

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 26<sup>th</sup> August, 2014

The House met at 2.30 p.m.

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

### PRAYERS

### MESSAGES

#### NOMINATION OF PROF. GEORGE GODIA TO UNESCO

**Hon. Speaker:** Hon. Members, take your seats. Hon. Tongi, I know it is a bit too early to require you to have known all these things. Hon. Members, do not start running.

Hon. Members, I have a message from the President. Further to my earlier communication on 21<sup>st</sup> August, 2014, regarding the nomination of persons to be appointed as high commissioners and ambassadors, and in accordance with Standing Order No.42, I wish to convey that I have received another message from His Excellency the President regarding the nomination of Prof. George Godia as a Permanent Representative of Kenya to the United Nations Educational, Scientific and Cultural Organization (UNESCO). Hon. Members, Section 26 of the Kenya National Commission for UNESCO Act, 2013, states that, and I quote,

‘The Kenya UNESCO Office shall be headed by an Ambassador appointed by the President on the recommendation of the Cabinet Secretary’.

The appointment of the ambassador is subject to the provisions of Article 132(2) of the Constitution which states that the President shall nominate and, with the approval of the National Assembly, appoint and may dismiss high commissioners, ambassadors and diplomatic and consular representatives.

The Departmental Committee on Defence and Foreign Relations should consider the nomination of Prof. Godia in accordance with the Public Appointments (Parliamentary Approval) Act.

Hon. Members, I also wish to clarify on the question of the commencement of time as contemplated under Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011. Indeed, several hon. Members have approached me, especially Members of the said Committee, wishing to know the commencement time for the vetting process of the nominees. It is also important that we dispense with this matter at this early stage of the process. To start with, Section 5 of the Act provides that the notification of the nomination to Parliament by the appointing authority must be in writing and lodged with the Clerk of the relevant House of Parliament. This notification must also be accompanied by all necessary information concerning the nominees, having

regard to fulfillment of Section 7 of the Act, and will include, among other things, the curriculum vitae of the nominees. The fulfillment of these requirements will then be useful in the determination of the period to be considered by the relevant committee during the vetting period. Ultimately, the consideration of the commencement of the process will, therefore, begin at a time and a day when the Clerk receives notification of the nomination, which complies fully with subsections (2) and (3) of Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011. In this regard, the period for consideration is provided under Section 8 of the Act, and I quote,

‘Unless otherwise provided in any law, a committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with Section 5.’

I am aware that curriculum vitae of diplomatic nominees, as contemplated by Section 5(3) of the Act, was received by the Clerk of the National Assembly on Monday, 25<sup>th</sup> August 2014. This date shall be deemed to be the date when the provisions of the law relating to nominations were duly complied with. I thank you.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Tuesday, 26th August 2014:-

The Report of the Auditor General and the Financial Statements of the Party of National Unity (PNU) for the year ended 30<sup>th</sup> June 2012 and the certificate of the Auditor General there in.

We are giving the audited accounts, I do not know about the Party.

The Report of the Auditor-General on the Financial Statements of the Public Trustee, State Law Office, for the year ended 30<sup>th</sup> June 2013 and the certificate of the Auditor-General there in.

The Report of the Auditor-General on the Financial Statements of Kibabii University College for the year ended 30<sup>th</sup> June, 2013 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Judiciary for the year ended 30<sup>th</sup> June, 2012 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Pest Control Products Board for the year ended 30<sup>th</sup> June, 2013 and the certificate of the Auditor-General therein.

**Hon. Speaker:** Very well, hon. Members, you may not get excited about the Report of the Auditor-General on the Financial Statements of the Party of National Unity for the year ended 30<sup>th</sup> June, 2012. The year is 2012. You may have thought that the year is 2014. The other matters by hon. Ng’ongo will be canvassed at an appropriate time.

Yes proceed.

### REQUESTS FOR STATEMENTS

## RECRUITMENT/DEPLOYMENT OF DEPUTY SECRETARIES BY EACC

**Hon. Speaker:** Hon. (Ms.) Mutua, Member for Busia.

**Hon. (Ms.) F.M. Mutua:** Thank you, hon. Speaker. I have a request for a Statement.

Pursuant to Standing Order 44(2)(c), I wish to request a Statement from the Leader of Majority Party regarding the recruitment and deployment of the Deputy Secretaries by the Ethics and Anti-Corruption Commission. In the Statement, the Leader of Majority Party should inquire into and report on one, whether due process was followed in the recruitment---

**Hon. Speaker:** That is enough. We want to be faithful to the procedure we have adopted. I can see that is all. What you are reading is included.

Leader of Majority Party, when are you going to give that Statement?

**Hon. A.B. Duale:** Hon. Speaker, I have a copy of the Statement request. It requires me to bring an answer to the House in two weeks' time.

**Hon. Speaker:** Yes, hon. Mutua.

**Hon. (Ms.) F.M. Mutua:** That is fine, hon. Speaker.

**Hon. Speaker:** Yes, hon. Ahmed Ibrahim Abass, the Member for Ijara!

OCCUPATION OF SINAI PRIMARY  
SCHOOL PREMISES BY KDF

**Abass:** Hon. Speaker, pursuant to Standing Order No.42(2)(1)(c), I wish to request a Statement from the Leader of Majority Party regarding the alleged forceful occupation of the premises of Sinai Primary School, Ijara Constituency, by the Kenya Defence Forces.

**Hon. Speaker:** Yes, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, that is a very serious matter. I do not know since when the KDF decided to turn schools into barracks. Due to its urgency, I will deliver the Statement on Thursday, this week.

**Hon. Speaker:** Hon. Abass, is that all right?

**Hon. Abass:** Hon. Speaker, Thursday will be fair enough, in view of the fact that schools are opening in a week's time.

**Hon. Speaker:** Yes, hon. John Mbadi.

ISSUANCE OF INTERNATIONAL SOVEREIGN DEBT  
INSTRUMENT BY NATIONAL TREASURY

**Hon. Ng'ongo:** Hon. Speaker, I rise to seek a Statement from the Chairperson of the Departmental Committee on Finance, Planning and Trade regarding the recent issuance of the international sovereign debt instrument by the National Treasury in June, 2014.

**Hon. Speaker:** Yes, hon. Benjamin Langat or his Vice-Chairperson, hon. Nelson Gaichuhie!

Are these the Chairs who assume that Parliament starts at 4.00 pm? Hon. John Mbadi, let us wait, assuming that they will come to the House in good time. Leader of Majority Party, do you want to step in for hon. Benjamin Langat? I am aware that the Committee is supposed to be having a sitting later this afternoon.

**Hon. A.B. Duale:** Hon. Speaker, because of the urgency of the Finance Bill, the Committee is sitting. A response to the Statement request by hon. Mbadi will be delivered in two weeks' time.

**Hon. Speaker:** Hon. Mbadi, two weeks' time is good enough.

**Hon. Ng'ongo:** Hon. Speaker, I have no problem with the undertaking. Thank you.

**Hon. Speaker:** Yes, hon. Wilbur Ottichilo.

IMPACT OF STANDARD GAUGE RAILWAY  
PROJECT ON TSAVO NATIONAL PARKS

**Hon. (Dr.) Ottichilo:** Hon. Speaker, Sir, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the expected environmental impact of the construction of the Standard Gauge Railway (SGR) line through the Tsavo East and Tsavo West National Parks.

**Hon. Speaker:** Yes, hon. Kamanda.

**Hon. Kamanda:** Hon. Speaker, I am consulting with my colleague here to see whether this matter can be referred to her Committee, because I think it is an environmental matter. I think it should be referred to the Departmental Committee on Environment and Natural Resources.

**Hon. Speaker:** Yes, because the matter raised is really environmental in nature. The Committee should state whether an environmental impact assessment was ever undertaken and approved by the National Environment Management Authority (NEMA), provide a detailed environmental impact assessment report and a summary of its mitigation measures. If not so, there should be a confirmation to the House that the construction will not take place until an environmental impact assessment has been undertaken and approved by NEMA. That presupposes that there was any such assessment done. The Statement request belongs to the Committee headed by the indomitable, hon. Amina Abdalla. Hon. Amina Abdalla, would you wish to take up this matter?

**Hon. (Ms.) Abdalla:** Hon. Speaker, since the Statement request talks about the carrying out of an environmental impact assessment, and given the question that you have raised, we will be able to deal with it because it is about NEMA. If there is no environmental impact assessment that has been done, we will deal with the matter in the response. So, we will be able to give an answer in four weeks' time.

**Hon. Speaker:** Take up the matter, hon. Amina. Where the Statement request reads "Chairperson of the Departmental Committee on Transport, Public Works and Housing", it should be replaced with "the Chairperson of the Departmental Committee on Environment and Natural Resources". Hon. Wilbur Ottichilo, is that okay with you?

**Hon. (Dr.) Ottichilo:** Hon. Speaker, the issue of the construction of the railway is within the docket of the Departmental Committee on Transport, Public Works and Housing. I would have expected that when they were looking at the whole issue of the construction, an environmental impact assessment was one of the key documents that were presented to them. I still believe that the Chairperson of Transport, Public Works and Housing has a contribution to make.

**Hon. Speaker:** Hon. Ottichilo, notwithstanding your stated belief, I direct that the matter be handled by the Committee on Environment and Natural Resources. So, do not be tied to your belief; it is easier for this Committee to interact with NEMA than the committee on Transport, Public Works and Housing. It is the appropriate committee, unless you are saying that the Committee was negligent in not getting an environmental impact assessment report.

**Hon. (Dr.) Ottichilo:** Hon. Speaker, I will go by your advice, but I would like to have the Statement given at least in two weeks' time, because I am informed that the construction work may be underway.

**Hon. Speaker:** Hon. Amina Abdalla, are you able to get the report in two weeks' time?

**Hon. (Ms.) Abdalla:** Hon. Speaker, whether the construction work begins or not, I want to confirm that we will try and give an answer in two weeks' time.

**Hon. Speaker:** Hon. Ottichilo, what is your reaction?

**Hon. (Dr.) Ottichilo:** Thank you, hon. Speaker.

**Hon. Speaker:** Yes, hon. Isaac Waihenya Ndirangu.

#### OWNERSHIP STATUS OF PUBLIC UTILITY LAND IN ROYSAMBU CONSTITUENCY

**Hon. Ndirangu:** Hon. Speaker, I wish to request a Statement from the Chairperson of the Departmental Committee on Lands regarding land set aside for public utility in Zimmerman, Githurai, Thome and Marurui Estate in Roysambu Constituency.

**Hon. Speaker:** Yes, Chairperson of Lands Committee, hon. Mwiru.

**Hon. Mwiru:** Hon. Speaker, we have already discussed with the hon. Member the matter pertaining to this particular request. I have told him that he may appear before my Committee on Thursday morning. We will subsequently give a full response in two weeks' time.

**Hon. Speaker:** Have you requested the hon. Member to appear before your Committee on Thursday?

**Hon. Mwiru:** Yes, hon. Speaker.

**Hon. Speaker:** Hon. Waihenya, will you be able to appear there?

**Hon. Ndirangu:** Yes, hon. Speaker.

**Hon. Speaker:** Very well! Do appear, so that the Committee can get seized of the matter properly.

Yes, hon. Joseph Kiuna Kariambeu!

#### RESETTLEMENT STATUS OF IDPS IN KENYA

**Hon. J.K. Ng'ang'a:** Hon. Speaker, pursuant to Standing Order No.44(2)(c), I would like to request a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the resettlement status of Internally Displaced Persons (IDPs) in the country.

**Hon. Speaker:** Hon. Abongotum, place your card.

**Hon. Abongotum:** Thank you, hon. Speaker. I want to ask for one month, so that I can come up with a comprehensive report on the resettlement status of Internally Displaced Peoples (IDPs), the request covers more than one county. There are many counties involved and the data involved is also very voluminous. Therefore, we want to request the hon. Member to give us one month to report back to the House. In four weeks' time, we will give a statement in this House.

**Hon. Speaker:** Very well. Hon. Kiuna, what do you have to say?

**Hon. J.K. Ng'ang'a:** Hon. Speaker, I do not have a problem with his reply. However, I would like him to know that there are two farms, as is stated.

**Hon. Speaker:** Forget about the two farms. If you have no problem, let us proceed.

Let us hear from hon. Ogolla, the hon. Member for Bondo Constituency.

#### BREAKDOWN OF BURSARY FUNDS DISBURSEMENT

**Hon. Ogolla:** Thank you, hon. Speaker. I would like to request a Statement from the Chair of the Departmental Committee on Education, Research and Technology; let her give an account of the breakdown of distribution of bursary funds for the secondary education scheme for the last three years.

**Hon. Speaker:** Let us hear from hon. Julius Melly.

**Hon. Melly:** Thank you, hon. Speaker. I would like to invite the hon. Member to appear before our Committee in the next two weeks, so that we can address this particular issue.

**Hon. Speaker:** When do you want him to come before your Committee?

**Hon. Melly:** In two weeks' time.

**Hon. Speaker:** Hon. Ogolla, will you appear before the Committee in two weeks' time?

**Hon. Ogolla:** Hon. Speaker, I think in two weeks' time we will be on recess.

**Hon. Speaker:** Yes; Parliament works even when hon. Members are on recess. Parliament will still be working.

**Hon. Ogolla:** If he could give me an exact date and venue where the Committee will be sitting on the second week, I will be there.

**Hon. Speaker:** Are you now pretending that you do not know where Committees of Parliament sit? Hon. Ogolla, you can even look at the notice boards.

**Hon. Ogolla:** I do hon. Speaker, but then the Chair should give me the specific date when they will be addressing this matter; it would be much easier for me.

**Hon. Speaker:** Hon. Melly, when will you specifically be dealing with this issue?

**Hon. Melly:** Two weeks from today, and on a Tuesday.

**Hon. Ogolla:** That is good now, hon. Speaker. We will communicate.

**Hon. Speaker:** Very well. Let us hear from hon. Bitok Kirwa, the hon. Member for Mosop Constituency.

#### MURDER OF LATE O.K. CHIRCHIR BY POLICE OFFICERS

**Hon. Bitok:** Hon. Speaker, pursuant to Standing Order 44 (2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the murder of police officer, Obadiah K. Chirchir, by fellow police officers in Mathare, Nairobi.

**Hon. Speaker:** Hon. Abongotum, the Floor is yours.

**Hon. Abongotum:** This is a matter that concerns life. We intend to take ten days then bring a report to the House.

**Hon. Speaker:** Hon. Bitok, you have been given ten days to wait for a response.

**Hon. Bitok:** Ten days is reasonable.

#### DELAYED COMPLETION OF SAMBURU NORTH SUB-COUNTY TREASURY

**Hon. Speaker:** Very well. Let us hear from Alois Lentoimaga.

**Hon. Lentoimaga:** Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the delay in completion of construction of Samburu North Sub-county Treasury.

Hon. Speaker, there is a typing error. Therefore, I want to notify the Chairman that in the write-up, it is written "Samburu Central"; it is supposed to be "Samburu North"; he should not get mistaken.

