geothermal and Kshs.23 billion for power transmission. I want to confirm that for the first time in the history of Kenya, the national grid is on its way to Garissa; my constituency and the gateway to northern Kenya. This Government has done it, the people of northern Kenya have lived on generators and solar, but for the first time it is the Government of President Uhuru Kenyatta and his Deputy William Ruto, which I am privileged to belong to, that is taking the national grid transmission line to Garissa.

Rural electrification has Kshs.10.6 billion. This is a Government that believes in equity. We want to light each and every place. Some of us come from regions that have never produced presidents, deputy presidents and prime ministers. Nyanza has produced a prime minister, Eastern has produced a vice-president, Rift-Valley has produced a deputy and a president and Central has produced three presidents. Coast and North Eastern, the best we have produced is a Leader of Majority Party and Cabinet Ministers.

(Laughter)

I am sure some people will tell me we produced a vice-president in Eastern; my neighbours. If hon. Kalonzo Musyoka slept on the job, then please blame him, but I can tell you Kshs.10.6 billion is going to light each and every place. This must be done on equity. If we talk of cohesion and unity of our country, the common denominator is equity. Let us share roads, power, food security projects and each and every piece of cake that this Budget is made of.

I am done with energy, so let me go to security, and this is where I have a problem. Close to Kshs.70 or 80 billion has been allocated to the security sector; Kshs.6.7 billion for leasing of police vehicles and aircraft; Kshs.3.3 billion for enhancing security operations; Kshs.2.9 billion for the recruitment of extra 10,000 police officers, where we want to make sure the ratio of citizens to police officers is reduced; Kshs.3.5 billion for police equipment and Kshs.1.6 billion for police medical insurance cover. For the first time in the history of Kenya, our men and women in uniform will have an insurance cover. Then we have Kshs.1.8 billion for the control and command centre; Kshs.1.3 billion for police and Administration Police houses and Kshs.6.1 billion for AMISOM.

Hon. Speaker, the moral question which I am asking is, we have allocated Kshs.80 billion, do we get value for our money? I want, from the Floor of this House, to send my condolences to the family, friends and the Muslim community following the death of Sheikh Idris, who was gunned down this morning by unknown assailants. Sheikh Idris was a high profile and well respected Muslim scholar. Sheikhs are killed every day in Mandera, Garissa and Mombasa. The Kenyan society and the Muslim community are worried, we need answers on why our religious leaders; our Sheikhs are gunned down indiscriminately. As we allocate Kshs.80 billion to the security sector, we must be given answers; Kenya must be secure for investment and for us to grow our economy. We are telling the President that our men and women in uniform and our institutions of security must scale up their effort.

Education is very important to the Jubilee Government and President Uhuru Kenyatta. You can tell the commitment of this Government through the amount of money allocated to the education sector; Kshs.28 billion for free day secondary education and Kshs.13 billion for free primary education. This Government is recruiting extra 5,000 teachers to reduce the gap of the teacher-student ratio and we have allocated it Kshs.2.3 billion. An amount of Kshs.5.5 billion is for the commuter allowance, the thorny issue of the teachers who belong to KNUT. Kshs.6.5 billion is for building new technical training institutions and Kshs. 55 billion is for university education.

This is a Government that believes in up-scaling and improving the human resource per capita of its citizens. On the health sector, this Government introduced free maternal health care and today 67 per cent of the Kenyan mothers deliver in health centers across the country compared to 47 per cent before. It is not hon. Duale saying this; there are statistics that can be confirmed by independent bodies. Kshs.4 billion is for free access to maternal health care; Kshs.3 billion is for financing the lease of health equipment. Kshs.8.4 billion was given to Kenyatta National Hospital, a serious and important referral hospital.

Finally as a country, we cannot grow our economy when we have not dealt with the poverty index in our country. What has the Government of Uhuru Kenyatta and that

of Jubilee done, which I have privilege to serve? Equity, poverty reduction and social protection is something which the governments of the late President Mzee Jomo Kenyatta and those of the other two successful presidents did not achieve. We have moved from Kshs.27 to Kshs.33 billion for CDF and provided Kshs.2 billion for affirmative action, Kshs.7 billion for our orphans and vulnerable children and Kshs.4 billion for the elderly. Where do we get this money from? On the Floor of the House, I want to thank the Kenya Revenue Authority, under the able leadership of Mr. Njiraini, because for the first time in the history of our country, 90 per cent of our Budget is funded by revenue collected locally. Even from the VAT, which we have passed here, we are getting an extra Kshs.10 billion. Where do we take it?

In my constituency and every other constituency, 526 elderly people earn Kshs.2,000 per month; 267 households of orphans earn Kshs.2,000 a month and over 50 disabled people earn Kshs.2,000 a month. Why do we need to dialogue? The only dialogue that the Opposition is asking for is on Independent Electoral and Boundaries Commission (IEBC) and that has been solved by the petition that was brought to this Parliament and the roadmap is in Article 251 of the Constitution. The elderly and orphans are happy, the roads are being done and food security is being fixed. Maternal health care is going up. Those men and women who are charged with implementation of this Budget must make sure that every coin that this House passes is accounted for. We, as Members of Parliament, must also make sure that every coin that comes with the Kshs.33 billion for CDF is accounted for. We want county governments to also account for the Kshs.226 billion. We want the national Government to account penny by penny for the money that we have approved today.

So, hon. Speaker, I want to thank most sincerely the able Chair of the Budget and Appropriations Committee, hon. Mutava Musyimi, his Committee members, the House, Kenya Revenue Authority (KRA) and the Kenyan public who participated in the budget-making process. Of course, there are a number of issues as far as the reallocation of a number of items is concerned. That is within the Constitution and I am sure as we speak here, the Eurobond that will give us between Kshs130 billion to Kshs145 billion is being voted in the United States of America and Europe. Once we get that money, infrastructure will be built. Our interest rates will come down to nine per cent and the Government will not borrow from the domestic market.

Hon. Speaker, we must face head on this monster called “interest rates”. Chinese, European and Asian companies come and do business in our country on money borrowed at three, two or four per cent. Our private businessmen borrow at 19 per cent. So, the Eurobond must solve the issue of interest rates. If we reduce interest rates to nine per cent, all Kenyans in the middle class who are earning Kshs50,000 and above will go and get mortgage.

With those many remarks, I want to support this Budget and say that it should transform the lives of our people. Thank you.

Hon. Speaker: Hon. Chris Wamalwa.

Hon. Wakhungu: Thank you, hon. Speaker. I rise to support. I want to thank the Budget and Appropriations Committee under the leadership of Reverend Musyimi. Indeed, he provided proper transformative leadership. Last year, we had issues in terms of coming up with a budget because of the issues that concerned the delayed elections.

Hon. Speaker, we are in a presidential system and not a parliamentary system. This House is no longer a budget rubber stamping House. It is, indeed, a budget-making House and when other hon. Members go out there and claim that this is a workshop, indeed, that is very wrong. This is not a workshop. This is a very serious House that approves the Budget.

Hon. Speaker, looking at the Budget Estimates one thing I am happy about is the Kshs5 billion increase in the Constituencies Development Fund (CDF). The CDF has really improved the welfare of the society in this country. This is the money that has gone a long way in terms of providing bursaries to the needy poor children who are bright. When it comes to health care, CDF has contributed a great deal. When it comes to infrastructure, in many other counties where roads were impassable, now CDF has brought life to them. Going to the education sector, CDF has built so many schools. Before that, we used to have more than 100 pupils in a classroom, but right now students are learning in a very conducive environment.

Hon. Speaker, I want to commend the increase of the amount that was allocated to the Auditor-General. This is, indeed, a very critical office because it helps so much in the fight against corruption. In this country, from research, it shows that around Kshs300 billion goes to waste because of corruption. So, by giving more money to the office of the Auditor-General, we are also increasing our oversight role. For instance, much of the work of the Public Accounts Committee (PAC) and Public Investments Committee (PIC) is derived from the reports that are generated from the office of the Auditor-General. So, the increment that was done was, indeed, a very good deal because it is going to add value in terms of fighting corruption in this country.

Hon. Speaker, we have very many issues. We have had problems with the wage bill and unemployment and if we are going to block these loopholes, I am sure we are going to have more money that is going to help in terms of fighting corruption.

Hon. Speaker, on the reduction of the allocation to the Judiciary, I was just looking at the special report that was done by the Auditor-General on the Judiciary. Indeed, he has shown that there was massive corruption. Some of the offices were acquired without following the proper process of the law in terms of procurement. So, that reduction shows that there was so much money that was being wasted.

Hon. Speaker, the money that has been allocated to the Judiciary I think should focus more on its core business. Under Article 22 of the Constitution on enforcement of the Bill of Rights, Article 50 on fair hearing and on reasonable access to public service in all parts of this country, this cannot be fully realised if the courts remain out of reach for the majority of the Kenyans. So, the money that has been allocated will add value if at all the Judiciary is going to move and establish a division of the High Court in most of the counties that do not have it.

Hon. Speaker, at Independence our forefathers were fighting hunger, disease, ignorance and poverty and 50 years since Independence we are still faced with these same problems. So, the allocation that has been made towards irrigation is going to contribute in a big way in as far as food security of this country is concerned.

Hon. Speaker, when you look at the Millennium Development Goal number one, it talks about eradication of extreme poverty and food insecurity. So, the allocation that has been given in terms of irrigation will, in a big way, help in terms of food security.

However, I had expected allocation to be given for fertiliser. I have gone through the report, but I cannot see anything. Maybe at a later stage we should look for a way of getting a fund towards fertiliser. Fertiliser is very critical when it comes to food production. As far as I am concerned, even if more money has been allocated towards irrigation, we need fertiliser which contributes about 60 per cent of the farm inputs. We need a fertiliser factory in this country. We expected to have this allocation so that it will contribute towards the food security of this country.

Hon. Speaker, when you look at the allocation under universities, to me, it is very insignificant. We have not had any allocation when it comes to research. The core business of universities is to do research but if you do not do any allocation, you will find that many universities cannot do any research. We live in an environment which is very dynamic. You might develop a product or a service that is relevant at the moment because of the prevailing circumstances in the market but ten years down the line, we need to change and diversify that product to suit the market and we can only do this if we have more money allocated to research. In many of the universities, currently research is very minimal because of lack of funds. I really wish they could have allocated more money when it comes to research. Maybe at a later stage we are going to work together and see how we can fund universities so that we can enhance research.

Hon. Speaker, when it comes to allocation to the office of the Director of Public Prosecutions (DPP) we have many people behind bars who are not even criminals. They are innocent but because of the poor investigation that has been done by the people in the office of the DPP, maybe because they do not have the capacity, competence and proper training, you find these people are behind bars. So, we should have awarded more money to the office of the DPP because this office plays a very critical role as far as fighting crime is concerned. So, it is important that this DPP office be enhanced, strengthened and given more money to hire enough lawyers with competence in investigations.

Hon. Speaker, we have had cases of people wanting to settle political scores using shoddy ways of investigation. Therefore, at a later stage, we will propose that the Committee gives more money to the DPP.

