

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 11<sup>th</sup> June, 2014

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

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

The County Land Management Boards Regulations, 2014, and the National Land Commission (Review of Grants and Dispositions) Regulations, 2014) pursuant to Section 36 of the National Land Commission Act, 2012.

The Report of the Auditor-General on the Financial Statements of Moi University 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 Brand Kenya Board 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 Eldoret Water and Sanitation Company 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 Kenya Water Institute 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 Western Kenya Rice Mills Limited 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 Kenya Pipeline Company Limited 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 Kenya African National Union (KANU) for the year ended 30<sup>th</sup> June, 2010 and the Certificate of the Auditor-General therein.

**Hon. Speaker:** Very well. Next Order!

### NOTICES OF MOTION

**Hon. Speaker:** Hon. Joseph Lekuton, the Member for Laisamis. Since yesterday, you indicated that Members have been coming but they sit in many places where I have to look around to see whether anybody could be sitting at some hidden place. Hon. Joseph Lekuton, Parliament starts at 2.30 p.m., just to remind you.

ESTABLISHMENT OF NET METERING MODE  
OF ELECTRICITY BILLING

**Hon. Lekuton:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that there is need to realize a green economy and militating the effects of climate change and put the economy on a low carbon growth path; further aware that there is a vital need to provide affordable energy to thousands of people in rural and marginalised areas where the reach of regular power is problematic; greatly concerned that the timeframe for delivery of sufficient power from Ethiopia could take a long time; cognisant of the fact that Kenya as a member of the international community ought to be keen in the conservation of energy resources; also aware that the country can generate a safe, reliable and sufficient amount of electricity from solar energy during day light hours in many parts of the country, which is what net metering will be based on; this House resolves that the Government establishes a framework and mechanism for the use of net metering mode of billing among other alternative means of re-using electricity consumption.

REQUESTS FOR STATEMENTS

TAX COMPLIANCE AS REQUIREMENT FOR  
APPLICATION OF UWEZO FUND

**Hon. Kariuki Ndirangu:** Thank you, hon. Speaker for giving me this opportunity to request for a Statement.

Pursuant to Standing Order No.44(2)(c), I hereby request---

**Hon. Speaker:** You can omit all those things. Just go straight to what you want.

**Hon. Kariuki Ndirangu:** Hon. Speaker, I wish to request for a Statement from the Departmental Committee on Finance, Planning and Trade regarding tax compliance certificate as a requirement for the application of the Uwezo Fund. The Government introduced the Uwezo Fund to empower---

**Hon. Speaker:** What do you want the Chairperson to do? We know why it was introduced?

**Hon. Kariuki Ndirangu:** Hon. Speaker, the Chairperson should inquire into and report on the measures the Government has put in place to eliminate such hurdles and plans if any, to pay allowances to the members of the Uwezo Fund committees.

**Hon. Speaker:** The Chairperson, Finance, Planning and Trade Committee, hon. Langat. Where is the Vice-Chair, hon. Gaichuhie? Any information as to where they could be? Is the Committee sitting? The Leader of Majority Party, I know this is a matter

which was discussed in the House Business Committee last evening and it is a matter you can convey to the Chairman.

**Hon. A.B. Duale:** Hon. Speaker, which matter?

**Hon. Speaker:** On the Uwezo Fund and the requirement for people to produce tax compliance certificates. The Member is saying, which I think is true, that it is creating hurdles. He is asking about the measures the Government is taking to eliminate such hurdles and plans, if any, to pay allowances to the members of the Uwezo Fund committees.

**Hon. A.B. Duale:** Hon. Speaker, yes, this matter came up in the House Business Committee and I have scheduled a meeting with the Cabinet Secretary. I will also inform the Committee on Finance, Planning and Trade to look into the issue. However, before that as we agreed, the Cabinet Secretary will be available to answer this question among the other issues that we discussed in the House Business Committee last night. He will also deal with the administrative cost of that Fund, who will be the Uwezo Fund members in the constituency, how they will operate and their expenditure. In a week's time, all these matters will be brought to the House.

**Hon. Speaker:** Hon. Ndirangu, is that okay?

**Hon. Kariuki Ndirangu:** Yes, it is.

**Hon. Speaker:** Hon. Kareke Mbiuki!

#### FAILURE BY NHIF TO REIMBURSE MEDICAL CLAIMS

**Hon. Mbiuki:** Hon. Speaker, I hereby request for a Statement from the Chairperson of the Departmental Committee on Health regarding the failure by the National Hospital Insurance Fund to reimburse medical claims submitted by mission hospitals and in particular, PCEA Chogoria Mission Hospital, whose claim is escalating to more than Kshs28 million as at 30<sup>th</sup> March, 2014.