**Hon. Speaker:** It is Samburu North.

**Hon. Lentoimaga:** Yes, hon. Speaker.

**Hon. Speaker:** Yes; let us hear from hon. Kamanda.

**Hon. Kamanda:** Hon. Speaker, my name is Kamanda and not "Kamande." You have called me "Kamande."

I will take one week.

**Hon. Speaker:** Hon. Lentoimaga, his real name is hon. Maina Kamanda, and not "Kamande."

**Hon. Lentoimaga:** I did not mention his name; I said "Chairman."

Thank you, hon. Speaker. Ten days are enough for me.

#### FAILURE TO CURB ACCIDENTS ALONG NANDI HILLS-CHEMELIL ROAD

**Hon. Speaker:** Very well. Let us hear from hon. Alfred Keter.

**Hon. Alfred Keter:** Thank you, hon. Speaker.

Pursuant to Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding non-intervention by the Government in curbing perennial accidents along Chepsangwor road stretch of Nandi Hills-Chemelil Road.

Thank you.

(Applause)

**Hon. Speaker:** Yes, hon. Kamanda.

**Hon. Kamanda:** I will give a response in two weeks, hon. Speaker.

**Hon. Alfred Keter:** I will be okay with the two weeks.

Thank you.

**Hon. Speaker:** Hon. Members, I wish to recognize the following people who are within Parliament: Pupils from Tirim Primary School, Laisamis Constituency and Mukothima Primary School, Tharaka Constituency; Students from Highway Education Centre, Our Lady of Mt. Carmel, Tigania East Constituency and Saluf Academy, Sabatia Constituency.

(Applause)

Let us hear from hon. (Ms.) Shukran Hussein Gure.

**Hon. (Ms.) Gure:** Thank you, hon. Speaker. Pursuant to Standing Order 84, I wish to make a Personal Statement regarding intimidation of my bodyguard, driver, SUPKEM Chairman and me by military officers manning Madogo police barrier in Garissa.

On the morning of Saturday, 23<sup>rd</sup> August, 2014, I was scheduled to attend a meeting in Garissa Town. I left Nairobi early in the morning. On my way, an ugly incident took place just some minutes' drive to Garissa Town, at Shabaha area in Madogo. We were harassed and intimidated. In as much as there should be no compromise in matters of security, the manner in which the officers handled me was unwarranted and undignified. It was a total violation of the Constitution.

It is also sad to know that the road barrier is manned by military officers contrary to the provisions of the Traffic Act. This raises the question as to who should be manning our roads blocks. If, as an hon. Member, I was subjected to such harassment, what about the ordinary citizens of this country? It is a question that begs an answer from this august House.

Hon. Speaker, efforts to introduce myself, my driver and bodyguards using their job cards were in vain. There were eight military officers in number, and they asked my driver to park the car on the side of the road and wait for further instructions. The officers held us for about an hour. By the time they released me, I was already late for the meeting. I felt harassed as a female hon. Member.

To conclude, the other time it was my good friend, hon. Sarah Korere. On Saturday it was me. Maybe, tomorrow it will be another hon. Member.

Hon. Speaker, I wish to urge the Government to protect female hon. Members from harassment and humiliation of all kinds.

(Applause)

They called me many names like “*mrembo msupuu*” and others.

(Loud consultations)

**Hon. Speaker:** Order, hon. Members!

**Hon. (Ms.) Gure:** Hon. Speaker, I am an hon. Member elected from Garissa County and I deserve respect. If action will not be taken against those officers, the people of Garissa County, or the women of Garissa---

*(Loud consultations)*

**Hon. Speaker:** Hon. (Ms.) Shukran Gure, you are making a Personal Statement. You know there is no debate.

**Hon. (Ms.) Gure:** Hon. Speaker, I know that there is no debate, and that is why I want to make my point clear.

**Hon. Speaker:** You are allowing those seated next to you to whisper too much. Just finish your statement. Did you say that the officers called you “*msupuu*”?

**Hon. (Ms.) Gure:** Yes, hon. Speaker.

*(Laughter)*

**Hon. Speaker:** But you are an hon. Member!

**Hon. (Ms.) Gure:** *Si wanyamaze!*

*(Loud consultations)*

**Hon. Speaker:** The problem, hon. Members, is that you are not allowing the Member to say all the names that she was called. You say “*msupuu*” and what else? What you are saying depicts very despicable character on the part of the officers manning that police road block!

**Hon. (Ms.) Gure:** Hon. Speaker, I am very sad. Those are the words they used and there are witnesses; a driver, bodyguard and the Chairman of SUPKEM, Garissa, Mr. Abdullahi, who were with me in the car. They also asked me: Do you know where you are? I knew that I was in Madogo, Tana River. It was close to a place where I went to secondary school. I said, yes, and one of them asked: “You think you are in Garissa?” I said no, I was not in Garissa and I knew where I was. He referred to Tana River as being in Somalia. That means that he is not a Kenyan soldier, and was on Somaliland. I want the military to be at the border to safeguard the citizens and not to harass Members of Parliament.

**Hon. Speaker:** Very well. Hon. Shukran, there is no debate.

**Hon. (Ms.) Kajuju:** On a point of order, hon. Speaker.

**Hon. Speaker:** She has finished! You do not have the statement and from where you sit, you just cannot read it. There is no debate. Read your Standing Orders. Standing Order No.84 does not allow debate. She is making a Personal Statement. It does not matter what the rest of you feel. It is a Personal Statement and there can be no debate. I have the Statement with me here. Therefore, those of you who are getting excited, especially hon. Kajuju and hon. Mbarire, there is no opportunity for debate. Unfortunately, the Member raised the matter in the wrong way. If she wanted it to be debated, this is not the way she should have gone. So, we will not bend our rules.

Next Order!

## BILL

### *First Reading*

#### THE PARLIAMENTARY POWERS AND PRIVILEGES BILL

*(Order for First Reading read – Read the First Time  
and ordered to be referred to the relevant  
Departmental Committee)*

*(Loud consultations)*

Hon. Members, those of you who are consulting, bending and kneeling down listen to the business that is being transacted.

Hon. Langat! Hon. Members, there will be order! The Member standing up directly, take a seat! You cannot have a problem with sitting. Do you have it? You can consult when you are seated. Hon. Shukran is just next to you.

**Hon. A.B. Duale:** Hon. Speaker, she is consoling the great Women Leader from Garissa. I thought if I am told I am *msupuu*, that would be a compliment. That is with a light touch.

**Hon. (Ms.) Mbarire:** On a point of order, hon. Speaker.

**Hon. Speaker:** There is nothing out of order!

**Hon. A.B. Duale:** Hon. Speaker, I have withdrawn.

*(Hon. Members shouted)*

**Hon. Speaker:** Order, Members! Shouting is not a way of drawing the Speaker's attention. You place your card on the slot. The rest, I will ignore you. You will only be noticed when you place your card on the appropriate place for intervention. The rest, you can take it from me, will not be considered. That will be the rule.

Leader of the Majority, proceed.

**Hon. A.B. Duale:** Hon. Speaker, I have withdrawn that statement in the interest of harmony in this House. I have withdrawn it. I stood up under Order No.9. I cannot see the Chair of the Finance, Planning and Trade Committee, but after consultation with both the National Treasury and other key stakeholders, we have agreed that this Bill comes on Thursday, after both the Committee on Finance, Planning and Trade and the Budget and Appropriations Committee do their reports. So, with your indulgence, I want to withdraw Order No.9(i) on behalf of the Finance, Planning and Trade Committee.

**Hon. Speaker:** Very well. I am aware that the Chairperson is, indeed, having a meeting with the National Treasury to try and thrush out the various provisions in order to bring amendments that are in tandem with the Constitution. Therefore, that business is withdrawn from the Order Paper.

*(Order No. 9(i) withdrawn from the Order Paper)*

With regard to the business appearing as Order No.9(ii), the Constitution of Kenya (Amendment) (No.2) Bill, National Assembly Bill No.26 of 2013, may I seek to understand from hon. Chair of the Justice and Legal Affairs Committee, hon. Chepkong'a, whether there has been public participation with regard to this Bill?

**Hon. Chepkong'a:** Hon. Speaker, as you know, when this Bill was first referred to the Committee for pre-publication scrutiny, we considered it; in fact, we rejected it. Thereafter, it was published and it never came back to our Committee. If it had come back to our Committee, we would then have invited the public to give us memoranda. We would have heard the views of the public and known what they thought about the Bill. As it is right now, we have no idea about it.

**Hon. Speaker:** Very well; I want to direct that we should use the recess period to try and get some form of public participation. I had indicated to hon. Lati that he should actively also get involved in discussions that will take place when your Committee invites the public to come and participate; we should not process it without public participation.

This Order is also stood down and so is the business appearing as Order No.10, because it relates to the same Bill. There will be no Third Reading and no Committee Stage until after that engagement with the public has happened.

We move to Order No.11.

*((Order Nos. 9(11) and 10 withdrawn from the Order Paper)*

## MOTION

### ADOPTION OF ANNUAL REPORTS/BUDGET FOR EAC

THAT, this House adopts the Report of the Departmental Committee on Regional Integration on the consideration of the East African Legislative Assembly Reports on: Single Customs Territory; the 2<sup>nd</sup> Parliamentarians Workshop on Climate Change; Internal Audit Systems of EAC Institutions; EAC Annual Report for the period 2011/2012, and the Budget for the East African Community for the Financial Year 2014/2015 laid on the Table of the House on Thursday, 31<sup>st</sup> July, 2014.

*(Hon. (Ms.) Kajuju on 21.8.2014)*

*(Resumption of Debate interrupted on 21.8.2014)*

**Hon. Speaker:** Hon. Members, business appearing as Order No.11 is the Motion by the Chairperson, Committee on Regional Integration. What remains is the Question to be put. So, I proceed to do so.

*(Question put and agreed to)*

### PROCEDURAL MOTION

#### EXTENSION OF REPORTING PERIOD FOR THE COMMITTEE OF PRIVILEGES

**Hon. Shehe:** Hon. Speaker. I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 258(2), this House resolves to extend the period prescribed for the Committee of Privileges to inquire into and comprehensively consider all matters relating to the claims of non-attendance of sittings of this House by an additional 30 days.

As you realize, this is a weighty matter and the Committee feels that requesting for a further 30 days will help it exhaustively clear this matter.

With that, I will ask the hon. Member for Mbalambala, Hon. Aden, to second.

**Hon. Aden:** Thank you, hon. Speaker. I stand to second this Procedural Motion. I think the matter before us is a very important one, and the Committee, indeed, deserves to be given the opportunity to do a thorough job on this particular issue.

I just want to say that over the last two weeks we have had petitions to this House against some hon. Members about their presence in this House; or, we have had adverse mentioning of hon. Members in relation to their presence in the House. I must say this is an issue that the Committee needs to do some justice on and bring us a very thorough report, so that the House can consider all the recommendations that we have seen coming before us.

Hon. Members are usually very busy and our job, as representatives of the people, often requires us to be out there for very long periods. Unfortunately, some of us in the process of doing that job encounter unfortunate things like what hon. (Ms.) Shukran mentioned earlier. I really want to sympathize with my sister, and say that what she mentioned here as the action of the military was completely unacceptable and unconstitutional. If hon. (Ms.) Shukran had not been able to have made it to this House because of that very unfortunate harassment, which must be condemned, then it would not have been fair to say that she was away from the House.

These are some of the things that need to be looked into; I just wish to say that my sister, hon. (Ms.) Shukran stopped short of saying if those guys do not stop harassing us-- I want to help you finish that by saying the military should stop harassing the people of Garissa County. It is becoming a nightmare to move in and out of Garissa County. We are hon. Members; we are required by a duty to be in this House just as much as we are required by our people to serve them.

**Hon. Speaker:** You see, you are disobeying your own Standing Orders.

**Hon. Aden:** On this particular thing I want to say there are a number of issues that can, indeed, keep us away from the House. I support that, that Committee be given time to go and do a good job on this.

I thank you.

*(Loud consultations)*

**Hon. Speaker:** Order, hon. Members! The fact that I can see all of you like this shows that you are not even following. This matter is very important. We have received petitions against hon. Members. It is thoroughly important that this Committee considers and examines all situations. As you have heard me say on numerous occasions, I am aware that hon. Members are elected to do all manner of things under the sun. Being in the Chamber is just one of them. Hon. Members get into very many other situations whilst trying to play their representative as well as the oversight role. So, it is important that the point that is being made by the Members of this Committee be considered by all of you. That is why the Committee is seeking an extension of time within which to consider, not just those petitions, but also try and set some rules about how those kinds of petitions are going to be handled going forward.

Hon. Aden has just given an example of the issue hon. (Ms.) Shukran has raised. Supposing she was coming to Parliament and she was stopped from coming here by the behaviour of security forces, would she be considered to have been absent without the permission of the Speaker? If you listened carefully those are the issues that the Committee wants to delve into, and is, therefore, seeking an extension of time within which to report on the two petitions. It will also give the way forward and how it will be considering petitions, whether frivolous or legitimate, as and when they will arise.

So, I will propose the Question.

*(Question proposed)*

Do I see some people who want to contribute? Yes, Hon. (Dr.) Simiyu.

**Hon. (Dr.) Simiyu:** Thank you, hon. Speaker. It is good that the Committee realizes the weighty matter that is before them. But we need to be awake to the fact that the devices that record hon. Members' attendance in this House sometimes malfunction. In the last Parliament when this Chamber was opened, the moment you slotted in your card and logged in, your attendance was recorded. In this current Parliament apart from this card, we have a biometric device at the entrance. That biometric device at times malfunctions; when it does, then you have to look for the Serjeant-At-Arms to sign in your name. In a case like mine, it has never been able to record my biometrics. So, every time I have to sign with the Serjeant-At-Arms. Sometimes the book is locked in his office; when he is not available you end up not signing. Sometimes something comes up and you have to leave in a hurry and you end up not signing. So, we also need to do something about the recording devices.

The other issue is that we know that all information possessed by a public institution - Parliament is a public institution in a sense - the public have got the right to access it. When members of the public access that information they should be given disclosure. In this case, there should have been full disclosure to those members of the public who brought those petitions about the Committee attendance of those members and various other activities of those members. Otherwise, we are opening ourselves to being harassed and intimidated. At times, in fact, somebody with ill motive can easily try and remove a Member from this House through this kind of procedure.

Hon. Speaker, this Committee is very powerful because it deals with privileges of Members of this House. One of the privileges of Members of this House is the right to gratuity. Somebody went to court and stopped our gratuity in the last Parliament. If that court case is over, we will miss that privilege at the end of this Parliament. So, this Committee also needs to look seriously at that privilege of Members of this House; it should consult with the Parliamentary Service Commission (PSC) and ensure that Members of this House get their rightful gratuity.

Hon. Speaker, with those many remarks, I beg to support.

**Hon. Injendi:** On a point order, hon. Speaker. Mine is on the issue of order. This is because you called the name of hon. Shill to make a presentation and then someone else stood up. When we have reports, or requests from Committees, we know that it is the Chairperson who makes the presentation. If he or she is not there, then it is the Vice-Chair who does that. So, the Vice-Chair, whose name you called is around, but someone else stood up and asked to be seconded by a Committee Member. I just want a clarification on what the procedure is.