On Parliamentary Service Commission (PSC), I am happy to note that more allocation has been given. This is a very important service because it is there to improve the welfare of Parliamentarians.

Hon. Speaker, looking at Article 95 of the Constitution, you will find that the National Assembly is there to provide oversight, it is there to legislate and to represent people. With these allocations, it is going to aid in a big way in improving the welfare of legislators. We do know that most people do not have offices; those who have them, they are at KICC which is very far. Therefore, this allocation is going to improve the area of research as well.

With those remarks, I support.

Hon. Speaker: Hon. Members, I think those who are contributing could borrow a cue from hon. Wakhungu so that many of you who have shown interest can contribute. Of course, if you look at the business appearing as Order No. 9, I think you may wish to appreciate, given the date of Thursday, that the House would wish to express itself one way or the other, before the close of business today.

Hon. Katoo: Thank you, hon. Speaker. I stand to support this Motion and thank the Budget and Appropriations Committee for the wonderful scrutiny that they have done on the Budget Estimates; especially the way they tried to align them to the Budget Policy Statement laid on the Table of this House some few months ago.

Hon. Speaker, the Gross Domestic Product (GDP) grew in the year 2013/2014 by 4.7 per cent. It is estimated that this coming Financial Year of 2014/2015, it will grow by 5.8 per cent. I know the Budget and Appropriations Committee has cast some doubt on that very ambitious proposal by the Executive for some reasons. I want to say that on my part, it is possible. As a society, we need to check on some things that may stop or may make the country not to realize such very beautiful economic growth of 5.8 per cent. This will happen if we stop politicking so early. As the political group, we need to stop that.

Secondly, if our trading partners stop issuing their travel advisories, our tourism sector will do well. The third point that may make us not realize economic growth is the global terrorism. That has really contributed to high level of insecurity in our country. I think as a country we are capable of achieving that percentage of 5.8 of economic growth this financial year, in spite of those three factors.

Hon. Speaker, according to the Budget and Appropriations Committee, there are three aspects that will make us realize development. One is through regional integration. On that aspect, I want to urge the country to move forward. We need to take advantage of the economic and social opportunities through regional integration. That comes if we put more money to our production sectors like agriculture, infrastructure, building and construction, manufacturing and also financial intermediaries. These will help us if we add more value to our products.

Hon. Speaker, I was in Dar es Salaam recently and I witnessed how the Kenyan society is affected by inflation. If at all we can just do a little bit of value addition to our products to take advantage of regional integration, it would be good.

On the percentages, Recurrent Expenditure seems to be taking a lot. We need to do something to it, if it is not at 50 to 50 level. We need to do something so that it is not so wide as it is seen right now.

Let me again, thank the Committee for allocating more resources to areas that are going to increase employment, security related programmes and tourism in this country. Those three are paramount; employment creation, security related programmes and tourism. At this juncture, I want to thank His Excellency the President for the very able measures and steps he has taken to provide tax waivers and tax benefits to areas that have been hit by travel advisories in the tourism sector. We can see it bearing fruits and that must be supported at all times.

On regional integration, it is good that we sharpen our skills. I would call for more resources to be allocated to the education sector so that we compete among our regional partners through skills and technology. Such areas need to be given more funds. We also need to encourage our country to take advantage of technical institutions so that we can actually venture into areas of engineering and other technical subjects. This will be very instrumental as we move to regional development or integration.

Hon. Speaker, I do not want to repeat, but I just want to very quickly mention some of the aspects that I have seen very encouraging in the Budget Policy Statement. I am happy with the steps that the Budget and Appropriations Committee has taken in

reallocation of the expenditure. For instance, I have seen reallocation of Kshs1 billion to the Narok-Mai Mahiu Road. I was there recently and that road is in a pathetic condition. That is the road that leads to one of the wonders of the World; the wildebeest migration at Maasai Mara Game Reserve. The migration boosts tourism in the country. That season is here and some tourists have defied the travel advisories and visited the country. If the infrastructure for that facility is not in good condition, we are likely to lose huge revenue as a country. Therefore, I appreciate that the Committee gave Kshs1 billion for the tarmacking of that road. It may not be enough because that road is about 90 kilometers long, but it is better than nothing. It can be done in phases.

I also appreciate that the Committee has allocated Kshs2.2 billion for the construction of Ronald Ngala Utalii College in the Coast. We all know that 60 per cent or even more of our tourism sector is from the Coast. It will be good to have tourism and hospitality facility situated in the Coast so that it can impart skills to the people in that area.

Finally, I appreciate the allocation of Kshs750 million to the Kenya Wildlife Service (KWS). This money is meant for recruitment of new rangers. This will help curb the poaching menace in this country. If we do not have wildlife and heritage in our national parks, there will be no tourism. My only plea to the KWS for that matter is to take advantage and cognizance of the communities that have conserved wildlife and give them the first priority when it comes to recruitment of game rangers because they are the ones who know best on how to conserve those animals. In any case, they are the ones who are suffering because of those wild animals. You have seen in the last two days what has happened in Samburu because of elephants and wildlife.

So, hon. Speaker, the trickle down benefits that accrue because of those facilities should---

Hon. Wandayi: Hon. Speaker, thank you for giving me this chance to also contribute. I wish to support this Report of the Budget and Appropriations Committee on the Budget Estimates. In supporting this Report, I will raise a number of issues. Firstly, it is important for us to look at the Budget in layman's terms, as basically a statement of revenues and expenditure. Any prudent person would want to balance the two; that is look at your revenues and then you plan your expenditures. Any time you find someone trying to spend more than he earns, he will get into problems of budget deficit. What is inherent in these Estimates is a serious budget deficit.

What is important to note is that whenever there is a budget deficit, as it is in this particular case, the Government tends to borrow and in fact has no option but to borrow. It borrows both externally and domestically. In these Estimates, the Budget plans to borrow about Kshs340 billion; about Kshs190 billion from the domestic market and about Kshs150 billion from external sources. The problem with borrowing and more so domestic borrowing is that whenever the Government borrows heavily domestically, it crowds out the private sector and it does it by making interest rates to skyrocket. This is what is likely to happen. Therefore, what is the solution? We are facing a vicious cycle because if the Government borrows and, therefore, makes interest to go up, the private sector does not get money cheaply and therefore does not invest or create wealth; the GDP will not grow as it is supposed to grow. Therefore, the economy does not grow in effect and so even the projection that the Government is making here that the GDP is

going to grow at 5.8 per cent in 2014 as opposed to the 4.9 per cent in 2013, is basically wishful thinking. It is wishful thinking in the sense that the fundamentals do not support this hypothesis. Why do I say so? As we speak, this country is facing serious problems of insecurity; insecurity which has made the tourism sector to virtually collapse under the watch of the Government.

Unless these very serious issues are addressed and I can see here money is being allocated to the security sector; to the police to buy vehicles, uniforms, gumboots, teargas and guns, basically addressing the hardware aspect of security management and ignoring the software bit, if I may call it so, will not help. The problem we have with insecurity in this country is not necessarily the lack of hardware but the lack of proper intelligence and, perhaps inappropriate consumption of that intelligence, if at all it is there. Therefore, what we need to do is to continue--- The Government needs to give us a proposition on how it is going to complete the police reforms; the comprehensive police reforms that were initiated way back following the Ransley Report. That is the only solution to the problem of insecurity in this country. Therefore, when you look at these Estimates, you see a lot of gloom.

The issue of absorption of development funds, this is an issue that has to be addressed. It has to be addressed because if funds cannot be absorbed for purposes of development year in, year out, then we are basically staring at a serious crisis. The reason why funds are not being absorbed are known and some of them are to do with corruption because people want to look for avenues to delay consuming funds so that they can get means of siphoning public funds. This has happened year in, year out. We also know, of course, the challenge of the procurement laws which this House can address at the right time so that public funds meant for development purposes are utilized at the right time, for this country to grow. This country's infrastructure is virtually collapsing and yet funds have been allocated year in, year out. That is an issue that the Budget and Appropriations Committee needs to take some time in future and tackle absolutely.

In conclusion because I want to be very brief, what this country needs to do, if we are going to grow as an economy, of course, is to look at our books; look at the revenues we can possibly earn and try to live within the means. How is that possible? It does not mean necessarily cutting on Development Expenditure. What we need to do is to address the loopholes through which public funds are siphoned year in, year out. We should address the matter of corruption and the matter of wastage and, therefore, be able to live within the means and avoid unnecessary borrowing of money, which is very expensive in the final analysis.

I must conclude by commending the Committee for the work they have done in terms of analyzing these numbers and providing some recommendations. But it is going to be important as a country that we learn to appreciate where we are. It is not right to continue living in denial. The starting point, if we are honest enough; if we are honourable countrymen and women, is to admit that there is a crisis in the country. We have crisis of insecurity; crisis of corruption; crisis of lack of confidence from the development partners; crisis of nepotism; crisis of tribalism and you can go on and on. This is a situation which calls for extraordinary measures. You are aware that extraordinary times call for extraordinary measures. This is such time in Kenya. As a country, we need to sit back and find out where the rain started beating us, in a sober and

dignified manner. That is why when you hear people rubbishing calls for national dialogue, you are taken aback because when we have a problem at home, what you do first is to sit down and discuss. When people are calling for room for discussion, you do not rubbish them. You do not dismiss them off hand; you give them opportunity to table what they have so that people can discuss them in a manner that is likely to give us results.

Therefore, I want to urge my colleagues in this House to embrace the spirit of dialogue, which is very important. It must also be stressed because many times we hear that this dialogue can happen within the institutions that are established by the Constitution. All of us know that there are institutions which are established by the Constitution including this Parliament, but this Parliament is not a dialogue institution. It is a debating House. You can only dialogue in an environment which is friendly and has no rules that guide it such as this House. Therefore, I want to urge my colleagues from both sides of the House to embrace this spirit of dialogue as we move forward, so that this country can grow further into prosperity.

Hon. Speaker: Hon. Members, I can see there are still too many requests. So, please, those contributing, if you can avoid repeating what has been said by others, it will really help, so that we can have as many of you as possible express yourselves on this Report.

Hon. Limo: Thank you, hon. Speaker. I stand to support the Budget which is before us. Before I embark on the Budget Statement, I want to say that it is a very wonderful Budget because it is based on a different basis altogether. The Government, after realizing that we have been facing a lot of absorption problems, that Ministries have been budgeting for things which are not priority and they fail to absorb them within the financial year, has come up with a wonderful supply chain budget approach, where the Ministries come together and align all the activities and allocate money depending on priorities for the financial year to ensure that everything which is budgeted for is absorbed within the same financial year.

That is why there was what is popularly known as the Nanyuki Retreat. We want to encourage the Government to bring this Nanyuki early enough, so that as the Budget is being prepared, the changes are minimized. You can see that in the BPS, it is totally different from the Estimates because the Nanyuki came later. One of the issues which have been embraced from the private sector, which is a very good thing, is a shared service concept, which is going to improve on service delivery to *wananchi*. Again, the *huduma* centres, which have been allocated a good amount of money, which will be rolled out throughout the country, will improve service to the people, so that the people of Kenya will not be required to move from Mombasa or our villages to Nairobi to get services. Everything will be in one stop. Kenya is one of the most expensive countries in terms of investments and this is probably because the offices are scattered all over. It has been done in a wonderful way.