The Chairperson should inquire into and report on the following:-

- (i) the NHIF contractual obligation with the PCEA Chogoria Hospital;
- (ii) when the outstanding claim will be honoured to avert the collapse of the hospital; and
- (iii) the NHIF general policy on the settlement of the approved claims to the contracted hospitals.

**Hon. (Dr.) Pukose:** Hon. Speaker, I want to assure the Member that we will have an answer in two weeks' time.

**Hon. Speaker:** Is that okay?

**Hon. Mbiuki:** Yes.

**Hon. Speaker:** Very well. Hon. Limo, you are sitting today in an unfamiliar corner. Have you been infected? I know you to sit elsewhere. Proceed!

#### UNDERUTILIZATION OF GOVERNMENT BUILDINGS BY NATIONAL/COUNTY GOVERNMENTS

**Hon. Limo:** Hon. Speaker, in the recent past, Ministries and departments in the national and county governments as well as parastatals have been purchasing or building

office blocks despite the fact that there are Government buildings which remain unutilized or underutilized. In the Statement, the Chairperson should inquire into and report on the following:-

(i) the number of buildings owned or leased by the Government Ministries and departments and their level of utilization;

(ii) measures if any, put in place by the Government to ensure efficient use of public funds and assets in regard to purchasing or leasing of Government buildings and offices; and

(iii) specific steps the Government is taking to ensure that no additional buildings are purchased or constructed where there are public buildings that remain unutilized or underutilized.

**Hon. Speaker:** Before you resume your seat, hon. Limo, and I think this is a very important Statement that you are seeking, you proceeded to talk of Government but in the initial part of your Statement, you talked about national and county governments. In this Statement, do you require details relating only to the national Government for our purposes at the National Assembly or do you also want them to include county governments?

**Hon. Limo:** Hon. Speaker, as stated in the first paragraph, it is touching on both the national Government and the county governments. In any case, it should be more on the county governments. Through your advice, I do not know which channels can be used to ensure that this is enforced in the county governments. So many buildings are being put up in the county governments leaving out many other priority services which the common *mwananchi* is supposed to be given at the county level.

**Hon. Kamanda:** Hon. Speaker, this is a Statement that needs some time because it touches on the county governments and the entire central Government. It requires two months for coordination purposes. It is not a simple matter. Even now, the county governments are still leasing offices.

**Hon. Speaker:** Hon. Kamanda, when you talk about the national Government, there are certain other institutions which fall within that category, including the Parliamentary Service Commission and other Commissions, which you may be aware of that are leasing offices.

**Hon. Kamanda:** Even the police and other institutions. It requires two months if he wants me to give him a thorough report on this matter.

**Hon. Speaker:** Very well! Hon. Limo!

**Hon. Limo:** Hon. Speaker, this is one of the most respected Chairmen in this House. However, this issue is very important and by design, if we allow him to go for two months, it will be one month after the new financial year. If there is anything that we can do to arrest further investments by the county governments, then we can be comfortable within one month, so that as July starts, we will have a way forward.

**Hon. Kamanda:** Hon. Speaker, if I will not have got the Statement, I will come to this House. On that, I also want to raise one issue that we are getting as the Chairs of Committees. I have ten requests to respond to, but the Clerk is not listing them on the Order Paper. What should I do? I need your intervention. This morning, I thought I would get opportunity to respond to three of them, but they were not listed on the Order Paper, yet the questions are piling up. Something has to be done because we also do not

want to be accused by the Members that we are not answering their questions. I now have ten and I cannot even get opportunity to respond to them. When I ask to be given opportunity, they are not listed on the Order Paper.

**Hon. Speaker:** Of course, there is a question of trying to balance. It was in the course of debate last week on Wednesday that hon. Millie Odhiambo raised something that, we as a House, need to consider. Wednesday morning is the only sitting day available to transact Private Members' Motions and Bills. As it is now, Motions have taken an extreme back seat because there are very many legislative proposals by way of Bills that are queuing. Hon. Millie Odhiambo raised the question whether we should not, as a House, rather than considering reducing the days when we sit, be considering increasing the number of the days that we sit. Going forward, we will see many more Members' initiatives by way of Bills coming forward. So, Wednesday morning you have to balance between the need to transact, at least, two Bills and the need to gear to get responses to Statements. I do not think we can blame the Clerk's Department, we have to do a delicate balance.

**Hon. Kamanda:** Hon. Speaker, we should not be blamed when we want to respond to requests for statements, but we cannot.