**Hon. Speaker:** Hon. Injendi, it is a simple matter. When the brief was given by the staff, hon. Peter Shehe was not here, nor was he in the Speaker's *Kamukunji*. Somebody else had to be briefed by the staff. The person who was briefed was the one who moved the Motion, and there is nothing out of order. In fact, if hon. Peter Shehe was mindful to have come with a card, we would have easily recognized him. I can see he is seated next to you. Does he have a card?

**Hon. Shehe:** Yes!

**Hon. Speaker:** How come it is not detected?

**Hon. Members:** He is analogue!

**Hon. Shehe:** Hon. Speaker, I actually put the card in its right slot; maybe, it bypassed you. However, I was informed that another Member had to take the podium. That is in order.

Thank you.

*(Question put and agreed to)*

**Hon. Speaker:** Of course, that is not a licence for the Committee not to continue to sit. Hon. Peter Shehe, your Committee should sit and consider all the matters that have been referred to it.

Next Order!

#### ADOPTION OF REPORT ON SAFARICOM TENDER

THAT this House adopts the Report of the Departmental Committee on Administration and National Security on the matter of the Inquiry into the Tender for the proposed National Surveillance, Communication, Command and Control System for the National Police Service laid on the Table of the House on Thursday, 24th July, 2014.

*(Hon. Abongotum on 12.8.2014)*

*(Resumption of Debate interrupted on 12.8.2014)*

**Hon. Speaker:** Hon. Abongotum, who was on the Floor, has a balance of 58 minutes.

**Hon. Members:** How?

**Hon. Speaker:** Hon. Members, you need to familiarize yourself with the provisions of Standing Order No.97.

**Hon. Abongotum:** Yes, hon. Speaker. I will try to be as brief as possible.

I had started moving this Motion and told our Members, or the honourable House, that arising from complaints from the public on the issue of this tender by Safaricom, the Committee, in exercising its oversight role or mandate, held a sitting with the Ministry of Interior and Coordination of National Government on Thursday, 5<sup>th</sup> June, 2014 during which the Committee sought details on the proposed procurement. The Committee sought to establish whether the threshold for direct procurement, as provided for by the Public Procurement and Disposal Act, had been attained, and whether the project offered value for money to taxpayers.

Hon. Speaker, the Committee resolved to have the signing of the contract put on hold until facts relating the project were established and the project approved by the Committee and the National Assembly.

The Committee embarked on the exercise of looking into the matter of the tender for the surveillance and communication system by convening the first sitting on 10<sup>th</sup> June, 2014. The Committee held a total of eight sittings in which it closely examined the matter and heard evidence from witnesses. The Minutes of the Committee are hereto annexed and copies of the HANSARD Report may be obtained from the National Assembly Library.

The Committee held a meeting with the technical committee at the Ministry of Interior and Coordination of National Government and the Technical Committee, which evaluated and approved the tender for the surveillance and communication system; they provided the genesis of the tendering process and justification for using direct procurement.

Hon. Speaker, the Technical Committee comprises of senior Government officials in the Ministry of Interior and Coordination of National Government and the Ministry of Information, Communication and Technology as well as the National Intelligence Service (NSIS).

The need to get technical information on the safety and suitability of the proposed surveillance system saw the Committee meet officials from the Communications Authority of Kenya as well as independent communication experts. It came to the attention of the Committee that the Communications Authority of Kenya had an on-going court case with Tetra Radio Ltd., a company that won a licence to provide communication system for the police service in 2002. The licence was cancelled and this led to the on-going court case. Tetra Radio Ltd. appeared before the Committee and stated their case. They explained the nature of the court case with the Communication Authority of Kenya, and their legal option should the authority propose that the system be set up by Safaricom Ltd.

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The Committee further met the Cabinet Secretary for Information, Communication and Technology to be able to understand the role of the Ministry in advising the Government on the suitability of the project.

Hon. Speaker, the meeting with Safaricom Ltd. provided details on the process of setting up and implementing the surveillance system, the cost of implementing the project and the Safaricom's role in the process. The Committee was able to interrogate the company's capacity to implement the project, as well as have a live demonstration of how the system works and operates.

A meeting with the Cabinet Secretary, the National Treasury, provided the Committee with an opportunity to understand the payment structure and availability of funds for the proposed system. The Committee held a meeting with the Ministry of Interior and Coordination of National Government and the Public Procurement Oversight Authority (PPOA), and the Director of Procurement at the National Treasury. The meeting gave the Committee an opportunity to interrogate the various procurement requirements that had arisen in the course of meetings with other stakeholders.

Hon. Speaker, during the meetings, it emerged that the procurement entity, which is the Ministry of Interior and Coordination of National Government, arrived at the decision to procure directly from Safaricom Ltd. due to protracted nature of the previous tenders for police communication and surveillance system, as well as the need to urgently set up the system to address the runaway insecurity in our country. The network to be used in the proposed system would be built by Safaricom Limited and handed over to the National Police Service for use.

Hon. Speaker, the network to be used in the system will be independent of Safaricom's commercial network, though it will share passive infrastructure such as base system masts with the commercial network.

Hon. Speaker, Tetra Radio Limited, which won a 2002 tender by the then Communications Commission of Kenya (CCK), now Communications Authority of Kenya (CAK), but had the licence was cancelled by the Commission in 2008 due to their incapability to meet the terms of the tender agreement. So, Tetra Radio Limited moved to court and lodged a claim for the exclusive use of the frequency range 370 and 470 mhz for provision of communication system for the police, which was upheld by the court. The CCK appealed the decision and the case is currently before the Court of Appeal.

Hon. Speaker, the Committee established that the proposed project is valued at Kshs14.9 billion over a five-year repayment period, and the money will cater for purchase of equipment, its installation and networking to link it into the central command centre.

The cost breakdown is that Kshs12.7 billion will be used for building the system and Kshs2.2 billion will be for the maintenance support of the system for the next five years. The project will cover Nairobi and Mombasa in the first phase. To set up the project in the rest of the country, the Government would have to pay, or will require, an extra Kshs21 billion.

Hon. Speaker, part of the payment by the Government to Safaricom will be in the form of a spectrum for Safaricom to roll out the long-term evolution 4G network, both for commercial use and for use by the proposed police system.

Hon. Speaker, review of the tender by the Public Procurement Oversight Authority (PPOA) concluded that the procurement method used was within the law as the procuring entity had met the threshold for direct procurement as provided in the Public Procurement and Disposal Act.

Hon. Speaker, the Committee recommends that the House approves the tender award and the signing of the contract to Safaricom Limited for the provision of a National Surveillance, Communication, Command and Control System for the National Police Service. The Committee further recommends that the project should be expanded to cover the rest of the country as soon as it is practically possible.

Before I conclude, I will ask my friend to second. I do not know whether hon. Gumbo is here. If hon. Gumbo is not here then my deputy will do that. Oh! I can see hon. Gumbo around.

Hon. Speaker, this is basically the summary of our findings on the tender for the proposed communication and surveillance system for the police; the tender for the project had been awarded but had not been signed. The signing of the contract was put on hold by the Committee subject to a review of the procurement process and approval by the Committee and the National Assembly. We have confirmed that due process was followed in the procurement process.

Hon. Speaker, the proposed communication and surveillance system will greatly help our country's security forces to face up to the security challenges that threaten the country by providing deterrence and identifying criminals in addition to improving co-ordination and response to crime by the police.

Hon. Deputy Speaker, the Committee took cognisance of Article 227 of our Constitution that requires state entities contracting for goods and services to do so through a process that is fair, equitable, transparent, competitive and cost effective. Further, the Committee also considered Section 74 of the Public Procurement and Disposal Act, which allows direct procurement subject to procurement entity meeting certain specific conditions. Section 74(1) of the Public Procurement and Disposal Act states that:-

“A procurement entity may use direct procurement as allowed under sub-sections (2) or (3) as long as the purpose is not to avoid competition. A procurement entity may use direct procurement if the following are satisfied –

(a) there is only one person who can supply goods, works or services being procured.

(b) there is no reasonable alternative or substitute for the goods, works or services.

(3) A procuring entity may use direct procurement if the following is not satisfied-

(a) there is an urgent need for the goods, works or services being procured;

(b) because of the urgency the other available methods of procurement are impracticable; and

(c) the circumstances that gave rise to the urgency were not foreseeable and were not the result of dilatory conduct on the part of the procuring entity.”

Hon. Speaker, the Committee considered the circumstances that gave rise to this tender in the light of Section 74 of the Public Procurement and Disposal Act. The Committee noted that the country is currently faced with multiple security challenges

never witnessed before that threaten to compromise national security of our country. Examples include the multiple terrorist attacks at Westgate and various other sporadic attacks in Mpeketoni by *Al Qaeda*, *Al Shabaab*, the Mombasa Republican Council (MRC) as well as our porous borders with Somalia.

Hon. Speaker, this has led to the negative travel advisories being issued by some of our country's business partners; these have impacted negatively on the tourist sector. This, therefore, confirms the urgency surrounding the choice of method of procurement and the fact that the magnitude of insecurity was not possibly foreseeable as per the requirement of Section 74(3)(a)(b) and (c) of the Public Procurement and Disposal Act.

Hon. Speaker, the urgency and the need to sort out the insecurity problem in this country were such that the other methods of procurement, save for direct procurement, were impracticable. The Committee notes that the security of the citizenry of this country should never be compromised or negotiated. The foregoing circumstances justify the direct procurement in this tender.

Hon. Speaker, given the facts above, the Committee did not find any ulterior motive in the choice of Safaricom to implement this project. The company has the requisite financial capability and the experience in providing a telecommunication network and infrastructure in the entire country. Given the urgency and the precarious security situation in the country, Safaricom was the most appropriate entity to implement the project. The Committee was also satisfied that due diligence was carried out, and that the procurement process was above board, and all the necessary stakeholders were consulted.

Hon. Speaker, our recommendation is that the House approves the tender award and the signing of the contract to Safaricom Limited for the provision of the National Surveillance, Communication, Command and Control System for the National Police. Two, insecurity is not confined to the two cities, that is Mombasa and Nairobi. So, we want this project extended to all the other 45 counties, so that we can have an efficient and effective system of surveillance in all counties of Kenya. So, we recommend that all the 45 counties be also taken care of, and that the Government also looks for the required Kshs21 billion maybe in this financial year and subsequent years, so that nobody in Kenya, or county, will complain.

Hon. Speaker, in conclusion, of course, there are many annexes of several reports for ease of reference. We have reports from the Ministry of Interior and Coordination of National Government, the Technical Committee that oversees the project, the Communications Authority of Kenya, the independent communication surveillance experts, the Tetra Radio Limited and the Ministry of Information, Communication and Technology. Then we had a meeting with Safaricom; its annex is there; then we met with the National Treasury, the Ministry of Interior and Coordination of National Government and Public Procurement and Oversight Authority. We actually sat down with the Ministry and conceptualized the project.

We want to confirm as a Committee that we looked into all these matters, and it is going to be in the interest of this country for the House to approve this contract and the signing, so that the contractors or the people, who are supposed to implement it can do so without further delay.

I urge the House to consider the kind of insecurity challenges that we have and approve it. This is a very critical time in our country; as we speak the tourism industry is actually doing very badly. I am sure if this is done we are going to improve our security system. This contract has taken 10 years in court rooms; So, we should implement this project; so that we can have a proper surveillance system; its saviour is actually this House.

I very humbly want to call upon the House to approve it and then I will call upon our Chief Whip, who was actually the Minister when this project was being conceptualized--- He is aware of the project because it was started in 2002. I want to call upon the indomitable *mhe*.Metito to second this Motion and ask the House to approve it.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Members, I think even as I allow the seconder to do so. I just want to be a bit clear. When I look at the role of Parliament under Article 94 and the role of the National Assembly under Article 95, I have not come across any provision, where the National Assembly shall approve contracts entered into by governments. Therefore, hon. Members, even as we debate this, we must be mindful of the role of the Auditor-General under Article 229(6); an audit report shall confirm whether or not public money has been applied lawfully and in an effective way. Audit reports shall be submitted to Parliament or the relevant county assembly.

Hon. Members, we need to reflect on this because if we are the ones approving then we lose the constitutional authority to receive any reports in the future that may find public funds were not effectively utilized. How, then shall we address this? Hon. Members, even as we debate this, I do not think it is anywhere in our role to approve contracts entered into by Government entities. We need to be careful, so that at the appropriate time we consider whether you need to change the language. I am not saying anything about the report; it is not my business to debate it, but I think it is fair that I guide that we should be careful about what role we are assuming for ourselves; if we do this the Auditor-General will be perfectly entitled not to report to us should he find anything untoward in the implementation of projects.

Hon. Katoo proceed, please.

**Hon. Katoo:** Thank you, hon. Speaker. I stand to second this Motion. First of all, let me thank the Committee on Administration and National Security for a job well done.

Hon. Speaker, this is about a security project and I want to say that the cardinal responsibility of any government the world over is to provide security, and ensure that citizens and their properties are safe and they do business, or operate, in a secure environment. As has been said, over the last few decades, the nature of crime has become technology related. That is why those in the security sector keep saying that the fight against insecurity requires a paradigm shift in terms of techniques and technology. The project we are talking about, which is called the National Surveillance, Communication, Command and Control System, is about fighting security-related crimes in a technological way. That is why we require advanced technology that can actually even surpass what is being used by criminals in terms of technology.

This is in terms of money laundering, frauds, and even other criminal offences. Criminals are now using technology such as internet and its other forms. We have in our country, as has been said by the mover earlier, long coastlines and porous borders. The Kenya-Somali border is very long and porous. A lot of human traffic goes through it; smuggling of weapons and drugs occurs through that border and coast lines. This has really increased armed criminal activities. Therefore, I call upon this country, especially the Ministry responsible for fighting crimes, to really look for advanced ways of fighting criminals.

It is so difficult really to fight these criminals when we have ineffective communication systems that ensure that the response time is so low and when we also have obsolete communication systems used by our security agencies. Every time and I think also in this Financial year 2014/15, while this House was debating the budget we see an item in the police department, called modernization of police equipment and communication systems. I want to agree with the Mover of the Motion, that actually the bone of contention, during the inception of this project was when Safaricom Limited was awarded and there were complaints from the public and this House included, as to why, it was single sourced.

Hon. Speaker, the genesis of it starts about 12 years ago when we started as a country to modernize our communication system with respect to fighting crimes. If you read the report of the Committee, it started in 2002 when Tetra Radio Limited was awarded a licence to provide trunk radio system or network for security and emergency cases. From that time, that system faced legal tussles from 2002 that went to court up to 2007. Another one was started in 2007 and again people moved to court up to 2012. Every time we try to modernize our security communication system, there has been court cases that have really dragged this project.