We have been speaking a lot about devolution. The allocation in this Budget of Kshs226 billion is a good increase. Whereas there has been an increase in terms of the money that has been allocated to the counties, I want to challenge the counties to ensure that the money is absorbed properly. Devolution is not about people holding offices, it is not about governors; devolution is about taking money to the grassroots and to the

common *mwananchi* to see bridges, roads and health centres built. We should have an efficient service delivery. I want to encourage that all the governors in this country, from this financial year, must demonstrate that servant-hood to the people of Kenya and deliver services, which is a creation of the Constitution. It is not about building kings or rulers; it is about servicing the people of the Republic of Kenya.

On the same note, we have increased the CDF from Kshs22 billion to Kshs33 billion. That is a lot of money. I am sure if we deliver improved infrastructure in schools and other places, especially if the county governments concentrate on roads, bridges and health centres and put a lot of money to infrastructure in schools, our education standards and accessibility to education will not be the same. Security in this country is also very important. This Budget has allocated a lot of money to improve the welfare of the police officers. It also intends to improve infrastructure in the Police Force by the provision of enough vehicles. For the first time, police officers will be given medical cover.

I want to recognize the role that is played by village elders. I want to encourage that in future, we also embrace the style which is used by our counterparts in Tanzania, who have what they call *Wazee wa Vitongoji*. They are given something small to take care of their welfare. They are very important especially now that we are embracing the concept of *Nyumba Kumi*. On that note, we know that our culture is very important. We have our old people who lead the various communities in our country. In Meru, there are the *Wazee wa Meru* and in my village in Kericho, we also have the *Miyot* Elders. I want to take this opportunity to send condolences to the family of the Chairman of the *Miyot* Elders, who unfortunately left us during this important time when this country is under transition. The role played by our elders is very important. I want to say *pole* to everybody in Kericho. As I conclude, in terms of security, it is important to also note that the Government is committed to increasing the number of our security officers. We are going to employ 10,000 police officers in this country.

On education, infrastructure is very important. The CDF will play a very key role. This Budget has also provided a lot of money to technical institutes because it is very important that we train our men and women, especially the youth, to give them the skills which are highly required. For the first time since Independence, we are going to have a technical institute in my constituency. I am sure my constituents will be celebrating once the Kimasian Technical Institute is built and all the others which will come along within the financial year.

On ICT, communication is very important. We want to encourage the President to speed up the laptop project. Under the laboratory projects, which are going to be built in every primary school, I recommend that we implement this through the CDF structure, so that it can be done in one kick and in one financial year, we can have all the laboratories built in all the constituencies in this country. I also want to thank the Budget and Appropriations Committee and the Government for ensuring that the promotion of teachers and employment of more teachers to improve the quality of education has been factored into the Budget.

On the infrastructure, it is very good that the country for the first time will have tarmac roads in rural areas. In fact, in my constituency, for the first time, there will be a tarmac road cutting across Chepsion, Kimasian, Londiani, Soget and Tendeno. Many

people, instead of travelling far to see a tarmac road, will see tarmac road in their own villages.

As I end, tourism is very important. The allocation of Kshs1 billion to the Narok-Sekenani Road is very welcome. These are roads which bring a lot of money to this country. I want to encourage the Government to look for new sites. As terrorism is across the whole world, we want to encourage our people to practise local tourism. It is important that we allocate more money to new sites and cultural centres. For example, in my constituency we have a cultural centre.

I want to end by saying that the youths have not been left behind. Agriculture and health care have also not been left behind. Youths are very important part of our society.

I thank the Committee and I fully support this Budget.

Hon. Mwadime: Thank you, hon. Speaker. First and foremost, I am applauding the Committee, because they have proved to be budget-makers, unlike the yester years where they were just budget approvers. The budget estimates are well spread, although we needed more in mining, to exploit fully the potential of the Ministry in charge of mining as it is a new sector. I think it is the only sector which will move and transform our GDP to double digit. Areas already prospected and discovered minerals require mineral excellence centers for purposes of awareness and marketing.

I am happy with the increment on wildlife as it will enable us to recruit home rangers. This is a problem that is affecting my constituency - Mwatate Constituency. Marauding elephants with full appetite for maize have made my constituents go hungry because they compete for the same. The Committee has allocated funds to finish road projects like the Voi-Mwatate-Wundanyi Road, which has taken more time than the Treasury promised. Therefore, the expectation from my constituents is that the road will be completed immediately after the Budget is read. Good infrastructure is one of the major boosters of the economy and we can see the allocation to Kenya Rural Roads Authority (KERRA) has been increased by Kshs300 million. That money is supposed to repair rural roads. The Budget and Appropriations Committee, although it has done a good job, has not allocated any funds to, at least, one major project in Mwatate Constituency. That was highlighted recently by K24 TV station. We experience serious water problems. The latest report by the Tax Association shows that we have the highest number of school dropouts due to challenges associated with water. I expected the Committee to allocate funds to Mzima Phase II, so that it can traverse through all the areas of Mwatate Constituency but, to my surprise, that was not done.

The allocation for recruitment of teachers will assist the entire country. That is because there is high shortage of teachers.

With those few remarks, I stand to support. Thank you.

Hon. Speaker: I wish we could all try to be as brief as that. Please, because this other business on Standing Orders is so critical, I am sure you will appreciate why I am urging that we need to--- Take a few minutes so that your other colleagues can also contribute. I want us to tackle the business on Order 9. Hon. Njenga.

Hon. Njenga: Thank you. I will be very brief. You have taken one or two minutes, I will be too brief. The Budget and Appropriations Committee, which I am a member, has indicated that we are growing the size of the budget by Kshs10 billion to accommodate public hearing. This takes the budget-making process a notch higher; the

citizens of Kenya have now been accommodated. This is an achievement. I have also realized that ordinary revenues are anticipated to grow by about Kshs1.1 trillion. I remember that about 12 years ago, ordinary revenue was about a fifth of that.

Everybody has said that he or she would like his or her constituency to have this or that. I also encourage Members of this House to urge their constituents to pay taxes. We cannot grow revenue or grow this country without, as a matter of fact, taking care of the illicit cash flow that is being lost through failure to pay taxes, especially by the informal sector, which is in every county and sub-county. I am also happy because we are going to front a sovereign bond and this will increase the supply of money. Once an increased supply of money is achieved, we expect interest rates to go down. If interest rates go down, we expect that the cost of production of goods and services should also go down. Then, we would expect also, that we are going to compete. So, I congratulate this Budget Policy Statement that concurred that the Kshs1.4 billion on the cases relating to Anglo-Leasing should be paid in order to unlock immense funds for this country.

I would also say that, if we have to achieve more, the railway should be coming – the Kshs400 billion is going to be with us. But if we have to move and benefit further from that, we have to improve our GDP growth from 4.7 per cent achieved in the year that ended to 5.8 per cent expected in the coming year and to 7 per cent expected in 2017. Our local consultancy firms should be sought and engaged when we are doing those mega projects. I believe with that, money will remain in Kenya. If money remains in Kenya, taxes will be paid here. The money will re-generate further revenue for our country. I believe our local consultancies should also be much cheaper. This House should be very careful to watch that, so that we can get the extra benefits when we enjoy foreign or external funding.

The most important and the greatest achievement, according to me, is the improvement of the money that is being sent to the National Titling Center in this country. I had a chance to go to Ruaraka with the Cabinet Secretary and what I saw is like a dream come true. The entire country is geo-mapped, every piece of land is known, the number is inserted, the files are now in order at the various registries, especially the one in Nairobi and everybody in this country should have a title deed. Having a title deed should not be taken for granted. That is going to reduce the disputes that are happening in this country; the animosity against communities and families in this country. It is going to even take our people into the money economy, thus raising the revenue of this country. You will require just to use the e-money to know the status of the land you are buying and the status of the property you are charging in a bank. This is going to hasten the process of borrowing. I believe and trust that, if that happened, we will not actually be conned. Many of us have been conned on land transactions and that, to me, is a great achievement. The National Titling Center did that with only Kshs500 million. With Kshs850 million, we are likely to move far. In fact, I think that with the same money, we can take our land registries all the way down to our constituencies so that our elderly statesmen who have land do not suffer at all. This will help us know the status of our land from our doorsteps.

On leasing of equipment, we are going to spend Kshs3.4 billion. We should have spent the Kshs34 billion to buy the same. The primary role of this Government is not to buy assets. We have so many cars lying around and other properties all over the country.

Leasing is a strategic plan to deliver services to this country. If we are going to save Kshs27 billion by leasing and get the same services, we are going to further save in maintenance of the said leased assets. People can see the success story of the police vehicles.

I also believe the Ministry of Education, Science and Technology should get enough to pay the retired teachers of 1997 and beyond who taught most of us, including hon. Prof. Nyikal. I believe if those teachers are paid, they will give us the blessings and education will be of better use. Those teachers are being denied their rights. They went to court and won, but the Government has refused to honour the court's verdict. The money has gone back to the National Treasury. If those teachers are paid, even the Judiciary will find us working together at various levels of Government for the betterment of this country.

Hon. Speaker, on security, people can now actualise the *Nyumba Kumi* Initiative because security starts with us. Even the President said so. The budget that we have given to the national security organs is big enough. The other day, we adjusted by Kshs2 billion the amount of money they demanded. We have provided sufficient funds for the *Nyumba Kumi* programme and the Kenya Police reforms. Those who work in those organisations should be compensated, so that we can be more secure.

The CDF, the only agency that acts promptly in terms of ensuring service delivery to our people, has got about Kshs100 million. We are likely to do even better than our brothers in the counties, who get more money. I believe that the Economic Stimulus Programme (ESP) will be implemented through the CDF. If that happens, we will stop wastage of public funds. In fact, I urge my brother, Prof. Nyikal, to talk to his colleagues in CORD to stop the meetings called "national dialogue". The other day CORD called for such a meeting and people did not go to work. Children did not go to school. So, let us stop wastage. We can dialogue from the National Assembly and not necessary at arenas and parks. If you do that, it will help us.

Hon. Speaker, another thing I am very happy about is the conversion of Appropriations-in-Aid (A-in-A) into revenue. This is where we lose a lot of money. People just collect money and stay with it. This also goes for the electronic money that the Government collects. The e-money that the Government is collecting enhances revenue and reduces corruption. The Budget and Appropriations Committee at one point said that we were not going through an expenditure that was meant to build a court somewhere at a cost of Kshs800 million and another one at Kshs600 million. This bold move by the Committee is commendable.

In this regard, we have put the Cabinet Secretaries (CSs) and their Principal Secretaries (PSs) to task. They must release money in good time, so that we can enhance economic growth to the required level. That way, we can deliver goods and services as promised to our people. We did not mince our words that money should be released in good time for development.

With those remarks, I beg to support this important document.

Hon. Speaker: Yes, hon. Gumbo!

Hon. (Eng.) Gumbo: Hon. Speaker, I thank you for giving me the opportunity to contribute to this debate.

As I support the Motion, I notice that the priority areas for the 2014/2015 Budget are very noble. I think if we were to pursue those priorities, this country would be on its way to becoming a great nation. There is no gainsaying that by creating conducive business environment for employment, we are looking forward to having a decent population – people who will be self-respecting. If every Kenyan has a right to dignified life, and if we can have dignity transferred to our people, we will be on our way to bringing harmony in our society. In this vein, it is good that we, as Members of Parliament, with an improved CDF allocation, can pursue the principal aim of CDF, which is to fight poverty at the constituency level and give our people decent jobs even at that level, so that they can live decent lives.

Hon. Speaker, agricultural transformation, which is the second pillar of Vision 2030, is very important. The aims of our National Vision 2030 are very noble. But I have always maintained that it is not possible to be a middle-income economy when our people still hold out begging bowls every year. The scenes that we are witnessing, for instance in Baringo, should really not be there for a country that has been independent for over 50 years.

The third pillar of Vision 2030 is transport logistics, energy and water. At Independence, this country had very noble, very achievable and very realistic course – the fight against poverty, ignorance and disease. It is common knowledge that if we can achieve even one of those goals say, provide clean drinking water to our people, we will be on our way to fighting diseases.

Hon. Speaker, again, it is disheartening to note that even as we aim at increasing energy production in our country to 5,000 megawatts within the next 40 months, electricity is becoming unaffordable to most Kenyans. The two should go hand-in-hand. We cannot be producing more energy when there are fewer people who can afford it. This is important. But, more fundamentally under this pillar, the issue of efficient urban transportation is key to economic growth.

It is very discouraging that somebody who lives as near as Jamhuri Estate in Nairobi, which is hardly six kilometres from the City Centre, sometimes takes longer to reach the City Centre than somebody flying from the Jomo Kenyatta International Airport to Kisumu International Airport. As a matter of economic concern, we should strive to reduce the number of man-hours lost in traffic jams.

Pillar number four of Vision 2030 is access to quality social services. The condition of our people, particularly with regard to provision of primary healthcare in the rural areas, is still wanting. This is an area we must pursue.

Hon. Speaker, as I rush to conclude, let me comment on the fifth pillar of Vision 2030, which is entrenching devolution for better service delivery. Devolution is about equitable sharing of our resources. Equity is always the avenue for achieving equitability. I want to dissuade those of us who have been having second thoughts about devolution that it was never going to be easy. About three months ago, I had an opportunity to visit Germany, which is a federal country. The debate about devolution and sharing of resources in those countries, which have much bigger economies than ours, are still more or less the same. So, I would think that as a people, we need to take comfort and celebrate those counties which are doing well and try to encourage those counties which are

lagging behind. Those lagging behind should try to learn from those other counties which are doing well.

It is said that, most times God will give you nuts, but rarely will He crack them for you. One of the biggest nuts that God has given this country, which we have not cracked, is the ethnic and cultural diversity of our country. This is one abundant resource which we have applied in the worst way possible. I believe that the ethnic and cultural diversity of Kenya is a resource that can be applied positively for the progress of this country.

Hon. Speaker, as I conclude, it is also said that choices, and not circumstances, will determine our success. As a country, we need to ask ourselves why, compared to countries which attained their independence at the same time as Kenya or even later than Kenya, we are not doing as well. I have in mind countries like Singapore, which attained their independence almost at the same time as Kenya. Today, the GDP per capita in Singapore is more than 100 times the GDP per capital in Kenya. Nearby is the United Arab Emirates, a desert. Other than oil, she basically has nothing. But the choices that they made have made that country great.

As I conclude, I would wish that we, and the people we represent here, should embrace that universal truth. The truth is that no more effort is required to aim high in life; to demand abundance and prosperity than is required to accept misery and poverty. Kenyans must realise that demanding abundance and prosperity in our country would require almost the same amount of effort to accept misery and poverty. It is our duty, as leaders, to lead from the front in helping our people to demand abundance and prosperity because that is what Kenya deserves.

With those remarks, I support.

Hon. Speaker: Very well! Yes, hon. M'eruaki!

Hon. M'uthari: Thank you, hon. Speaker. I rise to support these proposed budget allocations. Some of the proposals that have been given are quite good, for example, what has been proposed in terms of agriculture and transformation. We know that any country that is unable to feed its own people cannot claim to be independent. First of all, we should be able to feed ourselves. As we speak now, several parts of this country are faced with imminent drought. There are so many households going without meals. That is tragic, indeed. We have a beautiful country and we can do more. There are proposals already and I only hope that they will be implemented, so that we have in place more dams which will assist in the development of an agriculture system that relies on irrigation.

There is money that has been allocated in the Budget for security purposes. That is very important. We all know that without security, we cannot really go far. Leaders must know that matters of security are matters for every individual. Everybody must take responsibility for whatever he or she utters or does. The messages that we give communicate our thinking and affect how individuals act. If citizens take responsibility, I am sure that even as the money is utilized for security purposes, we will be in a position to change this country.

We need to improve our business climate so that we can attract many investors. This will be improved by the investments proposed in the roads sub-sector. When we will finally have the standard gauge railway and new roads, we will definitely improve our

business environment. That way, we will also create more jobs. As Kenyans, we need to take time to think about what is of greater good. Each time we have a project that cost millions of shillings, you will find somebody rushing to the courts to stop the process. In the process, we start talking about things not moving and yet, we are the same Kenyans who stall the processes. So, it is high time we looked at the bigger picture and not what is of interest to the individuals.

Hon. Speaker, the allocation to CDF is a good thing. That is because the effects of CDF are seen at one instance in every place. You will see projects that have been constructed through that spirit. I think CDF was the first step towards devolution. I believe that people who are entrusted with leadership responsibility should look at the broader picture. Those who are entrusted with resources should not only look at the consumption, but also how we can stimulate growth so that we can have real development at the grassroots level.

In as much as I support this Budget Statement, there are areas where we have been stuck. We have been thinking the same way for a long time. We look at infrastructure-related areas and we forget about other sectors which are very critical. We know of economies which have grown from other areas, for example, the film industry, arts and sports. Those are the areas that we need to promote.

Looking at the Budget, the money allocated for those areas is wanting. We know that in this country, we can promote filming, arts and sports in greater ways. That could be another frontier for expanding our economy. You know what is happening in Nollywood and Bollywood. They bring in a lot of money to Nigeria and India. Those countries have prospered in those areas. Here in Kenya, we have not yet put a mechanism in place to make those sectors stimulate greater development.

Hon. Speaker, I think that when it comes to policy-making, we have to go beyond and think outside the box. We should expand not only the traditional areas, but other areas of the economy which we have not been able to look at. There are, for example, areas such as research and development. We have not put enough resources in those areas. For that reason, we end up doing the same things in the same way. I represent *miraa* farmers. There is nothing in the Government that shows that scientific studies have been carried out on *miraa*. That would help to defend the growing and consumption of that crop. Now that we passed the report on *miraa*, I believe that the recommendations will be followed. We will then make decisions from that point.

With regard to issues that are facing the country at the moment, some of them could be addressed through this Budget. When people talk about national dialogue, it is not enough just to talk! Rather, it is enough to come up with proposals. That should not be done just to keep individuals relevant, but for the purpose of taking this country forward. There is nothing that has changed in this country for the last one year. You cannot, for example, say that tribalism and corruption have increased. Even if that was the case, what are we proposing? Why has it not been proposed? We also need to recommend to the relevant institutions and then come up with a Motion. Here in Kenya, people like talking and doing very little. At the end of the day, nothing is done.

I believe that we should remove some of the hurdles that stand in the way of some of these good proposals. For example, there are sections of the Public Procurement and Disposal Act that stifle the process of investment. As we allocate funds for investment,

we should also appreciate that there are processes that make investments in this country hard. We also need to bring legislation that will make corruption more expensive so that those who are involved in it can see it is less attractive. That way, we will move this country forward.

I support this Motion.

Hon. Speaker: Hon. Members, as I give hon. Prof. Nyikal the chance to speak, if I find you repeating something or saying something that has been said, in the interest of the business that is under Order No.9, I will stop you. So, please, just cover new grounds. General statements are not going to add value.

Hon. (Prof.) Nyikal: Hon. Speaker, I take note of the advice. I also wish to congratulate the Committee - of which I am a member - and the Chairperson, in particular, for the hard work done. First, I will talk about the budget process. This is a new process that is being established in Parliament. In my mind, there is need – and my Committee has discussed this – to have a link between the national budget process and the process at the county level. I think that at the Budget Policy Paper level, we should have information about what the counties are planning to do. The policy paper gives a very good guideline of what the national Government is planning to do, but very little on what the counties are planning to do. What we are really using is basically historical information that we started with last year. This is something that we need to look into. The Programme Based Budget (PBO) is working well but, in future, we should get more information, exact data and exact indices on how we can monitor the projects later.

May I just mention a few areas, because I do not want to repeat. CDF has been indicated as an important area. But I also would like to say that the Economic Stimulus Programme needs more follow up, so that we do not end up with “white elephants”. Of all the five pillars, the one that we need to put most emphasis on is actually devolution. This is the greatest invention in this country in terms of our development. I keep repeating that the process which we have taken in devolution has really not been as we planned and, therefore, putting more money and emphasis will be appropriate.

On the area of security, I would like to say something. The Committee was at pains to decide whether to add more money for security or not, because of what we are going through. But the Committee decided that security is an important part and, therefore, should be funded appropriately. However, security agents have really not lived up to our expectations. The President, himself, was on this Floor talking about security. If you look at it up to now, things seem to have gotten worse.

The National Intelligence Service (NIS) has taken a lot of blame but, sometimes, I begin to wonder because they have been saying there is information. What is the failure in using that information? It is important as we have given them money, that failure must be addressed and it lies at the National Security Council (NSC) that is actually chaired by His Excellency the President himself. When information is available, it is not important to make people heroes; people who have rescued people who are dying and there is blood splattered all over.

Hon Speaker, I will not say much about education because we have really put a lot of emphasis on it in the Budget. On agriculture, I will not also say much. On infrastructure, in the last Coalition Government, this was the most important progress that

we saw and, therefore, it is important that we continue with infrastructure. This Budget has done that.

On the Director of Public Prosecutions (DPP), I cannot understand how, for many years, we would have a judicial system without public prosecutions. That is because I do not see what the Judiciary would do without a strong public prosecution department.

Land, in my mind, is the greatest source of conflict in this country. It is not really ethnicity. I do not think it is even political. But the underlying factor is the way land is used and allocated and, therefore, putting more money there is important. On social protection, this is something that is dear to me. A nation should look after its orphans and vulnerable children, elderly persons and persons with disability. That is how it should be and to put more money there is appropriate. I cannot forget how, when I started this programme about three years ago, I was only given - as the Permanent Secretary (PS) - Kshs4 million for the elderly persons. We have got billions and that is commendable. It is even commendable that, apart from just giving them the stipends to support them, in this Budget, we are putting money so that those elderly persons can get National Hospital Insurance Fund (NHIF) cards. That is because when we give them that stipend, we look after their health.