Since it has been done in an open and competitive open tender, which I think this time the Ministry and those responsible resulted to single sourcing, I do not want to dwell on that so much, but I want to say that this system is an important project for this country. If you read the report, the project consists of digitizing the tracking of the radio network. There would be a central command operation center, there would be a video surveillance system installed in our major towns. That would help this country and security agencies in fighting crimes. I want to applaud the Governor of Machakos County. He has started that video surveillance system where, while in Machakos County, you can be tracked in the command centers with those cameras installed all over. If a county government can do that, what of a National Government? I think this is a project which is coming a little bit late, but as they say, better late than never. I want to plead with this House that the fight against criminals really needs technological advanced operators in terms of hardware and software. This House should play a special role in ensuring that these projects come into light because we are talking of a digital era and this is the time everything we do including our security which is very paramount needs to be digitized. There is a concern on data security and many hon. Members and members of the public have been asking about our security information. If you look at the project, there is what we call - those who are digital know this - data encryption. Data encryption especially when you employ end to end data encryption will ensure that information carried in that system is safe and can only be actualized and be decrypted at the end to

end; the receiver and the sender. So, I have all the reason that our data security is taken care of. Therefore, I want to urge our colleagues. If we implement this system, it will even bring down some other costs that are being incurred now, especially when we talk of--- Last financial year the Government hired 1200 police vehicles. This financial year, what is in the budget is 2000 police vehicles; what we call immovable asset in terms of hardware. This is a computerized system that can bring some of those costs to some manageable levels or to have some money saved for other purposes. Even in crime prone areas that are very far from the central command with Safaricom having been given this project, the wide network coverage they have and the financial capability as cited by the Committee, I do believe that it will even help in the network coverage to some of the remote areas in this country. What is happening currently in Mandera, Wajir, Turkana and Lamu can be seen from the headquarters here in Nairobi through the command control centre and then every response will be on real time basis rather than waiting for a week to receive information, and even in terms preventing crimes with our surveillance cameras from the control and command center here in Nairobi, prevent a crime from happening in Kisumu. This morning we were talking of how we need a paperless Parliament; this is also going to be paperless in terms of fighting of crimes. So, I want to plead with my colleagues and tell them that this is a project that is long overdue. The same way the Jubilee Government started the Standard Gauge Railway that has been a dream for so many years. If we take that Standard Gauge Railway and the computerized system, I think we will have this country running in a 24 hour economy under surveillance for security purposes. Therefore, with those few remarks I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Shinali

**Hon. Shinali:** Thank you, hon. Speaker

**Hon. Speaker:** Sorry, I was looking for you this side, but you can contribute from anywhere.

**Hon. Shinali:** Hon. Speaker, I rise to support this Motion. I happened to attend a few meetings of the Committee in which I am a Member. This is a very good project having to digitize security; we shall be able to combat criminals in the city. In South Africa, it was installed and insecurity reduced by 60 per cent. Having listened to problems that have faced this project, one person from Tetra Radio Limited appeared before the Committee. On questioning the capability of Tetra Radio Limited to perform this particular contract, we found out that Tetra Radio Limited did not even have an office. They did not have the capacity to handle such a big contract, because one; they did not have offices, and two; they did not have technical human resource. It was assumed that the tender was to be integrated with the Safaricom systems. When Safaricom appeared before the Committee, we noticed that this particular system is only going to use Safaricom masts, which are spread all over Kenya. Thirdly, the runaway insecurity in Kenya right now is a very big problem that needs to be sorted. Having looked at Safaricom and their financial status, Safaricom is capable of handling such a contract without having to stagnate or come back for money. There is no actual money that will come out of Government to pay for this particular contract. The contract will be

effected, we know the economic situation of Kenya. Safaricom will have to pay and deduct from the allocation of --- Safaricom is a local company, if you have to put such a contract in the hands of people like Tetra Radio Limited whom we do not know the directorship and who do not have the technical capability, it is very risky. This is because it involves the security of the whole country.

Safaricom is partly owned by Kenyans. The Government of Kenya also has shares in Safaricom. That is why we feel that we can trust Safaricom with the security of this country.

With those few remarks, I beg to support.

**Hon. Speaker:** Yes, hon. Joyce Lay!

**Hon. (Ms.) Lay:** Thank you, hon. Speaker, for giving me the opportunity to adopt the Report from the Committee.

Hon. Speaker, security surveillance equipment is a welcome idea in our country. It is a very good initiative to curb insecurity in our country. Recently, we have been facing insecurity issues, especially along our borders, particularly in Lamu, Mandera, Garissa, Wajir and such places. So, it is long overdue for our security agencies to have modern equipment. The people who come to attack us outsmart us most of the time. They have better equipment than our security agencies. It becomes very difficult for us to know who is attacking us. It becomes very difficult even for us to know what it is that they are planning.

There were issues that were raised during the tendering process for the equipment and it is very important, going forward, that everything is made clear. Transparency should be applied and as the National Assembly, we should not deviate from our role of providing oversight. We should not be used as a rubberstamp to authorise tenders or anything else that is given out there in a manner that is not transparent. When it comes to public monies, it is our role to make sure that everything that is done in the country is done in a transparent manner. Sometimes it results to a blame game. We keep on blaming each other. We say that such a thing was done when so-and-so was in the Government but we forget that it is our role, as the National Assembly, to make sure that we oversee the Executive.

We hear about things that happened during the previous coalition Government. They are being brought out right now. Everybody is apportioning blame saying that so-and-so was in charge. We forget that they were all in the Government. They were all in charge. For example, on the issue of land, all of them were in Parliament. It was their responsibility to make sure that every tender or project that is undertaken by the Executive is scrutinised by the National Assembly. It is our duty to oversee the national Government. It is our duty to oversee the usage of public monies that are being spent at the national level.

Hon. Speaker, the issue of where surveillance cameras will be placed is crucial. We need to train the people who are going to be charge of the surveillance system. We cannot just say that we can place them on the road or on the streets. Very many things happen, especially in slum areas and on the back streets, where we cannot see what is happening. It is, therefore, very important to follow up to make sure that the surveillance cameras are not necessarily placed in areas we know are prone to danger but also in other areas where we cannot even suspect people hide to plan evil against us.

It is also upon other security agencies to adopt modern equipment and ideas. We cannot keep on saying that so-and-so was in-charge or that information was not given or that we did not get correct information. So, it is high time that other security agencies adopt the modern equipment system in order for us to be safe. There is no way we can build our economy without security. We need security in everything that we do. Security is the core of building our economy. It is core for our education, business and everything else. So, it is high time that we all adopt the proposed modern system of security surveillance.

With those few remarks, I beg to support.

**Hon. Speaker:** Yes, hon. Rege!

**Hon (Eng.) Rege:** Thank you, hon. Speaker, for giving me the opportunity to support the Motion.

This a project I personally started in 2005, when I was the Permanent Secretary of the Ministry responsible for the Information, Communication and Technology (ICT) but due to lack of funds, it was not possible for us to implement it. At that time, we just wanted to do a small portion on Standard Street and have the monitoring system at the Kenyatta International Conference Centre (KICC). Even with that small project, we were not able to have it go on. Since 2005 a lot has happened technologically. Therefore, the systems have become much more affordable. I would not understand anybody standing up to put an objection to this project. During the Tenth Parliament, I was the Chairman of the Departmental Committee on Energy, Transport, Public Works and Communication. When I and my colleagues visited the airport, we found out that our airspace was not safe because of court cases. During that time, our airspace was really in danger but we could not talk about it without our tourism sector. So, we let it go. We are now starting this project and lots of positions are coming on. I believe that most of the people who objected to this project now do understand. It is our duty to also shed more light into this project.

Hon. Speaker, I will not get into the issues of procurement because it is known that it is possible to do procurement of this kind. We did it with the Ministry of Energy and there was no problem. Looking at the intricacies of procurement procedures, there is nothing to talk about. Safaricom, which has been identified to implement the project, is technologically strong both locally and overseas. More so, Safaricom has all of their servers based in Kenya for purposes of delivering services to Kenyans. I say this simply because today a war among nations will no longer be kinetic war involving guns and ballistic missiles. It will be based on intelligence, ICT and IT surveillance networks.

Hon. Speaker, our security sector in this country is not robust at all. If you compare Kenya with a small country like North Korea; we have nothing. This country has not invested enough in ICT sector; it needs to sponsor over 2000 students in ICT sector to look into how this country can be protected in Cyber Space war.

I will not talk about our President's phone conversation being tapped, but I will talk about Kenya Defence Forces network being fiddled with. Which means, therefore, even our own aircraft at the Air Force can easily be attacked without raising a finger. Therefore, I support these technological advances in the implementation of security systems. The way I see it, what Safaricom will do is immense and I do not see any other

network that can procure and implement this system without looking for a lot of money from this Government.

Hon. Speaker, Safaricom has already built networks of base stations covering majority of this country or parts of this country. Therefore, it will be just a matter of installing the necessary radio equipment on these base stations using the existing power systems in these base stations to supply what is required in surveillance.

Hon. Speaker, in exchange of this service, Safaricom will look for Long Term Evolution (LTE) frequency in the 400 megawatts. In this frequency, most equipment that uses this frequency is owned by very few people in this country. Without mentioning names, I support that Safaricom is given this network to roll out using the existing or the available frequencies of 370 to 390 megawatts of radio frequency. For these ,Safaricom will look for an exchange of 400 megawatts to 2.3 gigabyte frequency.

I believe that this is a good bartering and the country would, therefore, spend very little money to install intelligence security network and provide Kenyans with the security they need.

Thank you, hon. Speaker. I support

**Hon. Speaker:** Very well. Let us hear from Leader of Majority Party.

**Hon. A.B.Duale:** Thank you, hon. Speaker. I stand to support this report with the few proposed amendments. Before I read the amendments, it is during the year 2014 when the Ministries of Interior and Coordination of National Government and that of Information, Communication and Technology were made to understand that there is a discussion taking place in order to provide a lease infrastructure for the National Police Service.

During the negotiations, Safaricom Limited proposed to build and operate a national police service communication system with a 450 band spectrum alongside its existing network. The solution proposed by Safaricom Limited by then involved operating and maintaining the network; including the sharing of the back call and the call network of the Safaricom infrastructure. They will do this commercially on their platform.

Hon. Speaker, this is good for Kenya and I totally agree with the Committee that this project has become of age. But before, as a Member of Parliament for Garissa Town, I want to say that Safaricom Limited controls 60 per cent of the market share. Safaricom is partially owned by the British; Vodacom. Therefore, it is for this House to know that if one service provider owns 60 per cent, in my opinion--- I am sure hon. Members like Maj-Gen. Nkaissey will agree with me that, that is a threat to national security.

Hon. Speaker, if Safaricom shuts down M-pesa, there will be riots in this country.

**An hon. Member:** Correct!

**Hon. A.B.Duale:** If in one minute Kenyans miss that service of Mpesa--- If Safaricom decides to shut down M-pesa, there will be riots everywhere. That is the national security aspect. If you look at the history of Safaricom, they are constantly posting billions of profit. There is a feeling that even Safaricom is not making a full disclosure to the revenue collectors of our country. This is because they have more than 10 million subscribers.

If we go to our constituencies, even in the most remote pastoralist areas; those who are looking after the camels, the first thing they buy before they buy sugar is airtime.

The Departmental Committee on Finance, Planning and Trade of this House must look at that.

Hon. Speaker, you even saw Safaricom Limited paying 50 million to erase the name of President Moi. Companies of the nature of Safaricom Limited all over the world; who get huge profits, may build their own stadium. There is no way Safaricom Limited; a private company can take over a public entity. The stadium was constructed by taxes of the people of Kenya.

Hon. Speaker, if one Collymore is watching these proceedings and if we allow him to take over Safaricom Kasarani Complex, tomorrow he will take over Uhuru Park. The next day he will occupy President Kenyatta's Mausoleum in Parliament. These are companies that are owned partially by the British; the colonizers, the people who left Kenya many years. They might come back to colonize us through heavy taxation.

Hon. Speaker, the first amendment I am bringing is just to rectify one of the Committee amendments. The Committee says that the House approves the tender award and the signing of the contract. The National Assembly as you said; does not approve tenders. Therefore, it is not in the business of dealing with tenders. Therefore, I am deleting the proposed amendment in Section 5 (1) and substituting it thereof with the following:

“THAT, the Government proceeds with the contract for the provision of the National Surveillance, Communication, Command and Control System for the National Police Service, which is Ms. Safaricom Ltd. subject to adhering to the law relating to the procurement of goods and services and other laws relevant to the contract.”

Therefore, I have just decided to amend that section because the Committee said that Parliament must approve. We never approve tenders.

Let me go to my two other substantive amendments.

The thing that the people of Kenya and the Committee did not bring out very clearly is the matter of the frequency, the spectrum that Safaricom is getting in fulfilling this project. From a very independent source, these frequencies which are being given to Safaricom for them to do this communication and surveillance centre, in an independent market survey, the Safaricom is supposed to pay close to Kshs17 billion. I am told they are barely paying Kshs6 billion. So, if a due diligence is done on these frequencies by an independent body than the Communications Authority of Kenya, Safaricom might even get the frequency and that might cater for the whole cost of this project. That is why I am saying in my amendment:-

“THAT, the Communications Authority of Kenya ensures that, following the applications, the frequency assignment to Safaricom Ltd is subjected to approval of the Board of the Communications Authority of Kenya”.

Days are gone when you give girlfriends of a few people, who are close to power, Safaricom dealers' licence. It happened in the last Government. Mr. Bob Collymore, the Chief Executive Officer of Safaricom, was--- He dished Safaricom dealers' licences to people who were very close to State House, and they are known, and they protected him. I want to confirm that I am in the business of selling cows, goats and camels. So, I will not one day be enticed with a dealers' licence. The only regulatory body which is supposed to regulate Safaricom, Airtel and Yu is the CAK. That amendment is basically saying that a due diligence should be done on those frequencies and the price known and

the Kenyan people are told. If it is Kshs15billion and we are paying Kshs16 billion for this project, then the Government can only pay Kshs1 billion.

My third amendment is a very important one. In this country, there is an emergence of multi-nationals from China, Asia, Europe and America. There are young Kenyans who have the talent and have formed serious middle level companies.

**Hon. (Eng.) Rege:** On a point of order, hon. Speaker.

**Hon. A.B. Duale:** If hon. Rege allows me, I know one time he served as a Permanent Secretary for Information, Communication and Technology. I have never served, but the middle level Kenyan companies which do business in ICT, security and other areas must be given a chance.

**Hon. (Eng.) Rege:** On a point of order, hon. Speaker.

**Hon. A.B. Duale:** Hon. Speaker, why do we give all our businesses to foreigners? If the Member is agitating that Safaricom is a Kenyan company, it is not a wholly Kenyan owned company. If that is what he wants to say, over 40 per cent of Safaricom is owned by Vodafone. So, my amendment is saying:

“THAT, to ensure promotion of technology transfer, job creation and in line with the government undertaking to create jobs and opportunities for Kenyans, Safaricom Ltd and/or their agents who shall be charged with the responsibility of rolling out the network ensures that at least a minimum of 30 per cent of the contract is given to local enterprises” .

(Applause)

We are not here to sell *mitumba*, but to protect the interest of Kenyans, whether they are farmers, pastoralists or they sell *mitumbas*.