On health, we allowed the increase in the Budget. In fact, the Budget Policy Paper gave Kshs37 billion and now, it has gone up to Kshs47 billion. I am really proud of that because it was work that was well done. The free maternity care and child health has been done well. On research, we have put money, for the first time, in research in health. In areas like pyrethrum, we have put money there, so that we can prevent Malaria. We can use our own products, so that the funds can go back to the farmers. Tobacco Control Board (TCB) has got money for the first time. That is the same for HIV Tribunal and Blood Transfusion. Those are areas that, in the past, have either been neglected or they have been funded with foreign money. We cannot take such areas of public importance to donors.

Finally, I want to talk about the leasing of equipment in the Ministry of Health. As you have seen in this Report, the Committee has indicated that there is need to actually get cost-benefit analysis of this. To put Kshs3 billion every year for 10 years as a lease, I am not convinced that, that is really appropriate. That amounts to Kshs3 million every month in each hospital for a total of 94 hospitals and we are not sure. That equipment is being leased by the national Government, but being used at the county level hospitals. I do not know the logistics of how that is going to be done. We must be careful with that leasing. You know, leasing has given us a lot of problems. So, this is something that although as a Committee we have supported, we are worried. The Committee has indicated that we need to get a cost-benefit analysis report, audit it and by the time we are going for Supplementary Budget, we should actually have enough information to assess whether that can work well. We will know whether leasing, when it has been assessed through a cost-benefit analysis, is appropriate for us. Otherwise, it is an area we may have to actually stop in the next Budget or in the supplementary budget.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Lelelit Lati.

Hon. Lati: Thank you hon. Speaker for giving me this opportunity---

Hon. Speaker: I am now on the verge of exercising my dictatorial authority. That is because I can see there are so many of you who want to contribute to this, but we must put a closure to it. So, proceed.

Hon. Lati: Thank you, hon. Speaker. Under Article 221 of our Constitution, one of the requirements of the budget process is for the Budget and Appropriations Committee of Parliament to do public hearings across our country. This year, we went to nine counties and one of them was the great county of Samburu. I want to register my appreciation, both to the Parliamentary Committee and particularly to those Members who went to Samburu. This is one of the things that are very important. I also really appreciate that this House, represented by this Committee, can visit Samburu, a place that has never been visited.

For the first time in the history of our country, the people of Samburu had a say in the budget-making process of our country. I know that what they said in Maralal on that day will not go down in vain. We will get some of the projects done this year. As we go through those public hearings, we will also get more done over the years. So, I want to register my sincere appreciation that, for the first time in the history of our country, Samburu County was part of the budget-making process of our country.

That said and done, this is the best Budget we have had in many years. It is supported by so many fundamentals that surround our economy. Our macro-economic environment is stable. The focus on our GDP is at 5.8 per cent, which is above the Sub-Saharan average. The relative resilience of the Kenya Shilling is something that is very important. We have low inflation pressure.

But we also do have some weakness within our economy. When you look at the systematic import-export parity, it is a big risk to our economy. The good thing about this Budget is that it is well funded both by debts and revenues. It is important to note that for the first time in the history of our budget-making, we will have a sovereign bond that is voted in Europe this year. The Europe Bond is currently being sold out in the United States of America (USA) and Europe. The importance of that bond is so great. That is because for the first time, the Government of Kenya is taking out the clouding effect out of our country and borrowing outside. That one has very important implications for the growth of our economy and it boils down to the *Wanjikus*. That is because lowering of interest rates will affect everybody and every constituency in this country. Every single person in this House will have some benefits in their constituencies because of low borrowing interest rates.

Hon. Speaker, getting that money into this country will also strengthen the shilling. That is because we will have dollars flowing into our country and our monetary policy will be strengthened. It is also important to know that this will also provide us with an opportunity to be players in the international global markets.

Hon. Speaker, finally, during the budget-making process, we realised that there are some excesses and extravagancies within some of our departments. The first one in question is the Judiciary. The Judiciary, at one point, allocated about Kshs800 million just to build a court room in Turkana and Kshs700 million to build one in Bomet. I am a very good friend of the Speaker of the County Assembly of Samburu and I am a very good friend of the Governor of Samburu. I have seen what they are doing in building the county headquarters and the county assembly. They are spending less than Kshs200

million, but they are building massive buildings. But if you look at what the Judiciary is asking for to build a court room in Turkana - which is Kshs800 million - it tells you that there are some excesses that are being committed by different departments in our country. We have taken care of that as the Budget and Appropriations Committee.

Hon. Speaker, I want to appreciate this and I want to say once again that I am very happy and appreciative that the Budget and Appropriations Committee has given the Samburu people, for the first time in the history of our country, a chance to say something about this Budget. It will not be in vain. I will follow up and make sure that all the projects they requested back in Maralal are done.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Manson Nyamweya.

Hon. Nyamweya: Thank you, hon. Speaker for giving me a chance to contribute to this Motion. First and foremost, I want to say I support it. But my big concern is that our emphasis has been on revenue. We are not looking at who is paying the tax. Whom are we taxing to fund it? To what extent are we affecting the person who is paying that money?

Hon. Speaker, I have an issue. This country is agricultural-based. At the moment, the price of tea, which is our mainstay crop from where I come from in Kisii, and also in Meru and Central, has gone down. I expected the Government of the Republic of Kenya to waive export tax so that there is more money left to the farmers. It is so critical, as we do this Budget, to look at the other side of the coin. We should not look at only one side of the coin. That is because what we are doing here is looking at one side of the coin only, which is the revenue. But we are not asking: "Who is contributing to this revenue? How are we affecting this person?"

Hon. Speaker, as we debate today, the country did not get enough rains. We are likely not to have enough food. The ordinary person who is the farmer in Rift Valley and who has planted maize, will not harvest enough maize because of lack of rains. These are fundamental issues that must be taken into consideration when we are making the Budget, so that we see the best way in which we can help the poor people who are going to be affected for reasons beyond them.

If we look at the figures and say: "Let us distribute them without looking at what extent this Budget is affecting the economy", that will be bad.

Hon. Speaker, last time I made a contribution here about the issue of taxation, especially Valued Added Tax (VAT).

Hon. Wekesa: On a point of order, hon. Speaker. We have been contributing on this Motion since Thursday and I know we have other businesses to talk about. Will I be in order to call upon the Mover to reply?

(Applause)

Hon. Speaker: Hon. Nyamweya, I will put the Question immediately you finish.

Hon. Nyamweya: Thank you, hon. Speaker. In the last Budget, we passed a Bill in this House which has affected the manufacturing sector, especially on the issue of VAT. We have seen its symptoms. The other day, the management of Magadi Soda said they are laying off people. The main reason for that is the issue of the refund regime. It

has been changed. They are spending money. There are no refunds on their inputs. So, as a result, the company has started to lay off people.

Another company that has been affected because of taxation is that which makes the popular beer - Senator. This is the East African Breweries. Some workers have been sacked there. There are many other small-scale companies which are not able to operate because of unfavourable terms of VAT. So, it is very critical, as we look at the source of revenue, to also look at how we are raising that money, and whom we are hurting. We are hurting the ordinary farmer on the ground and, specifically, the tea farmer in Kisii where I come from. You know, it is almost impossible for somebody who is growing tea, to make ends meet. The cost of production is there. Fertiliser prices are up. The cost of the labourers is up because you must pay them. The returns on that commodity have gone down. So, at the end of the year, that person is affected. But the Government is still imposing tax. So, let us look at some areas where we must remove tax as we move on. There are areas where, if we want to raise revenue, we must remove tax. Even if it means we reduce the amounts of revenue raised but we do not tax certain sectors, so be it! That will be disposable income which will leave the ordinary person to benefit.

So, really, let us look at all the sectors. I support transport. I support the railway project. But the question which bothers my mind is: Is that the best project we can use the money for at this time? Could we have done dual carriage roads? Could we have invested this money in what could give this country the best returns? That is because, at the end of year, and all said and done, that money will be paid by the taxpayers. We can borrow for infrastructure.

I have an issue against the Euro Bond. I was against it in this House. I am still against it because people in the Treasury do not see. They just sit there. They threaten us that somebody is going to withdraw money and we must pay somebody money. The person they are paying back, his business is to sell money. There is no other business he has. The person who gave an ultimatum has no other business. We have people who are highly qualified and can be employed. Their role is simple. What do they do for this country to run effectively as an economy? They have responsibilities. They knew this money will be paid in two years. They had all the options to look into. Here, we say it is the Government. The Government is its own enemy because it is not having the right people to make the right decisions for the country to move forward.

Hon. Speaker, when you look at the issue of the Euro Bond, there is no need to pay another person who has borrowed money from you in order to borrow from another one. There is no difference. Why can you not negotiate with the person you want to refund the money? That is because when you refund the money, that person actually will sell the money elsewhere. He has nowhere to take it unless we are bankrupt as a country. The person then does not want to give you the money.

So, the issue here, as we do this Budget is: Let us not be pushed by the technocrats who have been trained by the World Bank. I urge this country to be very careful with the guys at the Treasury. That is because there are issues they will quote on figures. They do not look at what is on the ground, or what is affecting the common man. Somebody is not able to buy milk.

Hon. Speaker: Yes. There is a point of order from hon. Makali.

Hon. Mulu: Yes, hon. Speaker. Thank you very much. I rise on a point of order because it is clear that in the budget-making process, this House is actually very much involved and we have taken almost a whole month to debate it. So, is the Member in order to say that it is the Treasury that is making the Budget as a result of being trained by the World Bank? I think he is being unfair to this House because Members of this House have put their input into this serious Budget.

Hon. Nyamweya: Hon. Speaker, I want to inform the hon. Member that the other time when we wanted to change the tax, we had to get consent from the Cabinet Secretary, Treasury. When he said no, we did not change it. Therefore, he is in charge and not us. The Budget and Appropriations Committee is here and can confirm that we wanted to change the tax law, but we did not do it. So, Treasury is in charge and if there is something we want to do and he is against, we cannot do it because he must concur.

Hon. Speaker, I wanted to say that, as we move on, we need to take more time in the budget-making process. We need to look at all the sectors of the economy broadly, see how they affect us and how we can raise that revenue. That is because if we do not do so, we may do things which will hurt Kenyans, bring conflict and bring social unrest just because we want to raise funds for the Budget.

First and foremost, we have a responsibility of taking care of very poor Kenyans. We have a responsibility of taking care of the hawkers and the parents who are struggling day and night to pay school fees for their children. We need to look at all sectors and especially agriculture, where taxation is taking place, that is sugar, tea and coffee sectors so that we can come up with policies to help farmers benefit.

Hon. Speaker, the other day, we had said that we want to support tourism. It is okay and we will earn foreign exchange, but what about the many farmers who are affected at the moment? As we speak today, the price of tea has dropped and farmers are suffering. They have children to take to school. They are not able to take their children to school and that should become an issue with a responsive Government. The Government should respond and realize that, as we move with figures, they will not help us. But the policies that we make and the budgets that we make should ensure that there is more disposable income to the poor people of this country.