**Hon. (Eng.) Rege:** On a point of order, hon. Speaker. Hon. Duale, a good friend of mine, just touched on information that is misleading this House and Kenyans at large. The frequency which Safaricom is asking for, the LTA or what you can call 4G Frequency, is lying there idle. If it is not used, it will be just there for ever and ever amen. The Kshs17 billion that hon. Duale is talking about is not the true case. The British Telkom at one time was selling frequencies in trillions until they realized that if they did not give those frequencies to the public, it was just going to sit there and reduce the GDP of a country. If Safaricom is not given this frequency, nobody will use it. It will just sit there.

**Hon. Speaker:** So, what is your point of order?

**Hon. (Eng.) Rege:** Hon. Speaker, my point of order is that hon. Duale should not lie to Kenyans that the frequency in exchange is going to cost Kshs17 billion.

**Hon. Speaker:** Hon. Rege, you should have waited for hon. Duale to finish moving his amendments and then you would have been given a chance. That is what you would have said in contributing. So, I want to encourage all of us to appreciate points of order from contributions or differences of opinion because that was not a point of order.

Proceed, hon. Duale!

**Hon. A.B. Duale:** Hon. Speaker, this is why we have a problem in Lamu; that the land in Lamu was idle; that the frequencies in CAK are idle; that if Uhuru Park is idle, the ground is not used, you give it to Safaricom; that because the Kasarani Complex with

Mzee Moi's name was idle, we give it out. Then hon. Rege should tell us. He has been a Permanent Secretary and has known the players from Michael Joseph to Bob Collymore, but the Members in this House are not looking for dealers' licence. They are here to protect their constituents who have invested in small medium companies in ICT. That the money that Kenyans will raise through taxation, partly, must go to its own people. We must create a serious business community that one day will compete with Safaricom. When some of us see what the Equity Bank is doing, they raise our hopes.

So, hon. Rege is saying that because our frequencies are idle, we give them for free to Safaricom. That is not why this House formed an independent regulatory body called the CAK.

The last amendment is a moral obligation. This House is full of men and women who are experts in their fields that they run their colleagues' businesses. In fact, this House should move further and say that every multinational company coming to this country should forfeit a certain percentage of that company's shareholding to Kenyans. We have the LAPSSET project. We are building infrastructure and all the money is being repatriated to foreign companies. So, we must build our economies. We must have the mentality to say, "buy Kenya, build Kenya".

With those many remarks, I beg to move the three amendments and ask the Chair of the Committee on Energy, Communication and Information, hon. Jamleck Kamau, who has engaged in this matter, to second.

**Hon. Kamau:** Hon. Speaker, I rise to second the amendment by hon. Leader of the Majority, hon. Duale. Indeed, these amendments he is bringing are very important for this country. Indeed, if you look at the first amendment that relates to 5.1, the Committee had some issues there because the House cannot approve as hon. Duale just said and which the Speaker alluded to as well. It is not the business of the House to approve tenders. Therefore, this had to change such that the Government is given authority by this House to proceed with the contract for the provision of the National Surveillance, Communication, Command and Control System.

So, putting it here is a clear indication that, that is the route that this House wants to be followed; that any frequency that is going to be assigned, not only to Safaricom but any other person, must be approved by the Communications Authority of Kenya (CAK).

Hon. Speaker, the last amendment at 5.4 is extremely important for this country. There are investors who come and invest a lot of money and when it comes to sub-contracting, they keep on giving those contracts to foreigners. That means that all the monies that are earned through those contracts will finally find their way back to the foreign countries. That is the reason why it is important for us to have this amendment such that, even after Safaricom gets this award, and even after the company that is contracted to do the work, Huawei continues, we must ensure that, at least, 30 to 40 per cent of the sub-contracts arising therein are awarded to our dear brothers and sisters in this country. In fact, I would even urge that we do more than that 40 per cent. If it is possible, they can do 100 per cent because what we need is capacity.

In the oil sector which we are looking into, we are contemplating coming up with amendments in the Energy Act that will ensure that even those investors who are coming to prospect for oil in this country, some part of ownership of those contracts is Kenyan. If you go, for example, to Dubai, 51 per cent of ownership of any FBI in that country has to

be somebody from Dubai. However much money you have, if you go there to invest, you cannot invest more than 51 per cent. The 51 per cent belongs to a partner resident in that country. Saudi Arabia is even worse. It is 60 per cent. Without an investment of 60 per cent of the person who is there, you cannot invest in that country.

So, in this country that we love so much and to assist the youth and those people who have capacity, it is important for us to start with 30 per cent as we move towards making sure that we get as much as possible from the investors who come to our country. With respect to this, it is important for Kenyans to start working on building capacity because it is one thing to say we will give the 30 per cent and another thing all together if we do not have capacity. But with respect to this specific one, I believe and know that we have capacity. So, I urge Safaricom to ensure that, at least, 30 or 40 per cent of all these contracts are awarded to our local brothers and sisters.

With those few remarks, I beg to second the amendments by hon. A.B. Duale.

**Hon. Speaker:** I hope that we have all been following keenly and I direct that the proposed amendments be circulated. But since there is another one, I want us to resolve to dispose of this one first. Do I assume that everybody has those amendments as circulated?

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

I can allow a few contributions relating to only these amendments so that we can resolve and go to the other proposed amendments by hon. (Eng.) Gumbo. Are there people who want to contribute to this? In any event, if you approve this amendment, then you can debate the Motion as amended. Can I put the Question?

**Hon. Members:** Yes!

*(Question of the first part of the amendment,  
that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words  
to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

**Hon. Speaker:** Hon. Members, that amendment forms part of the report since it is carried. So that we can dispose of these matters, I will call on hon. (Eng.) Gumbo to make his contribution and possibly make his amendments.

**Hon. (Eng.) Gumbo:** Hon. Speaker, thank you for giving me the opportunity to contribute to this Motion as amended. I, too, have some amendments which I would like to include. But before I do that, I note that the Committee Report in so far as attempting to give us a modern security system is concerned is good. However, if you look at the Report, we still have some few unanswered questions and one of them is this: The Report is not clear on what the current spectrum allocation policy of CAK is. It will also be

important for a Report like this one to indicate how many licenced companies are currently in need of frequencies. This is important because if you look at this Report that has been done by the Committee, you will notice that it talks, for instance, on page 13, highly about the Safaricom's record. But for those of us who sit in the ICT Committee and the country as a whole know that Safaricom, for a long time, has had problems with quality of service. Then if you look at page 17, then you have to ask a question: How paragraph 3 of page 13 will be done without a spectrum allocation policy. What hon. A.B. Duale said, you cannot quantify spectrum without independent costing. Then you would also need to ask what valuation criterion or methodology was used in quantifying this spectrum. Just before I move to my amendment on page 17, I have looked at the report. It talks of the ability of the company to expeditiously implement the system. I sat in some of the Committee's deliberations and one of the questions that came up was that Safaricom is a giant in the region in terms of GSM network roll out but, for sure, it has no experience on security contracting. You also notice on page 17 that the report talks of verifiable bills of quantities giving qualities and verifiable prices. It would have been good if the Committee investigating had Safaricom give them the specifications and bills of quantities so that they can do a value for money audit. The valuation by Safaricom of the project at Kshs14.9 billion definitely begs the question: Against which offer was this price verified as fair?

Hon. Speaker, again on page 17, the Committee Report talks about the rolling out of 4G LTE Network for commercial use. What that does is that it takes away the aspect that we call technology neutrality and it confers unfair advantage to Safaricom Limited. This is important because when you take away technology neutrality and confer unfair advantage to a competitor, you enhance the position of that entity as a dominant player. In fact, that, in itself, will be a vote for entrenching monopolistic tendencies in the telecom sector. When you have a dominant player, the danger is that more often than not, the dominant player has no problem setting the rules the same way it has no problem breaking the same rules. So, this is something that we must try to avoid.

Hon. Speaker, moving to my amendment and arising from those issues, I propose in amendment No.1, which I hope hon. Members have, that the report be amended after hon. Duale's amendment as follows:-

“THAT, the Government urgently introduces broadband infrastructure regulations to encourage open access, transparency and non-discrimination and actualize the National Broadband Strategy to provide high speed broadband access to all Kenyans.”

The advantages of open access to GLT are many. One of them is that it ensures most efficient use of limited spectrum resources. When my good friend, Eng. James Rege spoke, what he did not tell the country and Parliament is that a frequency is a property of the people of Kenya. So, you cannot just give it away because you have a feeling that it is lying idle. That is our property. The late Julius Nyerere said that our minerals will not rot. Our frequency will also not rot. So, we would rather wait until such a time that we can properly get value from those frequencies.

Hon. Speaker, open access LTOs also bring affordable, quick and widely available LT services by significantly lowering threshold of economic viability. Open access enables higher penetration making it cheaper and hence enabling its use in healthcare and other social services. This is an opportunity that this House cannot lose.

We should use this opportunity that we have as a House to urgently introduce broadband infrastructure regulations so that we can control.

Hon. Speaker, the second amendment is very important. This report, as it is actually covers only Nairobi and Mombasa. A question must then be asked: Does Nicholas Gumbo sitting in Nairobi have more value in terms of his life than the peasant farmer in Rarieda, the pastoralist in Garissa or the coffee farmer in Murang'a? The answer is "No". We may succeed in fortifying Nairobi and Mombasa by installing this system in Nairobi and Mombasa. However, that might also make the terrorists to direct their activities to other parts of the country. So, my second recommendation is that the Government develops a properly phased out plan to roll out the surveillance to all the 47 counties of Kenya.

If you fortify Nairobi and Mombasa and leave out the rest of the country, that will be equated to exporting terror to outlying parts of Kenya. In my view, that would be unconstitutional. It is very important that even as we recommend---

**Hon. Lentoimaga:** On a point of order, hon. Speaker. Is the hon. Member in order to say that the project is not rolling out to other parts of the country? This is a pilot project. The Member appeared before our Committee as a friend of the Committee for almost the entire time. He knows that after the pilot project, because of the amount of money involved, it will be rolled out to the rest of the country. The cost for doing that is Kshs21 billion. I think the hon. Member is aware of that because he was with us throughout.

**Hon. Speaker:** Hon. Lentoimaga, if you allowed the hon. Member to finish what he was saying--- That is because when you will get an opportunity to discuss his proposed amendment, you will give that information. This is why I am telling you that you must familiarize yourselves with these things. That is not a point of order. You were just not happy about what he had said. However, you will have a chance to say what you have said.

Proceed, Eng. Gumbo.

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker. Of course, hon. Lentoimaga knows that I have extremely a lot of respect for him. But he knows that the report that we are debating talks about security surveillance of Nairobi and Mombasa. What is wrong if we put it in this report that after the pilot project, we go to the rest of the country? That is all I am asking.

Hon. Lentoimaga knows that he comes from outlying areas of Kenya. Unless he wants to admit here that the lives of his people in Samburu are less valuable than the lives of the people in Nairobi, he should have no difficulty in supporting this.

My fifth amendment reads as follows:-

“THAT, the Government ensures the implementation of the project leads to full automation of all related processes, including back office operation and the recording, retrieval and storage of information in the occurrence book.”

Hon. Speaker, we have an automatic system which will be recording and helping to track down the terrorists. However, it will not come to much if, at the end of the day, things like recordings in the OB and retrieval of data are still done manually. We will be having one side which is digital and another one which is extremely analogue!

With those remarks, I urge the House to consider the amendments that I have proposed which are really meant to enrich the report and approve them. I request hon. Mwangangi, the Member for the great people of Yatta, to second my amendments.

**Hon. Kilonzo:** Thank you, hon. Speaker. I rise to second the amendments by hon. (Eng.) Nicholas Gumbo.

I am a Member of the Departmental Committee on Administration and National Security. I want to confirm that we came up with this report. I strongly urge this House to support these amendments which hon. Gumbo has moved.

Hon. Speaker, something was drawn to my attention when the hon. Member said that the august House should adopt this report to ensure that the 47 counties of this country are covered. It is common knowledge that there has been a lot of insecurity in Moyale, Lamu, Mombasa, Mandera and even in this city. Every Member in this House and every citizen require protection. I think if we adopt this report as amended by the hon. Majority Leader and hon. Nicholas Gumbo, definitely, we will greatly improve our security as a country.

Thank you, hon. Speaker. I second the amendments.

*(Question of the further amendment,  
that the words to be added be added, proposed)*

**Hon. Speaker:** Hon. Members, I am allowing the Member who is trotting in to take his seat. Just take your seat. Let me put the Question.

*(Question of the further amendment, that the words to be  
added be added, put and agreed to)*

*(Question of the Motion as amended, proposed)*

**Hon. Speaker:** Hon. Members, now as we debate the Motion, it will read as follows:-

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the matter of the inquiry into the tender for the proposed National Surveillance Communication Command and Control System for the National Police Service laid on the Table of the House on Thursday, 24<sup>th</sup> July 2014 subject to:-

(i) deleting the proposed recommendation 5.1 and substituting thereof the following:-

“THAT, the Government proceeds with the contract for the provision of a National Surveillance, Communication, Command and Control System for the National Police Service with Ms. Safaricom Ltd subject to adhering to the law relating to procurement of goods and services and other laws relevant to the contract.”

(ii) Inserting the following new recommendations immediately after Recommendation 5.2:-

“5.3. THAT, the Communications Authority of Kenya ensures that, following the applications, the frequency assignment to Safaricom Ltd. is subjected to approval of the Board of the Communications Authority of Kenya.

5.4. THAT, to ensure promotion of technology transfer, job creation and in line with the government undertaking to create jobs and opportunities for Kenyans, Safaricom Ltd and/or their agents who shall be charged with the responsibility of rolling out the network ensures that at least 30 per cent of the contract is given to local enterprises.

5.5. THAT, the Government urgently introduces broadband infrastructure regulations to encourage open access, transparency and non-discrimination practices and actualise the National Broadband Strategy to provide high speed broadband access to all Kenyans.

5.6. THAT, the Government develops a properly phased-out plan to roll-out the surveillance to all forty seven counties”, and,

5.7. That the Government ensures the implementation of the project leads to full automation of all related processes, including back office operation and the recording, retrieval and storage of information in occurrence book.”

So, hon. Members, as we debate the Motion now as amended and you are the ones who have amended, those are the new recommendations and I think it is important to say that if the report is amended - and this is really your business and it is not mine since I have no vote as per Article 122 of the Constitution - then our Committee on Implementation which has been complaining that they do not see resolutions, this will be a very serious resolution.

*(Applause)*

They cannot keep on saying that they have not seen any resolution. This is a serious resolution of the House and I think it should be followed. All the members of that Committee on Implementation, please, get seized of this report. It is very important. Hon. Nkaissery, you can contribute to the Motion as amended.

**Hon.(Maj-Gen.) Nkaissery:** Thank you very much, hon. Speaker. I stand, first of all, to thank the Leader of Majority Party and Eng. Gumbo for saving our country. We are talking about national security and the thing we are trying to provide so that we can achieve that standard is what we are discussing here. Therefore, as we look at the Motion as amended now, it will take us back now to the drawing board. That is because when you look at the amendment that has been brought by the Leader of the Majority Party, it requires that the company will have to come with commitment and the capacity to provide what is required in our counties all over the country.

Hon. Speaker, when you look at Page 11 of the report, the requirement of this project is not only for Nairobi, but for the nation and the country as a whole. When you have digital tracking, radio networks, central command operation systems, then you know we have a regional command system as well. There is installation of video surveillance not only for Mombasa. Even Governor Alfred Mutua has done this in Machakos County.

Hon. Speaker, so due diligence was not done on this procedure and, therefore, as we have amended and passed this resolution, I am of the view that the Committee and the

company or rather the Committee and the Ministry in charge of internal security will have to relook into this issue in totality.

Hon. Speaker, secondly, national security entails provision of protection of citizens and their property against external threat, terrorism, subversion, sabotage and espionage. Those are the areas that national security covers. The provision of that system was going to enhance those. When you give this to a private company or we entrust private company with the security of Kenyans, then I think, as a nation, we may be going the wrong way.

Hon. Speaker, a country like the United States of America (USA) is having problems now because they have entrusted a private security company. You remember the case of Snowden – a guy who was working for an organisation. He took all the secrets of the country and sold them.

Hon. Speaker, so when we say we are going to entrust Safaricom, then it is dangerous. On page 17, they say they are not competent. So, I think due diligence needs to be done on that system. As I said, because of the new amendments, we need to go back to the drawing board. We cannot rush the security of this country. My friend hon. Jamleck Kamau, in his contribution, talked about the business. Before we come to business, we must address security. Once we get security right, then we can say who can get what or who can sell what equipment. But, we cannot start saying that we want our people to be selling things before we look at security critically.

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

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

There was a quick change of Chair and, sometimes, you need to report to Members so that they know who is in the Chair, hon. Temporary Deputy Speaker.

I think this report, for the sake of security of Kenyans, needs to be relooked afresh. In all the regions and the whole country, we should stop looking at the issue of money. That project is going to cost between Kshs15 to 20 billion. Even if it was to cost a trillion, so long as citizens are safe and safeguarded, then we will be in a position to really guarantee the security of our citizens. So, hon. Temporary Deputy Speaker---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): What is your point of order, hon. Kamama?

**Hon. Abongotum:** On a point of order, hon. Temporary Deputy Speaker. We have to put everything in a proper context. With all due respect to my good friend, hon. Nkaissery, who is also an expert on security matters, the issue of relooking into this thing, I can assure you that 10 stakeholders who are experts in their respective areas actually participated in this. So, if you have specific issues, you can actually raise them. But, on the issue of whether stakeholders or even security experts were involved; all of them were involved and nobody was left out. On the issue of even whether the Communications Authority of Kenya (CAK) was involved, it was involved and so---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Chairman that was more of a point of information, I think you have informed the General. I think he got the gist of the information.

**Hon. Abongotum:** Yes, but let us put everything in proper context. Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): So, go on General. Press your intervention button again.

**Hon. (Maj-Gen.) Nkaissery:** Thank you, hon. Temporary Deputy Speaker. That is not a point of order. First, why I am saying this is because in this report, the so-called experts have not been shown. So, we do not know who they are. Second, this amendment is suggesting that we consider the country in totality, while the report only indicates Nairobi and Mombasa. So, we are talking in the context of the Motion of the report as amended. I want to say this: Safaricom and those who recommended it should not smile because this is not over yet. We, as this House, are not opposing this system. But we need to go to the drawing board so that this country can be fully covered as far as this security system is concerned.

I want to confirm that this afternoon, this House was seized of the situation that it was likely to have become a tender committee but, fortunately, we discovered and that is why the Government-side rushed to bring this amendment. So, I want to plead with this House---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let me listen to this point of order. What is out of order?

**Hon. (Ms.) Kiptui:** On a point of order, hon. Temporary Deputy Speaker. Is the hon. Member in order to mislead the House that the report does not mention anything about the expansion of this project countrywide, whereas in 5.2, it is indicated that the project should be expanded to cover the rest of the country as soon as it is practicable or possible. There is also another area that even indicates the amount of money that will be required to roll it out. It is indicated in the report that Kshs.21billion will be needed to do that job. So, I wonder why he is saying that it is limited to Nairobi and Mombasa only. Everybody knows we do not have the finances to roll it out at once.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your point is made. When you make a point on what is out of order, do not over-explain it.

**Hon. (Ms.) Kiptui:** Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Now, let the Member respond.

**Hon. (Maj-Gen.) Nkaissery:** Hon. Temporary Deputy Speaker, I am contributing to the report as amended and I wonder: Do we want the security of Kenya at heart or we want to defend the money? That is because it seems like you people are working for Safaricom.

*(Applause)*

I want to tell you and this is very serious; we are debating this report as amended for the benefit of Kenya and not for the benefit of Safaricom. That is because, first, Safaricom is not Kenyan-owned. It is Vodafone-owned and, therefore, you want to tell me that we will

be entrusting the security of this nation to a foreign company. So, as we debate this, I want to urge my colleagues, please, let us have Kenya as priority number one and not money or companies.

With those few remarks, I want this report to go back to the drawing board and come back to this House for debate.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Leader of Minority Party.

**Hon. Nyenze:** Thank you, hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important Motion and, from the word go, I want to oppose it even as amended. I have a reason to say that because I believe the report is not adequate and Safaricom should not have been awarded that tender. But even as I oppose, I want to commend the Committee for its large number of annexes and supporting documents according to Standing Order No.199(6).

It is unclear who the authors of Annex 10 are, since it is not indicated. I want the Committee Chairman to note this. For the last 19 years, the country's National Police Service, the first line of security and defence for civilians, has operated under what is known as analog microwave trans-radio communication system. That is the system that the National Police Service uses to convey voice and data across the country and the border posts. However, with the advancement in communication systems, analog microwave trans-radio communication systems have become obsolete to a point that even manufacturers do not make spare parts for this. That means that the backbone of the country's civilian security is currently operating under communications that are constantly interrupted, which face breakdown and it is not very practical to continue using that erratic and unreliable system.

Hon. Temporary Deputy Speaker, the summary findings on pages 20 to 22 are misleading, in that the circumstances that gave rise to urgency for procuring the system were foreseeable. They were also as a result of the contract on the part the Ministry of Interior and Coordination of National Government. I want to remind this House that the security agencies are used to procuring goods in secret without scrutiny or competitive bidding. They have become cash cows for corrupt civil servants and the "big fish" in this country. It should be recalled that as far back as 2003, there was cancellation of a tender for supply of police communication system under the Anglo Leasing contracts.

Kenya needs a modern policing communication system. There is no doubt about it. We also need an effective command system. We also know that we are exposed to terrorism and other crimes. We can remember the Nairobi US bomb blast in 1998 and the Kikambala bombings a few years later. When former President Kibaki visited China in May, 2010, he discussed the police communication project with the Chinese Government, which expressed interest to provide a concessional loan facility worth about US\$100 million.

Hon. Temporary Deputy Speaker, on pages 8 to 10 of this report, the Committee acknowledges that previously, there was competitive tendering. The Committee further acknowledges that the tender was cancelled on 11<sup>th</sup> February, 2013 by the then Head of Civil Service, Mr. Francis Kimemia, on the ground that it had been compromised. He also cited corruption, indicating that the tender price had been inflated by over Kshs8.6

billion. The initial budget was between Kshs7 billion and Kshs10 billion. How come we are comfortable with the current tender of Kshs18.78 billion when the previous one of Kshs17.2 billion was cancelled for inflation by over 100 per cent?

The National Police Service Commission (NPSC) was operationalised in October, 2012. There is also the decision by the Ministry of Interior and Coordination of National Government to reinstate and fast-track Tender No.OOP/NSCC/2011-2012. After the National Police Service Commission had been operationalised, it violated Section 20 of the National Police Service Act, 2011, which states that before the commencement of each financial year, the NPSC shall cause to be prepared estimates of revenue and expenditure of the Commission for the year, making provisions for estimated expenditure of the Commission for the financial year concerned; creation of such funds to meet future and contingent liabilities in respect of benefits, insurance, replacement of buildings, installations and equipment *et cetera*. The NPSC was supposed to provide a budget in respect of such matters as it may think fit, but this was not done.

From the foregoing, it is clear that the Government of the Republic of Kenya had tried to procure the system, but it was unable to do so due to corruption amongst its officials. Those are not unforeseeable circumstances as per Section 74(3) (c) of the Public Procurement and Disposal Act, 2005. M/s ZTE (Kenya) Limited, which won a similar bid two years ago, had quoted Kshs17.7 billion for CCTV surveillance system to cover Nairobi, Mombasa, Kisumu and Nakuru. This included a tracking radio system, a command and control system and anti-microwave transmission network for all the 47 counties.

Hon. Temporary Deputy Speaker, the quotation by M/s ZTE was based on 3G Network, which could later be scaled to an LTE network. The system being provided by Safaricom is based on an eLTE network, but it will only cover Nairobi and Mombasa. Although the Committee says that there is provision for extension, the company has stated that scaling up the system to the remaining 45 counties would require an additional Kshs21.5 billion. This brings the total cost of rolling out the network to cover the entire nation to about Kshs40 billion against M/s ZTE's total cost of Kshs17 billion, which is inclusive of annual maintenance cost. This remains an estimate owing to the fact that it is not part of the tendered scope of works.

The estimates and related costs are subject to change, depending on specific requirements of Nairobi's policing services. One of the reasons as to why I oppose is that Safaricom has said that it will partner with Huawei, which lost the tender to ZTE. Safaricom has not installed such network in any other country that we know of. Therefore, they are not qualified. I oppose because as hon. Nkaisserry has said, due diligence was not done. The worst part is that this was done through single-sourcing. In this age and time, unless we are dealing with a specialised area, it is not good to encourage people to single-source. We should go to open tendering, so that the procurement can be transparent and competitive, so that we can get value for money. This particular deal is shrouded in secrecy.

The first role of the National Assembly is to oversee the National Government's Executive. I smell a rat in this deal. In order for the National Assembly to save taxpayers' money, we should have this deal looked at afresh. Let all the safeguards and mechanisms for fairness in awarding this tender be put in place, so that Kenyans can get value for

money. If it is allowed to go on as it is, this country will lose money. Therefore, I support what hon. Nkaisserry has said; that you cannot place the security of a country in the hands of private contractors. He has given a good example of Snowden, which was sold somewhere in Russia. If you put the security of this country in the hands of private contractors, we will face the same problems that the United States of America (USA) faced. Safaricom is a big company, but it is not in the Government. Let us be careful when we deal with these kinds of contracts.

Hon. Temporary Deputy Speaker, we can sort out the problem of insecurity in this country by ploughing more money into the police reforms programmes. Let us motivate our police officers. They are the first line of defence to our national security. Let police officers be paid well. Let us provide them with better housing and better weapons. Let their welfare be looked into, but not in piecemeal. As long as police officers and other security agencies are not motivated, even if we install surveillance cameras all over, our security situation will not improve. Let us go back to the drawing board and use those billions of shillings on bettering the salaries for our security officers. Let us motivate them.

Hon. Temporary Deputy Speaker, my bodyguard told me the other day that his friend was shot dead in Baragoi and when the wife went to ask for the benefits, they were delayed until the last minute. She was told that it was not possible and she has never got the benefits. Therefore, police officers are suffering. Once we put good money into the Police Force by getting good equipment and motivating them, insecurity will be a thing of the past. Cameras are gadgets manned by police officers who are not motivated and the end result is zero.

**An hon. Member:** Do not incite them.

**Hon. Nyenze:** It is not inciting them! I am saying the truth from experience. More money should be put into the Police Service. Those gadgets may not help.

Therefore, I oppose. Thank you, hon. Temporary Deputy Speaker.

**Hon. Aden:** Thank you, hon. Temporary Deputy Speaker. The issue before this House today for discussion is, indeed, a very important issue. I just want to say that the challenges that face our security sector and us as a country is that we are living in an age where terrorism and insecurity has also gone hi-tech. Therefore, there is, indeed, need to procure systems that are capable of countering those security threats. Even as we do so, I want to say that, as the august House, our role is very clear and we stand guided by the ruling of the speaker who said that, indeed, it is not our job to approve Government contracts. I want to draw the attention of hon. Members to Article 227---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Aden, let me just make an announcement for the sake of hon. Members who are coming to the Chair all the time to check whether they will have a chance to speak next. Remember there are other parameters we use. It does not matter whether you see your name next on the list. I would advise you to just keep seated. This is because we will eventually get to you. We will get to you and, therefore; there is no need to interrupt the person who is contributing by coming to the Chair.

**Hon. Aden:** Thank you, hon. Speaker. I was going to draw the attention of hon. Members to Article 227 of the Constitution. Indeed, we swore to uphold and ensure that we protect the Constitution at all times.

Article 227(1) states that:-

“When a State organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective. “

Hon. Temporary Deputy Speaker, what we are trying to do in this report, unfortunately, even in the amendments we have proposed, is to say that the Government proceeds. I have a problem with this particular direction of the report. It is like we are giving a go ahead for this project to continue without--- Of course, we have put conditions to say, subject to adherence of the law. I want to state very clearly that the Safaricom deal must meet the threshold of the Constitution, if we have to approve it. As I have read from the Constitution earlier, it must be transparent and competitive. We need to know why only one entity is to be given that particular project. That is in order to ensure that, all the time, we defend our hard earned coffers from the taxpayers. We should also ensure that we get value for the money for any procurement. We should also do all we can to eliminate corruption and ensure that there is accountability. I stand to say that the project which is being given to Safaricom must meet the test of the Constitution. Otherwise, it will be unconstitutional to proceed on with the contract.

Hon. Temporary Deputy Speaker, the other point I want to make is that, in the process of us trying to care for our security, it should not be an excuse for us to violate our laws. Violation of our Constitution and procurement laws, indeed, amounts to irregularity. Indeed, over and above that, violation of our Constitution in terms of violation of human rights, by our security forces in the name of defending our own security.

We have heard in this House this afternoon that an hon. Member was almost in tears when she explained how she was harassed and manhandled by agencies of our own security. Agencies of our own security, indeed, our military; who deployed them to go and erect roadblocks in Garissa? This House has not approved the deployment of the military to man roadblocks! I am a frequent Member in this House and this House has not deployment the Kenya Defence Forces (KDF) in Garissa. But as a resident of Garissa, I can assure you that KDF is in operation. It is manning roadblocks and this is a clear violation of our Constitution. We must not allow this to happen and rogue commanders to deploy KDF personnel where they should not be. Indeed, even other deployments that were done before the promulgation of our Constitution, including the deployment of KDF in Somalia, should be brought to this House to be regularized and approved by this House.

As I conclude, I want to say that safety of our information is very critical. As we go into this issue of automating and making software that will recognize and pick information of intelligence, I have a lot of concerns. Indeed, as a young country, we can be subjected to hackings by expert hackers into our intelligence system. We have seen lately how they have hacked into our KDF systems and even threaten our financial systems by hacking into them. I want to say that we must be very careful not to award this tender to a foreigner. We must be careful because we will have critical intelligence information of this country in the hands of foreigners who can misuse it.

Hon. Temporary Deputy Speaker, as we were being brought up, we have always known--- We were told that Americans are people who love their country very much. But

we have seen Americans in exile because there were individuals who were handling the information system of their country and they have sold it out. This has caused serious diplomatic issues to the American Government. I am doing this in references to the Wikileaks and the officer who leaked the information is hiding in Russia. It is an American fellow who gave the intelligence reports.