With those few remarks, I support.

Hon. Speaker: Hon. Members, those who are standing can resume their seats. The hon. David Wafula rose on a point of order and suggested that the Mover be now called upon to reply.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. Musyimi: Thank you, hon. Speaker. I beg to reply. But before I do so, allow me to donate two minutes to the hon. Member for Mogotio Constituency, hon. Prof. Hellen Sambili.

Hon. Speaker: But this is a Committee Report. Is she not a Member of the Budget and Appropriations Committee?

Hon. Musyimi: She is not a member of my Committee, hon. Speaker.

Hon. Speaker: If she is not, then she is unlikely to add value.

(Laughter)

Indeed, I think we need to have it as our practice. When the House resolves that a Mover be called upon to reply, it must be the Mover to reply.

Hon. Musyimi: I stand guided, hon. Speaker. I am sure hon. Prof. Sambili will have an opportunity to make her input.

Therefore, allow me to take this opportunity to thank my hon. colleagues for the very worthy contributions. We have taken note of what they have said. Allow me to thank my colleagues in the Budget and Appropriations Committee for doing very hard work; leading to this Committee proving to be a full time job. I am sure that will be the case with other Committees.

Hon. Speaker, as I reply, let me also take this opportunity to thank His Excellency the President for giving this country a very bold agenda and contract with the Kenyan people. This has come out in the Estimates and various other priorities. He has also indicated and communicated through the Estimates that have come to the Committee through the National Treasury. I think it is very comforting to note that some of the things that have bothered us for a long time are beginning to get serious attention.

Hon. Speaker, I find it a bit odd when I see the current Government being blamed many times on issues that have been inherited from previous governments. But I suppose, at the end of the day, somebody has to take responsibility. I am glad that matter is being handled very strongly.

I wish to make the following comments before I conclude: One, we have made the point as the Budget and Appropriations Committee. We must make sure that the Budget Policy Statement remains the policy anchored on the process. It is very important that unless there is very clear justification by a memorandum submitted to this House; we should at all times stick to the BPS. We have recommended very strongly that, in future, we would like to see the retreat by the National Executive taking place before the Budget Policy Statement is made so that we can then prosecute the statement knowing that it will really guide the rest of the undertakings in the process.

Hon. Speaker, may I also say that we have expressed the need to mainstream programme-based budgeting as is expected by the Public Finance Management Act of 2012. It is going to be very crucial that we professionalize the programme engagement of the Government. It is so important because in so doing, we will reduce some of the concerns we have heard of wastage, corruption and many loopholes we have created by not being professional enough in mainstreaming the PBB.

Hon. Speaker, may I say that my Committee fully shares the concerns raised by hon. Members here, especially hon. Prof. Nyikal, who is a Member of our Committee. But we support the leasing, which we have said as a Committee. But we are also saying in our report and I quote:-

“The policy of leasing of equipment and movable assets needs to be reviewed to determine its viability in terms of whether the Government is saving money and the advantages of leasing as opposed to buying.”

Hon. Speaker, may I also say that we are concerned about the tensions that seem to be there in certain spending agencies; in particular the challenges within the health sector. It seems to be the one sector that is having challenges in seeking to implement the

new Constitution. Therefore, some of the issues that are now coming up in Level 5 hospitals are on a report that I will be laying on the Table later today. I trust I will do that. We see the same challenges in the relations between Ardhi House and the National Lands Commission.

The struggle for the new Constitution had a lot to do with land. I was in this Chamber when we were adopting the report to support the engagement by Kofi Annan. One of the items - which we called Agenda Six - was actually on the issue of land reforms. It is so crucial that we see more and more close working relationships between the Ministry and the National Land Commission. We are asking the Departmental Committee on Land--- In fact, as a Committee, we have said that we want to see how we can accompany the Departmental Committee on Health and the Ministry of Lands and the National Land Commission. We cannot stand to see those frictions and disagreements spilling over and affecting service delivery on issues as sensitive as health and land reforms.

Therefore, we are asking Committees to do their work in monitoring the work of Ministries and the spending agencies. Enough is not happening. Along those lines, we are also saying that the monitoring and evaluation programmes need to be escalated by the spending agencies. We need to be very clear on what the core and non-core areas are.

Hon. Speaker, Nanyuki was very good in identifying the core areas and the pillars that need to drive the way we allocate funds but we failed in the sense of not being bold enough. Maybe, there was not enough time to identify the non-core areas. It is important that those issues are addressed.

May I also say and respond to one of the hon. Members here that the business of governing is a shared responsibility. A lot has been said about independence of institutions of Government, independence of Parliament, Executive, Judiciary and other institutions. I think we need to appreciate the doctrine of inter-dependence. I do not think enough has been said about the doctrine of inter-dependence. There is a shared responsibility and, indeed, we have responsibilities to allocate funds as a House. But we cannot work alone. We need to appreciate that the National Executive has a role through the National Treasury. Therefore, as we execute our mandate, we do not do so independent of other organs of State. It is important we say that.

Hon. Speaker, as I conclude, we are also aware that there are other spending agencies that we have not given enough funds. This morning, we had a conversation regarding the investment centre itself. The Sports Fund is not getting enough money and a lot can be said about the universities and the colleges. This one is very close to my heart because I was a bit involved in getting it going - Embu University. All the other universities do not seem to have enough money. I think we will need to come back here and see how we can support those institutions.

Hon. Speaker, again, I want to thank you for your support and guidance in a process that is not easy and time consuming. It is a pity I have found myself going out and coming back at times. I think going forward, we will need to appreciate the role of the Budget and Appropriations Committee. I am told that in Turkey - and I was privileged to be there with the President - to be a member of the Budget and Appropriations Committee, you actually have to be vetted. I am not saying that we are not vetted. This is because when we get elected, we are vetted but the responsibilities that

are given to this Committee by the law are frightening. That I can tell you. There are so many pressures to do certain things which I do not find possible and I am glad many of my Members do not find it possible. It is absolutely crucial that we work with absolute political and moral integrity as we guide the country in a very sensitive and delicate exercise. I commend my Members. We have worked in a very bipartisan manner. There have been open conversations; very professional discussions and when we bring a report to this House, I can assure you that we give it our best shot. Maybe it was not an “A” but I can tell you we gave it all we had, sometimes within very limited periods. That is why we look forward to the amendments to the PFM Act so that more time can be allowed for us to engage in this process – this very delicate and crucial process – in a manner that gives us sufficient room.

Hon. Speaker, again, I thank hon. Members, Members of my Committee and I beg to reply.

Hon. Speaker: Well, hon. Members, you know the constitutional requirements. So, the issue of putting the Question is deferred to tomorrow when those who may have gone to do other businesses other than parliamentary work are back. We hope they will be present. Again, I indicated to the House that we will revisit Order Nos.5 and 6 to allow the Chairman of the Budget and Appropriations Committee to transact business in that regard.

PAPER LAID

Hon. Musyimi: Hon. Speaker, thank you for indulging me. I beg to lay the following Paper on the Table of this House, today Tuesday, 10th June, 2014:-

The Report of the Budget and Appropriations Committee on the Senate Amendments to the Division of Revenue Bill, 2014.

NOTICE OF MOTION

ADOPTION OF REPORT ON SENATE AMENDMENTS TO DIVISION OF REVENUE BILL

Hon. Musyimi: Hon. Speaker, again I thank you for indulging me. I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Senate Amendments to the Division of Revenue Bill, 2014, laid on the Table of the House today, Tuesday, 10th June, 2014.

MOTION

ADOPTION OF REPORT ON REVIEW OF S.O. 44 - STATEMENTS

Hon. Kajwang’: Hon. Speaker, thank you for allowing me to move the Motion which is in the Order Paper. The time is running fast and I need to take as short a time as I can to cover the subject.

This concerns the Report of the Procedure and House Rules Committee on Review of Standing Order No.44; Statements and actualization of provisions of Article 153 of the Constitution of Kenya. The Paper was laid on the Table on 5th June, 2014.

Hon. Members have access to the Paper that was laid and I hope that they have familiarized themselves with the---

Hon. Speaker: Hon. Kajwang', I am advised that you have not moved the Motion.

Hon. Kajwang': Hon. Speaker, I beg to move the following Motion:-

THAT, this House adopts the Procedure and Rules Committee Report on Review of Standing Order 44 ("Statements") and Actualization of Provisions of Article 153 of the Constitution of Kenya, laid on the Table of the House on Thursday, 5th June, 2014.

Having moved, I just want to expand on two items that hon. Members would find most pertinent. The proposal is to amend the Standing Orders in Part 5(a) and Part 10(a). Part 5(a) will deal with the admittance of Cabinet Secretaries and Part 10(a) deals with Cabinet Secretaries' reports. Hon. Members know how we have lamented on several occasions about the whole question of Statements. Many times hon. Members have asked questions that the responsible chairpersons of the respective Committees have not sufficiently answered. Chairpersons of Committees have also found themselves on grounds that are unfamiliar, that they have to answer for things that are not within their docket. In many cases, it has left hon. Members very frustrated and hon. Members have had to look for clarifications which are not forthcoming from people who are not in the House. It has become very difficult until we have had to rethink on how we can fine tune the presidential system in such a way that it adds value to hon. Members. This is because as you know under Article 94, Members of Parliament respond to the issues of their constituents. When my member from Korogocho, for example, asks me to ask something which deals with the issue of poverty in Ruaraka, I should find concrete response to him. So, even though the Cabinet Secretaries are outside the Legislature, we must have a way to interface with them meaningfully so that things that concern the constituents can be brought to the Floor of the House in a meaningful manner and can be addressed.

Secondly, Article 153(3) requires Cabinet Secretaries to come to the Floor of the Assembly or to make full and regular reports to the National Assembly. We have not been able to provide a legislative framework within which we are able to implement this provision of the Constitution. "The Cabinet Secretary shall attend before a committee of the National Assembly, or the Senate, when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible." This is the constitutional genesis of the statements that hon. Members always ask the Cabinet Secretaries but they do not get the response they need. I was going to subsection 4(b) in which Cabinet Secretaries should provide Parliament with full and regular reports concerning matters under their control. There are two issues here. The Constitution, therefore, envisages a situation where the Cabinet Secretaries will, on their own volition; on their own initiative, provide full and regular reports to the Assembly. Given that most of these questions asked are sometimes on security, devolution and so forth, even a sports Minister should, once in a year, be able to provide full and regular reports to the National

Assembly. The President always comes to the National Assembly once a year to provide reports. The Cabinet Secretaries must also be able to do this.

So the amendments that we are going to propose will create an avenue for the Cabinet Secretaries to fulfill this part of the Constitution. In itself, it will be implementing the Constitution.

The other provision of the Constitution that I bring the attention of the Members to is Article 125, where the House can summon the Cabinet Secretaries. The House will, therefore, possess the powers of the High Court, either in Committees or plenary, to amplify a specific issue. This is an issue that has troubled the mind of the Committee for quite some time. We have deliberated on it and there are several minutes which are attached to the Report. Members will see it when they retire. We have also benchmarked it against some of the best world practices or jurisdictions that have similar presidential system. When we have looked at everything else, we therefore, have proposed the amendments that appear now on pages 26, 27, 28, 29 and 30 of the Report, that these amendments will help us do what we require.

Members we are not, so to speak, bringing Statement Hour through the back door. This is not what we are doing. We are implementing the Constitution. We have a Constitution that tells us that Cabinet Secretaries should have full and regular reports for the National Assembly. We also have a Constitution that gives us power to ask pertinent questions concerning our constituents. So, the criticism that we are bringing Statement Hour through the back door should be met against the backdrop of the new Constitution that we have and we are looking at a new dispensation. We are not looking backwards to what we used to have.

Very quickly, page 26 is admittance of the Cabinet Secretaries. There will be a designated place, which the Speaker, in his own wisdom, will designate for the Cabinet Secretaries when they appear before us. They will appear, for example, for public pronouncement of the Budget Policy. If Members pass this then they will use this Standing Order to come to the House. Remember they are strangers in the House, but with this Standing Order, they can come in a designated place and address the nation from the Floor of the House. They will be granted privileges which are in Cap.6, National Assembly Powers and Privileges Act.

Hon. Speaker, we propose also in the Standing Order No.30 to readjust the morning hours of Wednesday, which is the Members' Day, so that we can address the problem that we have seen in the House; the issues of traffic and issues that Members must look into every morning. It has been very difficult to convene at 9.00 a.m. sharp in the morning, so that the business of the House can begin. So, we have proposed that we can begin at 9.30 a.m., but also increase the time of sitting on Wednesday morning to 1.00 O'clock, so that the people who brought us here will still get the value of the time that they require us to be here. We propose that we designate Cabinet Secretaries reporting time. This is now in furtherance of Article 153(4). As I have said, there are two issues here. One, a Cabinet Secretary may respond to a request, but a Cabinet Secretary may also on his own initiative bring a report. However, a Cabinet Secretary who does not bring a report or does not respond to a request will be obligated also under these rules that once in a year, he must bring a report to the House.

The way of presenting these reports, the manner in which they will be, the manner in which they will be processed is in the Standing Orders that have been proposed. Many of them are in the discretion of the Speaker, but Members are urged to familiarize themselves, so that when this particular Standing Order is now put to use, they will know how therefore, to approach the Speaker's and the Clerk's offices to prepare their requests. The last has to do with the submission to the Cabinet Secretary. This bespeaks to the point that the Clerk will request the relevant Cabinet Secretary for inclusion in the report of the House. It means that the Clerk will prepare some kind of a schedule, so that we also do not keep Cabinet Secretaries here all the time, but also that they are able to adjust their time accordingly and with consultation from the Clerk's office, they can come before us.

The Leader of Majority Party, this is the last one and I had hoped that he would be here to hear this because I am sure this is music to his ears. The Leader of Majority Party shall submit to the Speaker for approval, a schedule containing the order in which the Cabinet Secretaries shall present their reports to the House. We think that he, therefore, becomes the office that can coordinate or can be the adjunct between the House and the Cabinet Secretaries, so that we have a meaningful engagement without pressing unduly the Cabinet Secretaries for the things that they have to say.

I have covered the amendments that we intend to bring. There are several other amendments, but Members will know that before we propose an amendment, we would want it to mature in the minds of the Members until we think that it is now an issue that should cause an amendment to the Standing Orders. Many of the proposals that have been made by the Members are with the Committee, but we think that this is so urgent that the time has come that we need to face it, so that Members can easily use the provisions of the Standing Order to give their request.

I beg to move. I want to ask my very good friend, the Member for Rarieda, who is an octogenarian Member of this House and knows the Standing Orders like the back of his hand, to come and second.

Hon. (Eng.) Gumbo: Hon. Speaker, I stand to second the Motion as moved by hon. Tom Kajwang'. As I second the Motion, I want to commend you from the bottom of my heart for listening to the cries and the wishes of the Members of this House. I remember that for a long time, the Members of this House and I have been one of them, have been concerned at what has been appearing as reducing Chairs of Committees to be extensions of the Executive. This move to amend our Standing Orders to allow members of the Executive and particularly Cabinet Secretaries to come here and address directly matters under their purview, is highly commendable. I want to thank very sincerely, Members of the Procedure and House Rules Committee, hon. Tom Kajwang' and his colleagues, for doing this House a service, which we have desired for a long time.

Noting that time is fast spent, I would like to take as little time as possible and only to note that Articles 94, 95 and 96 are very clear on the roles of Parliament and the two Houses of Parliament, namely, the National Assembly and the Senate. It is very clearly stated therein, among other things, that our role is to make laws, represent the people who have sent us here and also to provide oversight over the Executive and other arms of the Government. What we have witnessed, unfortunately, in the recent past, is that Chairpersons of Committees have tended to be reduced, in what someone in an

engineering background like myself would equate to a workshop equivalent of spanner boys. This is really not helpful to us. Apart from being entirely wrong, the Chairpersons of Committees should be the warriors in leading from the front in providing oversight that our role entails.

In that context, therefore, the proposals as made by these amendments to the House's Standing Orders, are highly commendable because now, truly, we will be offloading that baggage from the back of the Chairpersons of Committees, which in the first place, ought not to have been their responsibility, so that they can concentrate in leading the Members of their Committees in doing what the law requires of them as Members of this august House. But even as we undertake these measures, we have pointed out that our work is being hampered in more ways than one with sometimes what appears to be inadequate research and clerking expertise within the Committees. Sometimes, a lot of contemporary issues come up, not even just contemporary issues, even the Bills that appear before this House. Any Member who has cared to look at the proposed Companies Bill and the Insolvency Bill will agree with me that if you were to devote your time to those two Bills, it would leave you absolutely with nothing else to do. The Companies Bill, for example, is more than 1000 pages and the Insolvency Bill is 800 pages. I think even as we undertake these measures which are highly commendable, let us look to revamp the research and clerking expertise within the committees. I am convinced that these passionate research findings on contemporary issues can give value to the debates in this House. For instance, you are aware that at the moment our country is involved in very strong debates on national dialogue and those of us who are interested in communication, we are also engrossed in matters to do with the proposed communication surveillance system for improving security. These are good things. A lot of times, people comment on them out of ignorance without actually delving into the real issues. I am convinced that if it was possible for us to have research on the same, since these are things that have happened in other countries; if it was possible for us to have detailed research on the pros and cons of these two issues, we would be debating from a very informed position. As I rush to conclude, I have noted that as we speak, there appears to be a constitutional lacuna with regard to matters of the Executive. You will realize that when you look at our Constitution, it provides the composition of the National Executive and it also provides for the composition of the Cabinet. While the Constitution is clear that the President, for instance, can dismiss the Cabinet Secretary, it does not expressly say so with regard to the Principal Secretary. Also going by the Constitution alone, and I think this has caused some confusion in some Ministries, it is not clear who between the Cabinet Secretary and the Principal Secretary are the accounting officers in their respective Ministries. I have written to you and the Attorney-General about this issue. As we go forward, it would be important for us to bring laws to this House so that they can define the duties and the functions of the National Executive and the Cabinet collectively and the Cabinet Secretaries on their own as well as the Principal Secretaries on their own. I think any law that will make it possible for a country to run smoothly will be useful and will be to the benefit of our country.

With those remarks, I wish to second.

(Question proposed)

Hon. Speaker: Hon. Members, since I do not take it lightly that so many of you are still in the Chamber, I will extend the sitting by a further 20 minutes beyond 6.30pm.

Hon. Mulu: On a point of order, hon. Speaker.

Hon. Speaker: Yes, point of order hon. Makali.

Hon. Mulu: Thank you, hon. Speaker. I rise on a point of order and this relates to Article 153 of the Constitution. I must confess that I am not a lawyer, but since most of us are also not lawyers, I think I would want your guidance and direction on this Article 153(3) which reads:

“A Cabinet Secretary shall attend before a committee of the National Assembly, or the Senate, when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible.”

Reading through this Report, I have realized that certain references are being made such as, “the speaker will be able to guide the House.” I was wondering, if a Cabinet Secretary is addressing this House, will it be a committee or it might mean that the House has convened? I was wondering whether that would not cause a bit of constitutional issues. I wanted your guidance because I am sure you are on top of these matters, so that even as we debate as a House, those of us who are not lawyers do not go against the Constitution. Thank you.

Hon. Speaker: I think you did not read the whole of Article 153; it has 153(3) which is the one you have read about committees. There is 153(4) (a) and (b). The one we are dealing with is 153(4)(b), which relates to appearing in Parliament to give full and regular reports. The mechanism for actualizing how they would appear in Parliament to give full and regular reports, I think should be the responsibility of this House. What the Committee is trying to do now, is to come up with the mechanism of actualizing that. It is not 153(3), which is appearance before committee. That is the view taken by the Committee.

Hon. (Ms.) Kanyua: Thank you, hon. Speaker. I also want to join in supporting this Report and supporting that we do have new procedures around how we govern our rules. As we are all aware, bicameralism is very new. We are also in a new regime. For the first time in the life of our country, we have Cabinet Secretaries who are not Members of Parliament. It is really a new system and new phenomena. But even as we say that we do have many Statements and many issues in our counties that we need the Cabinet Secretaries to be responding to--- I support the Report by the Procedure and House Rules Committee. I support the innovations that they have brought up in terms of actualizing our oversight work and in terms of actualizing what the Cabinet Secretaries do. I also support that they guide us further on the use of time. If you look at the Statements that we have had in this House and this has been an ongoing debate in the House Business Committee, we spend about an hour every other day on Statements. If we continue that system, it may not be possible to get what we want to achieve from the Cabinet Secretaries. I support the move where Statements are written and given in good time, so that Cabinet Secretaries can respond to them. In many other jurisdictions, members speak for three or five minutes. In our own profession; the legal profession, verbosity is actually discouraged. In fact, I am surprised that it is only on the Floor of the House where Members are encouraged to be very verbose. I do not know why in politics people are encouraged to say many things, to give examples, to go round, to go sideways, to go

wherever, before they make the point that they want to make. We are asking that from now onwards, you do not go sideways, you do not go round, you do not circle around, you say what you are saying.

Coming from the civil society, again where honesty is encouraged and where honesty is not punished, I would request Members, as we ask for these Statements, just ask what you want to ask. There is no need of hiding. You should not ask for “y” when you mean to ask for “x”. When Cabinet Secretaries come here we need to be very direct while asking them questions. This way, other Members can follow what you are asking. Members of the public too can also understand what we are asking. As you know, Question Time in the House of Commons is one of the most watched sessions. We are hoping that with the new Standing Orders and the actualization of Article 53 of the Constitution, the session for Cabinet Secretaries will be one where Kenyans will benefit from the issues that we raise.