I want to say that Safaricom is a company we have a lot of respect for and must come good in its obligation as a responsible entity. Kenyans are not enjoying quality network. Kenyans are not enjoying networks in places where the services are needed very much. I represent Balambala Constituency in the rural areas. That particular constituency and many other constituencies in Kenya have problems in communications. Whereas we know that Safaricom is under obligation to ensure that it provides a reliable network, those areas need Safaricom services so that it can save lives of Kenyans when they can communicate on emergencies in rural places. Safaricom must step up its operations in northern Kenya. It is not doing a good job in almost the entire five wards in my own constituency; starting with Sankuli Ward, which is nearest to Garissa Town. There is a huge installation of Safaricom hardware in Garissa Town. All the bordering constituencies in northern Kenya and my constituency are not enjoying reliable network. The reality we know is that, that company is making billions of shillings.

I find this unfair. I want to say that this report indeed, in as far as it recommends that, that project must be awarded or the Government should proceed to award that project, I cannot support it in its current form. I must say that as a responsible House, we should not get into the business of approving Government projects that have failed to meet the test of our Constitution.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let us hear from hon. Kimani Njuguna.

**Hon. H.K. Njuguna:** Thank you, hon. Temporary Deputy Speaker. I am a Member of this Committee and I must admit that we really interrogated all the stakeholders in this tender. We were also alive to the fact that the elephant in this particular tender was whether it met the required constitutional threshold and also the other legal requirements such as the Public Procurement and Disposal Act. Indeed, we were alive to Article 227 of our Constitution that requires public entities as they procure goods and services, to do so in a method that is cost-effective, transparent, accountable, and that which delivers value for money for purposes of achieving social and economic justice to the populace.

However, we were also alive to Section 74 of the Public Procurement and Disposal Act that allows direct procurement among other methods of procurement. In the Public Procurement and Disposal Act, there are various methods that a procuring entity can use and, more so, the encouragement of competitive bidding, so that Section 2 of the Constitution is at all times achieved. It talks about the value for money. Public procurement is the biggest market in an economy like Kenya.

In supporting this Motion, I am more interested in whether this tender achieved the required constitutional and legal threshold. I would like to dwell more on Section 74 of the Public Procurement and Disposal Act which outlays the fact that when a public entity is procuring goods and services through single sourcing, what is the threshold? The

threshold is very high because it talks about the fact that there must be an emergency. The method must be such that other methods as outlined in the Act are more or less impracticable. In this tender, we agonized as a Committee. We interrogated the insecurity in this country. Quite honestly, we must accept that no other time in the history of this country have we been faced with issues of insecurity where all of us are concerned.

Over the weekend, this Committee was in Lamu again to play our oversight role. Why should 67 Kenyans die? We know where we are coming from; the Westgate attack and the various other terrorist attacks in this country, in churches and buses. We cannot wish away the issue of insecurity in this country. Even as we debate this Motion, we know that this country is losing billions because of the travel advisory. At the Coast, hotels are almost empty during the high season. When we looked at those issues, as a Committee, we realised that the issue of insecurity in this country is such that it is now an emergency. When you lose 64 Kenyans and continue losing others, with our porous borders and all other issues that are within our domain, then it is an emergency where Section 74 of the Public Procurement and Disposal Act should apply.

As much as you would want to talk about Article 227 of the Constitution, there is this exception when we are faced with the issues of insecurity that we are faced with in this country. I do not think we can trade the lives of Kenyans. They are worth trillions. On that account, we said that this tender met the constitutional and legal threshold. On that, I support this Motion as amended.

**Hon. ole Ntutu:** Thank you, hon. Temporary Deputy Speaker, for also giving me this opportunity. From the beginning, I want to support this Motion as amended. I must say that I am a Member of this Committee. I have heard some of my colleagues castigating this Committee. That it is not the business of the Committee on Administration and National Security to procure goods and services for any Ministry. That is true. Indeed, it is not our business and we do not intend to go that way.

Let me also remind the House the reason why we are here. We are here because of the matter of the tender of the National Surveillance, Communication, Command and Control System for the National Police Service, which came to the attention of the Committee through media reports on 13<sup>th</sup> May, 2014. It was to the effect that Safaricom Limited had been awarded the tender for the system through direct procurement. So, what are the issues here? The issues that the public brought to the limelight are two. Number one is why there was direct procurement. Why did the Government not use other methods of procurement? The other one is why it was given to Safaricom.

First of all, let me ask whether we need new technology. Does our Police Service need new technology to fight terrorism and insecurity in our country? I think all of us in this House will say yes, we need new technology. Therefore, when we heard about this, we held about eight sittings. We met with so many entities that did this work. We met with the Ministry of Interior and Coordination of National Government. We also met with the Public Procurement Oversight Authority, the National Treasury and Safaricom. As an oversight Committee over this Ministry, we wanted to know the background of this particular tender. When you look at this new technology, it will go a long way to fight terrorism and insecurity in our country. The project comprises of four components. One is digital tracking radio network. The one our police officers are using was procured

about three decades ago. The criminals in this country have upped their game. The police require new technology to combat the new criminals that are coming to our country.

Some of us who come from the security background know the kind of system that they are using right now is no longer being used anywhere in the world. It is only in Kenya and probably in Tanzania - our neighbours. But all over the world, they have embraced new technology. As a Committee, we were also shown the installation of a video surveillance system. We will have a surveillance system in Mombasa and Nairobi so that when criminals, for example, attack Westgate, we would have known and seen all their actions.

So, hon. Temporary Deputy Speaker, I was happy when Safaricom came to our Committee and showed us how that technology has been used by other countries and have reduced crime rates to certain levels. The issue that was interesting to our Committee is why the Ministry of Interior and Coordination of Government used direct procurement. I answered that by saying that there were two issues that were brought to our Committee. The reason why they used direct procurement is because it emerged that the procurement entity which is the Ministry of Interior and Coordination of National Security arrived at the decision to procure directly from Safaricom due to protracted nature of previous tenders to police communication and surveillance system, as well as the need to urgently set up the system to address run away insecurity in our country. We know that in this country nowadays, when there is any procurement, people will run to courts to stop it. That is what has been happening. I am happy to hear our Leader of Minority Party saying that there have been a lot of court cases on the previous communication networks. It is true and this was done in good faith. I can assure this House that for most of us who sat in all the sittings, we interrogated those people. We had almost eight sittings, and we are satisfied that, that procurement entity has met the threshold.

The other reason we wanted to know is why Safaricom and not any other telecommunication network go the tender. There were three reasons which we were given. The first reason is its ability to provide for the specification of the system in a timely manner. I must mention to this House that we do not have so many telecommunication companies in this country. Even if we have them, how many have the power and know-how to give that new technology?

**Hon. Nyamweya:** On a point of order, hon. Temporary Deputy Speaker. Is the hon. Member in order to tell us that Safaricom has the ability to continue with this contract? What we know is that Safaricom had the ability to sub-contract. They did not have the capacity. They have outsourced from elsewhere. So, is the hon. Member in order to mislead this House that Safaricom has the ability and yet, we all know that Safaricom has no technical know-how? They have admitted to that. Is he in order to mislead the House?

**Hon. ole Ntutu:** Hon. Temporary Deputy Speaker, I wish the hon. Member, who is a very good friend of mine and neighbour in Kisii, would read this report. If he can read this report properly, he will be able to tell us what he is trying to tell me. But I will leave that to him.

The other issue that I want to bring out is the financial ability and experience. We all know that network coverage in the country – the only network or company that has

coverage all over the country – is Safaricom. Even if you talk of any other company, the one we have for Celtel or the company he is talking about, none of them has the coverage that Safaricom has. The only company that can procure that kind of network in all our 47 counties is Safaricom.

With those few remarks, I want to support this Motion as amended and urge the other Members of this House to support it.

**Hon. Maanzo:** Hon. Temporary Deputy Speaker, thank you for giving me the opportunity to contribute on this very important Motion. A lot has been said about the amended Motion. I would like to state that insecurity is extremely expensive to the country. Recently, we have seen Kenyans, including our own visitors, killed at the Coast and the killers have never been traced. The country has advanced and recently, I was lucky to travel to Australia with hon. Kabando wa Kabando, when the unfortunate incident happened. What I noticed about a similar system as we are discussing here today is that the police were monitoring security from their police stations and would immediately pick an insecurity incident within a short time. If we had proper security systems, Westgate would never have been attacked. It would have been seen before it took place and it would have been monitored properly. The same thing would not have happened in Mombasa like the attacks we saw against innocent civilians and tourists. The same would not have happened in Lamu and Mpeketoni.

So, it is very important that the country has proper security systems because this gives confidence to the whole world and supports the tourism industry, which is our biggest foreign exchange earner, as it has always been. Therefore, it is important that we have proper security systems in the country and we invest in a proper security system because it is good for business and advancement of the country. This includes supporting the policemen to have proper gear and we have given enough budgets into this in the past. Proper security systems will boost a proper intelligence system and make our country very secure. It is indicated that it will first happen in Nairobi and Mombasa, and then expand to the rest of the country.

I want to submit that this cannot happen without proper supply of electricity all over the country and it is a challenge to the Government and we need to do something to have proper budgetary allocations for electricity production so that the country can be covered well, if we are ready to have the security system. We need to get value for our money when we invest in security and it is true that the Constitution and the law have to be followed when it comes to procuring of those systems. However, all legal systems have exceptions and where the exceptions apply in the case of Safaricom; it should be applied with a lot of caution bearing in mind that security systems are hacked; that being a private company where Kenya has many shares, security systems need to secure the people manning the security system itself. Therefore, I will be suggesting that the Government security systems work very closely with the company which is implementing this so that they ensure that the systems themselves are secured. That is because the moment they are infiltrated or the information is leaked out and sold to terrorists, then we will be back to square one. So, it is important that we make sure that the system itself is well secured and there has to be further improvement. Safaricom should take full responsibility should the systems be hacked or penetrated.

What I saw in the case of Australia where we had travelled to, even with train systems, where somebody fails to use their car before they get into the train, the police will be alerted with immediate effect and before you get to the next station of the train, the police would be there. They would be telling that person that he would be charged because he failed to check in his units before he got into the train. You should be so efficient that within seconds, an anomaly would be noticed. We want Kenya to get to such standards so that all of us can feel secure. So, I support this Motion as amended and say that the Committee now needs to check the new ideas which we have given them as Parliament and make sure that all the laws are followed so that we can secure our country. This will ensure that the video surveillance and the capacity within our offices is also enhanced. Soon, we are going to have a challenge and so we need to build capacity in our policemen so that they have capacity to deal with and integrate with the new system. They have to be trained and that has to be checked in future budgets because this cannot happen overnight.

Therefore, I support and urge hon. Members to support it so that we can secure our country.

**Hon. (Ms.) Kiptui:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to declare that I am a Member of this Committee and I support the Motion as amended.

I want to state that our security forces are using templates that were made in the early 50s. According to me, they are outdated. The criminals have been upping their game and no wonder in most cases, we are caught flat-footed like the case of Westgate terrorist attack. Had we improved our surveillance, I am sure we would have averted that terrorist attack.

I have heard, having travelled in this country and met the security forces wherever there are problems like cattle rustling and other issues, the police say that the criminals have sophisticated weapons compared to what they have. This has made their morale, as we speak, to be at all-time low. It is no wonder that everytime an issue arises, we keep complaining that the security forces did not respond in good time. This is because of the old system that they are using.

One of the ways to boost their morale is use of technology to combat crime. That is why we allowed this tender to go to Safaricom Ltd. although I have heard people say that it was single-sourcing. To me, it was restricted tender and it meets the threshold of the Constitution and Section 74 as provided by the law.

Hon. Temporary Deputy Speaker, the Ministry of Interior and Coordination of National Government has, over time, complained about underfunding. We have allocated it a lot of money in the current Budget. We have also tried as much as possible to improve the living standards of the police. We have bought vehicles---

**Hon. Ng'ongo:** On a point of order, hon. Temporary Deputy Speaker. The Member who is just contributing to the Motion has clearly stated that she is a Member of this Committee. I wonder why she is misleading this House because she is referring to the tender as a "restricted tender" and yet, her Committee has said on page 22 that the foregoing circumstances justified direct procurement in that tender. Therefore, this was a direct procurement and not restricted tender. I wonder why she is misleading the House.

Secondly, I was just wondering why the recommendation of this Report---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): No, that is now not a point of order.

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, I need your guidance on it. Could I request for the Chair's direction on this matter?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): No! I will give you a chance later on. Let her first respond to that point of order.

**Hon. (Ms.) Kiptui:** Hon. Temporary Deputy Speaker, I stand informed by the Member. I will proceed with my contribution.

I would like to say that we, in Kenya, cannot remain with the templates of the 1950s and early 60s when the rest of the world has moved on. When we visit other countries, we do not see policemen in uniforms in the streets carrying guns.

I was in Korea the other day and we never saw policemen in uniform carrying guns in the streets. That is the case, except for the police outriders who were escorting us to the various places that we were visiting. Policemen in developed countries or where technology has been embraced operate from their vehicles and stations and they do their work very effectively.

Since Kenya cannot be compared with any other country in the East African region and companies from other countries have invested in this country, we have to improve the security in our country.

Hon. Temporary Deputy Speaker, our citizens are being butchered left, right and centre and yet, we are here saying that Safaricom Ltd. is not capable of implementing that project. Nobody has said that, that company was going to manage this technology. They will build the infrastructure and hand it over to the police. It is the Kenya police who will manage and operate the equipment.

We, in the Committee, were also worried about this at the beginning until Safaricom Ltd. came and told us that they will build firewalls and hand them to the police who will manage them. So, I would like hon. Members to understand that Safaricom Ltd. will not run our security apparatus.

Hon. Temporary Deputy Speaker, the other issue is that by adopting this report, we will help our security forces prevent crime. We keep on talking about the aftermath of crime by reacting angrily as Kenyans. However, what are we doing to prevent it? The new technology will help us. The fact that it will be implemented in Mombasa and Nairobi is just but the beginning. I have said a while ago that we do not have enough money to roll out the project countrywide.

We thought Safaricom Ltd. will be the best company to help us move forward. Apart from preventing crime, this will raise the morale of the security forces which is at an all-time low right now. We keep accusing them of not doing their job properly but we have failed to improve their living standards. There is no point of giving someone a job and denying him the tools of trade to do that job. We should help them improve their technology and when we accuse them, we know for sure that we have assisted them.

In that respect, I support this Motion as amended. By approving this tender, we will guarantee the security of citizens in Kenya.

Thank you, hon. Temporary Deputy Speaker.

**Hon. Koyi:** Thank you very much, hon. Temporary Deputy Speaker for giving me this chance to contribute to this Motion. I am a Member of the Departmental

Committee on Administration and National Security. Indeed, we interrogated all the players that participated in that tender.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Waluke, I have just remembered that hon. Mbadi had a point of order he wanted to raise and I said that I would give him a chance as soon as the hon. Member finished her contribution. Was it a point of procedure or what was the point of order about?

**Hon. Ng'ongo:** Hon. Temporary Deputy Speaker, I was just wondering whether the way this report is really follows the Constitution that we promulgated. This is because the players of this report---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): There were some amendments which were moved when you were not here hon. Mbadi. I will allow those who are around you to guide you. Please, approach the Chair of the Committee.

Proceed, hon. Waluke.

**Hon. Koyi:** Thank you, hon. Temporary Deputy Speaker. As a country, we need to consider very many factors. We have experienced very many challenges in terms of security in this country. It is only in Kenya that we do not take security seriously.

However, I rise to support this report because we interrogated all the companies that appeared before us. We were satisfied with Safaricom Ltd. because it has the capacity to implement the project. To make the economy of this country grow, we need to tackle the security challenges that we face.

The economy of Kenya cannot grow without proper security. As Members of Parliament, we need to be at the front in playing this role because many visitors who have visited this country sometimes back do not visit these days.

The last time when I was in Mombasa in a big hotel called Whitesands, I only managed to see two Chinese families as the only foreigners who were there. We need to be serious on the issue of insecurity in this country.

Hon. Temporary Deputy Speaker, the only worrying issue is the network of Safaricom which is not flowing everywhere in this country. However, to manage the challenges of security on the issue of equipment, I think Safaricom will manage.

Hon. Temporary Deputy Speaker, there are so many issues---

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): What is your point of order?

**Hon. Oyoo:** Thank you, hon. Temporary Deputy Speaker. I am at a loss by the Member misleading the House that he is supporting Safaricom to get that tender on the strength that they have the requisite network when, at the same time, he knows very well that in their Committee, they gave them that tender on the premise that it is going to bring on board a tenderer which failed called Huawei, because it does not have the necessary requisite experience and expertise. Again, we know very well that Safaricom does not have the network coverage for the entire 47 counties.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): That is an argument. Honestly I cannot believe it that you have done your own presentation as you wanted through a point of order. Go on hon. Waluke.

**Hon. Koyi:** Hon. Temporary Deputy Speaker, I think the Member is just biased. I say that can affect any institution. Even in his home, all is not perfect. As a Member, he needs to take this issue of insecurity seriously and all of us should be serious.

Hon. Temporary Deputy Speaker, as a House, I can again repeat it that the economy of this country has failed because of lack of equipment - like what Safaricom wants to bring into this country to help us on the issue of insecurity.

Hon. Temporary Deputy Speaker, indeed, as a member of the Departmental Committee on Administration and National Security, I am satisfied with Safaricom through the interrogations that we did. This is because we cannot even compare them with Zein, Yu or Orange. I think Safaricom has the capacity to bring in the equipment that will fight insecurity. I have been to America and security is taken very seriously and through the equipment that Safaricom wants to bring in here, even policemen in the evening will just be free managing the roads. But around the shops and other places, cameras will be used to monitor security.

Therefore, I support.

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

**Hon. Mule:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. First and foremost, I want to go on record that I am supporting the report as amended due to serious technical issues on the recommendations which have been given. However, having said that, Kenya is one of the fast growing countries in East and Central Africa and I think we have been let down due to the security issues within our environments in Nairobi, Mombasa and the entire country.

Hon. Temporary Deputy Speaker, it is high time as a country we looked at the issue of digital tracking radio network seriously. We need to look at the issue of a central command operation centre. We need to look at the issue of video surveillance and internet connectivity, so that we can manage our security.

Hon. Temporary Deputy Speaker, but despite all that technology, I believe it is high time as a country we also need to invest heavily in our personnel - that is the police and the people who will be manning those centres. To me, technology is not technology without the real people to operate it and my biggest fear, as was alluded to by hon. Nkaissery, is that if we are not having competent personnel on the ground, we are going to hand over our security details and operations. Immediately we hand over those details and operations, it will become very difficult to make sure that we are more secure.

Hon. Temporary Deputy Speaker, yesterday I was watching *The Inside Story* on the Kenya Television Network (KTN) and it really gave me the other side of the story of lack of security in this country whereby people can plan, connive and execute their mission. If you watched the guy who was killed in that clip, and it was captured by Closed Circuit Television (CCTV), the three guys on the *boda boda* knew very well what they were doing because they were three in number and the guy in the middle alighted from the motorbike, went straight and killed the informer and left.

Hon. Temporary Deputy Speaker, I want to thank the Leader of Majority Party for once and Eng. Gumbo for facing the reality and realizing that we need to go overboard as a House. We are not here to award tenders or to be part and parcel of the procurement process of the Government. We are here as an oversight body. If you look at the first amendment which was moved by hon. Duale, it states very clearly that: "subject

to adhering to the law relating to procurement of goods and services and other laws relevant to the contract”.

What does this mean? It is not a game as usual anymore for Safaricom. They need to go back to the drawing board and make sure that they integrate the entire country to the system. They should make sure that all suspicions which had been raised by the Committee are completely addressed.

Hon. Temporary Deputy Speaker, I want to say this without fear of contradiction, it is important for all Government agencies, including Ministries, to adhere to the rule of law when they are procuring. That is because at the end of the day, when it comes to us as the House, we will stick to the law which we upheld to defend - and which is the Constitution - to make sure that Kenyans get value for their money.

Hon. Temporary Deputy Speaker, it is important for Safaricom to know today that, as a House, we have amended this report. Recommendation No.5.4 which was done by Eng. Gumbo is that we are not looking for security for only Nairobi and Mombasa; the entire country is at a risk because if you go by the *The Inside Story* clips, the people who attacked Mpeketoni are clearly traced.

Hon. Temporary Deputy Speaker, if the project does not cover all the 47 counties, we will not be having value for money. It is clear knowledge for anybody that when you procure goods in mass quantities, you have very competitive pricing. I believe that the cost of procuring services for only two counties might look ridiculous. If we are going to engage the whole country, we must renegotiate our deal to have value for money for the entire country. It is important for the people involved in that contract to know that they must go back to the drawing board and factor-in this august House's amendment to this Committee Report. As a House, we are not interested with only one part of the country; we are interested in the entire country.

Security is paramount to this country. We are losing a lot of money. Over the weekend, we were in Mombasa. Due to insecurity, you get into a hotel and think that you are getting into a prison. At the gate, there is an armed policeman. As you have dinner, you find that somebody is patrolling the premises, armed with an AK 47 Rifle. If you go to the beach, you find at least four police officers walking across. We need that kind of security but, surely, is this the Kenya that we want for the generations to come? Today, even Christians cannot hold a church service before each worshiper is searched outside the church premises. I have not seen anywhere in the Bible where it is alluded that when Jesus converted people into Christianity, he required armed security to do so. This is a country which has completely gone to the dogs, in terms of insecurity because of the way we have been handling our issues.

Hon. Temporary Deputy Speaker, it is important for all the Cabinet Secretaries and heads of various Government agencies to know that it is no longer business as usual. They should not just float tenders and assume that Members of Parliament will let it pass without scrutiny. They need to adhere to the rule of law. They should appreciate that getting value for money is important for all of us, as a country. We are interested in getting value for services to be delivered. We are not buying cameras today only for them to be changed after three years. We are buying camera for posterity. It is good that our able Chairman of the Departmental Committee on Administration and National Security--  
- If you are going to pass on the message, it is very clear. We can invest the Kshs12.7

billion in the electronic gadgets but if we have fellows who cannot manage them, and one Safaricom just decides to shut down their operations, I can assure you that it will be the darkest day in this country. We will end up having a system which is as good as a white elephant. So, we must not be in a hurry. We must do the right thing for the future of this nation and the future of our children.

With those remarks, I beg to support the report as amended.

**Hon. Abongotum:** On a point of information, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Mule, would you like to have information from the Chair?

**Hon. Mule:** I do not mind, hon. Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shabesh): He has finished.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, hon. Mule is a very good friend of mine. I just wanted to inform him that we interrogated Safaricom and the other players on this issue. They confirmed to us that the police officers are going to be trained for four months, after which the gadgets will be handed over to them. The only thing that remains is the mast. The gadgets will be managed by the National Police Service but the masts will actually host those gadgets. Safaricom has a much wider coverage than most of its competitors.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay, hon. Members. Let us hear from hon. (Ms.) Wahome, hon. Member for Kandara Constituency.

**Hon. (Ms.) Wahome:** Thank you hon. Temporary Deputy Speaker. I want to support this Motion. This House and the nation is in agreement that we need to improve and work on our security. But our officers or the security agencies need to be properly facilitated through equipment, technology and training which my good friend has also alluded to. These recommendations speak for themselves to that end; that security surveillance shall take a new turn in Nairobi and in Mombasa once those equipment are procured. The concerns that have been raised here were critically evaluated and analyzed by the Committee. We went through several meetings. We called back even the Cabinet Secretary (CS); including the Public Procurement Oversight Authority (PPOA) in this country.

The project comprises four major components that we need right now: The digital tracking radio network, central command operation centre, installation of video surveillance systems and internet connectivity to police stations. I have just come from Lamu as part of the Security Committee team. It is true that business in the coastal region is completely on its knees because of insecurity and the attacks that have recently occurred there. Although information may be coming, to date we have not known where those attacks come from. We have not critically got the criminals. It is possible that those surveillance systems would have captured---

*(Hon. Ng'ongo interjected)*

I want to ignore hon. Ng'ongo because he is confirming that the CORD leader could have been part of the team that attacked the Lamu region. Otherwise, I do not see why he is interrupting me.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Ng'ongo, you are the one who is agitating. I am not giving you a chance to raise your point of order because you are the one who is agitating. Hon. (Ms.) Wahome, please go ahead. Ignore all those interjections.

**Hon. (Ms.) Wahome:** I stand guided, hon. Temporary Deputy Speaker. I think he is the one who is misdirecting his thoughts. I am very much focused; I have never mentioned the name of Raila in these issues. I want to say that the Procurement and the Disposal Act has been utilized using Section 34.

I am sure hon. Members are also eager and keen to put our security right. The PPOA told the Committee that they looked at various issues; the request for direct procurement was interrogated, the request for approval sought was presented by a special security committee and Safaricom was also invited. Evaluation was carried out and negotiations were done. That equipment will be paid for in five years. Indeed, there is a proposal that it could even be paid for in seven years. Part of it would be met through the spectrum which is part of the wealth for this country. It is right and fair at this particular time that we think positively. These stadia have taken over ten years to achieve; that is from 2002. Even people who came close to secure this tender before Safaricom were just a quick consortium put up for purposes of obtaining business. This is the only time we can rely on capacity for infrastructure, which Safaricom has.

Concerns have been raised regarding the independence and ownership of those security systems because they will not belong to Safaricom. The Committee interrogated those fears. The report has looked at that and in Annexure 3, I am sure the Chairman may have highlighted that the system will be owned by multi-agencies. Our security agencies will own the cameras, the entire information system and the data. We are merely using the infrastructure by Safaricom, namely, the masts. So, the fears that, maybe, tomorrow---

**Hon. Nyamweya:** On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to tell this House that the masts which will be used for communication belong to Safaricom? If they belong to Safaricom, how much money will the Government be paying per year? They will not be for free. This is a very serious issue if what the Member has said is correct. Is she in order to tell this House that the equipment, the method and structure of communication belongs to Safaricom?

**Hon. (Ms.) Wahome:** Hon. Temporary Deputy Speaker, the problem is that most Members have not read the entire report. The entire costing is captured in the report. There is no time for me to debate and take the Members through. The entire contract is about Kshs18.9 billion. All the cost is there. The Communications Commission of Kenya was consulted in this matter. The technical teams were consulted. The information is there. As we debate, let us look at the positive aspect of this and what Safaricom has offered. There is even a grace period. In the first one year, payment is not even being demanded. That kind of leverage has been given in this contract. The Member should look at that in a positive way. Nobody has brought any information so far to say that there is something untoward in terms of the costing and the contract.

The law has been followed and it is clear that this was a last result particularly due to the emergency and the insecurity issues that are hitting the country right, left and centre. We need to secure our country. The hotel we stayed in Lamu has lost over 750 bed occupancy in the last three months. There is a cry. Half of the staff in most of the

Coastal hotels have been sent home. We are now saying that the security system will help us to secure the Coast and Nairobi at large. It is the wish of the Committee - and we indicated to the Ministry of Interior and Coordination of National Government - that this should and must be rolled out to the rest of the country. This is also included in our recommendations. That is where we should be going and looking at. There is time for this House, in future, to see whether we need to do that as soon as possible, funds being available.

I will be appealing to the Members to look at this report and adopt it. The recommendations are okay. There has been an amendment and it was carried on the Floor of the House.

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

**Hon. Bowen:** Thank you, hon. Temporary Deputy Speaker.

**Hon. Lentoimaga:** On a point of order, hon. Temporary Deputy Speaker. It is not in order for me to sit and keep on pressing the button from 3.00 p.m. I was even ahead of hon. Njuguna. I am just being ignored. What is wrong?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Go on, hon. Kangongo!

**Hon. Bowen:** Thank you, hon. Temporary Deputy Speaker. First, I want to say that I support the report of the Committee. I want to thank the Committee for coming up with this report on security. Security is of paramount importance in any country. In order to achieve economic development, you need to have security.

**Hon. Oyoo:** On a point of order, hon. Temporary Deputy Speaker. The report has since been amended and re-amended. So, you can only come up to support the report as amended and re-amended.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I thought that is what we are talking about.

**Hon. Bowen:** Hon. Temporary Deputy Speaker, I said that I support the report as amended. I support the Report as amended. That is not a point of order. I think it was just a point of argument from my friend, hon. Oyoo. I want to say that for any development to be achieved in a country, there must be security. To achieve political stability in a country, there must be security.

I do not want to repeat the remarks that my colleagues have made before me, but I just want to say that the report is very elaborate especially in the four key issues which came out strongly, which the project is going to entail. One issue that has come out very strongly is the digital radio tracking network. This is a new digital gadget which is going to be used by our police officers and it also incorporates a video in it.

Hon. Temporary Deputy Speaker, the current radios that the police officers are carrying around are analogue. They have a lot of eavesdrops and even criminals listen to the police officers when they are talking. The central command that is proposed in this security surveillance provides a 365 days command and it is manned by the police themselves. We have even seen police officers switching off their radio gadgets but, with this new system, the police communication equipment can be switched on and off remotely. So, it is a new system which we need to embrace if at all we want to have security in this country.

If you look at the technology which Safaricom has proposed to use, the LTA technology which incorporates the fibre optics, it is one of the best in terms of relaying

information. I listened to the Leader of Minority Party when he was talking about the masts, which were proposed in the city before, but they cannot be compared with the fibre optics. Their speed is fast. They are very accurate in terms of information transfer and very secure. The information transfer under the fibre optic cannot be tapped or listened to.

Again, that security equipment, if it is implemented, will improve our security by 60 per cent. I know for a fact that our security men, for a long time, have had obsolete equipment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member, you have a balance of four minutes when this debate next resumes.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, it is now 6.30 p.m. The House stands adjourned until tomorrow, Wednesday, 27<sup>th</sup> August, 2014, at 9.30 a.m.

The House rose at 6.30 p.m.