As I conclude, I also want to say that this will be very helpful to the Cabinet Secretaries. It is, indeed, very important that we see the work that they are doing. We have been accused of using gender card, but I cannot help using a gender card in the case of Cabinet Secretary, Ann Waiguru, because of the accusations about her. If the Cabinet Secretaries are brought here and people can see their work and how they talk, the rumours on arrogance will no longer be there. You can ask the question that you want to ask and whether the Cabinet Secretary is arrogant or not, your question will be answered here. So, the particular rules that we are adopting today will be very beneficial to the Cabinet Secretary under the Jubilee Government. They will be able to tell us the strategic interventions. They will be able to give us data and statistics. They can give us progress reports. Our performance and oversight, as the Eleventh National Assembly, will really be improved.

I want to thank the Procedure and House Rules Committee for adopting this Report in good time and bringing it here when it is still early in the Session. We still have time in this Session to apply these measures.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, I just extended the sitting by 20 minutes. So, just go straight to the point.

Yes, hon. John Mbadi!

Hon. Ng’ongo: Thank you, hon. Speaker.

Let me also take this opportunity to support the adoption of the Report of the Procedure and House Rules Committee. I must thank this Committee for doing a commendable job within the timeframe that they were given. All of us will appreciate that if you ask any Kenyan about the role of the National Assembly, they will tell you that it is legislation, representation and oversight. If you look at Article 95 of the Constitution, you will appreciate that the first responsibility of a Member of the National Assembly is actually to represent the people of his constituency. The second responsibility is legislation and, finally, oversight.

Therefore, the Constitution recognises the fact that the cardinal role or the primary responsibility that we have, as Members of the National Assembly, is to represent our constituents. Therefore, there is need for us to find a way through which we can exercise the representation role. I must admit that, that bit was missing in the

Eleventh Parliament because we seek Ministerial Statements from fellow Members of Parliament, who have no role to play in the Executive, thereby creating confusion.

Hon. Speaker, I want to agree with you about what hon. Makali asked. Article 153(4)(b) and another Article provided engagement between the National Assembly and the Executive. Article 153 actually refers to the engagement with the Committees. The other Article provides for engagement with the House, as it is. However, when it came to reviewing the Standing Orders, we missed out on the opportunity to capture in the Standing Orders how to engage with the Cabinet Secretaries, as a House.

I have just two additional points to put across. Firstly, I know that there are some Cabinet Secretaries who will be appearing before this House more than others. I have in mind the Cabinet Secretary responsible for internal security. The other one will be the Cabinet Secretary responsible for roads, because most of us are more concerned about those two issues than any other issue. Therefore, we need to strike a balance and make sure that those Cabinet Secretaries are not perpetually here every week to address our issues. We should also give opportunity to other Cabinet Secretaries to tell us what they are doing.

Finally, we also need to capture in the Standing Orders how to deal with a situation where we have slotted time for a Cabinet Secretary to appear before the House but he or she fails to do so. That is something that is likely to happen. We have provided for a maximum of Cabinet Secretaries per session. If we expect three Cabinet Secretaries to appear before the House one afternoon but only one turns up, and he or she happens to have a very short Statement, the time of the House will not be utilised properly. So, we need to find a way of making sure that the Cabinet Secretaries scheduled to appear before the National Assembly on a particular Wednesday from 3.00 pm actually turn up, so that we can engage them constructively.

With those many remarks, I beg to support.

Hon. Speaker: Hon. David Wafula Wekesa.

Hon. Wekesa: Ahsante sana, Bwana Spika. Ingawa mimi niko katika hii Kamati sina budi ila kuipongeza kwa kazi nzuri sana ambayo imefanya.. Nitaenda moja kwa moja kwa ripoti moja tu kwa sababu najua mengi yamesemwa kuhusu Mawaziri. Mimi ningependa kuongea kuhusu jambo moja. Kumekuwa na shida kuhusu idadi ya Wabunge Bungeni wakati wa asubuhi siku za Jumatano. Mara kwa mara tunapoungana humu Bungeni siku za Jumatano huwa tunakosa idadi inayohitajika ya Wabunge ili kuanza shughuli za siku. Hata hivyo, kamati hii ilipendekeza kwamba Bunge lianze shughuli zake za siku saa tatu na nusu asubuhi na kumaliza shughuli hizo saa saba mchana. Naomba kwamba tusije kufanya hayo mabadiliko kisha tuzidi kuwa na shida hiyo hiyo ya kukosa akidi. Hii ni kwa sababu machoni pa umma tutaonekana kuwa watu wasiotenda kazi.

Kwa hayo machache, naomba kuunga mkono Hoja hii.

Hon. Anami: Thank you, hon. Speaker. I would like to thank the Committee for this new arrangement, especially as far as appearance of Cabinet Secretaries before Parliament is concerned. This is very important. One thing that has been missing is the responsibility of Cabinet Secretaries to members of the public. The Constitution promises citizens of this country an interactive process and inclusiveness. However, this new arrangement where Cabinet Secretaries are not directly responsible to the public has

made them take a back seat. They, therefore, do not respond directly to the concerns of the public which in turn is unable to evaluate the performance of these Cabinet Secretaries. This will, indeed, give us an opportunity to create that interface and interaction even with members of the public. Really, members of the public who are our voters do not know the work that Committees engage in. This will provide an opportunity for them to understand what is happening. I support that kind of arrangement.

There is also the issue of oversight. This move will improve the role of oversight by Members of Parliament because questions and concerns of Members will be responded to instantly and we will be able to make follow-ups. We have had a lot of work happening behind the scenes through the Committees, but that has not served us well and so Kenyans have not been able to know what is happening behind the scenes.

With regard to the issue of adjustment of time on Wednesdays, the risk that we might face is that people will tend to introduce new activities. I think we need to learn the culture of being strict with our time. I would suggest that we just maintain our current time of 9.00 a.m. and wake up early. Nevertheless, we need to give more time to Members of Parliament and Cabinet Secretaries in case we have to interact more. That way we will be encouraged.

Hon. Speaker, there is the compromise between the Chairpersons of Committees and the Executive. Indeed, the Chairpersons of Committees have had to do extra work and behave as if they are in the Executive. You have yourself raised concern about this issue, especially when we confront our colleagues with questions that would directly go to the Executive. This arrangement is going to make things even clearer; who is in the Executive and who is in the Legislature. Of course, then, the doctrine of separation of powers and responsibilities will become even clearer. There are very many things that we will have to adjust. It is very important for us even to start thinking about appointments of these Cabinet Secretaries. If it is going to continue this way, we would like to have some amendments in future even in the Constitution so that Cabinet Secretaries are appointed from amongst elected leaders.

(Applause)

This is a very important undertaking because there tends to be some laxity where people are not responsible directly to the electorate. We need to consider that as we progress with the implementation of our new Constitution because the responsibility of a Cabinet Secretary, as an implementer and executor is very important and if he is not---

Hon. Speaker: Sorry, I only added 20 minutes; I thought that should have sent some clue.

Hon. Anami: Okay, I am guided, hon. Speaker. I thought mainly it will be used to set the momentum and we can continue with this debate tomorrow.

With your guidance, I wanted to just emphasize the fact that elected leaders' responsibilities to the electorate are more assertive than the responsibility of leaders who are not elected. So, it is important for us to move towards amending the Constitution so that some people in the Executive are responsible to the electorate.

Thank you, hon. Speaker, I support.

Hon. Speaker: Hon. Johana Ngeno.

Hon. Kipyegon: Thank you, hon. Speaker. I wish to also declare that I support this particular amendment because of several reasons that I feel are not actually taking the right course in this House. Cabinet Secretaries are people who are supposed to be answerable to the nation and especially to the people of this Republic. In most of the cases, you will realize that the only time the Cabinet Secretaries interact with the country is when they are addressing a Press conference, which usually takes something between five to ten minutes. That is not enough to comprehensively answer the questions and the issues that are facing the country. When we bring them to this House of representatives of the people, they can be answerable for their actions. They can look at the country and answer questions that are asked. When you look at several issues which we have been having, especially on security, we have been bashing the Chair of the Committee on Administration and National Security and trying to squeeze answers from him. These are people who just go and ask questions and then come back and answer them. They just become conveyor belts.

When we have these people in this House, that is the only time we can interrogate and get to know where the problem is. We can also remove the question of arrogance, like some of the Members have complained about. When they appear here, they will know who exactly they represent in this country and who they are answerable to. That is the only time they can reply to the issues that affect members of the public. That is also another opportunity we will give to Cabinet Secretaries to actually show us or the country how they are doing their work and at the same time also where their weaknesses are. This is because sometimes we all understand that each and every human being has a weakness. Sometimes we tend to blame other people but realistically maybe those blames are supposed to be on other people and, therefore, this is an opportunity we can accord them so that we can avoid the question of blame games and actually pushing the buck to other people.

Hon. Speaker, when we also have these people in this House; we will also--- You know Cabinet Secretaries are not like Principal Secretaries. I mean, when you look at the process of appointing them, the Cabinet Secretaries are more political than the Principal Secretaries and this is why they can reasonably represent the Head of State and the Executive on issues which touch on politics.

Hon. Speaker, sometimes, we also have complaints that these people are not answerable. They behave like technocrats. These positions of Cabinet Secretaries have political roots and, therefore, these people should be exposed to political problems facing this country. We cannot leave political solutions to Members of Parliament and at the same time the Executive, that is, the President and his deputy. These people are also supposed to be carrying that political responsibility because even the process of appointing them is political. This is the time we can make them answerable.

I support the hon. Member who said that maybe we made a mistake by adopting a presidential system of government. If you look at the responsibilities that we have, sometimes we need Cabinet Secretaries in Parliament so that they can understand the plight of our people. When we talk about vetting, it is only the President and Members of Parliament who vet these people. Members of Parliament are vetted at the grassroots by the people who elect them. These people are the cream of the society having been picked from so many others. If we can give them an opportunity to represent issues of the

Executive, then we can clearly say that they can also represent the political side of the Government.

Hon. Speaker, I want to end by echoing another issue which the Mover had raised, and this is the question of Parliament or the committees of this House having the same powers as those of the High Court. I think this is also another opportunity where we can comprehensively look at those powers that the Constitution has vested in this House. In most of the cases, we have claimed that we have the same powers as those of the High Court and yet on many occasions we summon people to appear before these committees, but they decline. When this happens, committees do not know what steps to take.

Hon. Speaker, the High Court has powers to even jail somebody who fails to appear. The court has powers to even fine somebody for contempt of court. When we say these committees or even Parliament has the same powers as those of the High Court and we cannot exercise them, then I think there is a lacuna in the law in that particular area. Therefore, it is very important that we discuss the powers which are vested in this House and what happens when somebody is summoned. What happens when somebody comes and gives false evidence? What happens when somebody fails to appear? What happens to the evidence that we get? Sometimes some of the evidence we get ends up being thrown out of this House and when it is thrown out of this House, what happens to that report which has taken a lot of money from the taxpayer?

Hon. Speaker, I think that is also very important so that we can also discuss---

ADJOURNMENT

Hon. Speaker: Hon. Members, it is time to adjourn the sitting of the House. The House stands adjourned until Wednesday, 11th June, 2014 at 9.00 a.m.

The House rose at 6.50 p.m.