**Hon. Speaker:** Well, let us hope so. I am sure if you have looked at the Order Paper today, you may be happy to note something that is listed as Order No.9. Therefore, we may not be having this problem for too long.

Let us hear from hon. Sabina Chege.

#### RECONSTRUCTION OF KENOL-MURANG'A ROAD

**Hon. (Ms.) S.W. Chege:** Thank you, hon. Speaker. I wish to request for a Statement from the Chairperson of the Committee on Transport, Public Works and Housing, regarding the state of roads in this country and in particular, Kenol-Murang'a Road.

The Kenol-Murang'a Road is a major road serving a number of counties and it is very dilapidated and requires reconstruction and modernization. The state of this road is causing users to incur high costs of maintenance of their vehicles and some accidents have also been attributed to the state of this road. Further, the drainage system in this road is very poor and the road is likely to be cut-off during this rainy season that has started.

Hon. Speaker, in his Statement the Chairperson should inquire into and report on whether the Government has allocated funds to tarmack this road; stating the timelines for the project to start and whether there are plans to make the road a dual carriage way.

Thank you.

**Hon. Speaker:** Before hon. Kamanda responds; hon. Members, when you ask whether the Government has allocated funds to tarmack a certain road, I think we are just about to put the Question to the Report from the Budget and Appropriations Committee. All you need to do is to look at that Report and see whether there are any funds allocated for that road.

That information is just like asking the Chairman what the law states regarding people who drive under the influence of alcohol. I am sure some senator will tell you what the law provides.

(Laughter)

Hon. Maina Kamanda, you can respond.

**Hon. Kamanda:** Hon. Speaker, I know money has been allocated towards the reconstruction of this road. But, perhaps, I would take one week to come with the Statement so that I can get a proper answer from our Cabinet Secretary.

**Hon. Speaker:** One week, hon. Sabina Chege?

**Hon. (Ms.) S.W. Chege:** One week is okay, hon. Speaker. The concern was whether money was allocated because as he mentioned, there have been a lot of repairs done on that road for the past four years. Therefore, my main concern is whether the Government has plans to reconstruct the road and actually make it a dual carriage way.

One week is okay.

#### STATUS OF MAU SUMMIT-BUSIA ROAD

**Hon. Aluoch:** Thank you, hon. Speaker. This Statement is directed to the Chairman of the Departmental Committee on Transport, Public Works and Housing concerning the progress of construction of the Mau Summit-Busia Highway and the Nyamasaria-Kondole Sub-bypass. In his Statement, the hon. Members should state the following:-

(i) the status of Nyamasaria-Kondole Kisati Section of Mau Summit- Busia Road Construction;

(ii) reasons for the stalling of the construction of the Kisumu International Airport and the section of that road and when we expect this to resume; and,

(iii) problems with construction of Mamboleo Section of the Mau Summit-Busia Road.

**Hon. Kamanda:** Hon. Speaker, I will take one week to come with a statement.

**Hon. Speaker:** I am sure hon. Olago Oluoch must be instantaneously happy.

**Hon. Olago:** Hon. Speaker, this happens to many other Members. We are told one or two weeks, but ultimately you take two to three months. I hope this time the Chairman is serious about it.

**Hon. Kamanda:** Hon. Speaker, hon. Members know very well when I say it is one week or two weeks; I normally call him when I have arranged for a meeting with the officers. Therefore, if I tell him one week, I will call the hon. Member to appear before the Committee.

**Hon. Speaker:** Let us hear from hon. Raphael Letimalo. Is hon. Letimalo not present? Somebody whispered that he is walking in. We know he is in some condition; we will not drop his request for a statement. We will give him a chance to arrive.

Meanwhile, let us hear from hon. (Ms.) Priscilla Nyokabi Kanyua.

#### NON-PROVISION OF SANITARY TOWELS IN PUBLIC PRIMARY SCHOOLS

**Hon. (Ms.) Kanyua:** Thank you, hon. Speaker for this opportunity. I am also happy as this is my maiden statement. Therefore, I want to thank the people of Nyeri and

also to say that I am happy with the new process where the Cabinet Secretaries will be here.

Hon. Speaker, I am seeking a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning the provision of sanitary towels to pupils in public primary schools.

Hon. Speaker, during the Financial Year 2013/2014, the Ministry of Education, Science and Technology allocated Kshs300 million for procurement and distribution of sanitary towels to pupils in public primary schools countrywide. That has not been realized and the girls from poor backgrounds continue to miss classes because they cannot afford sanitary towels. This measure was meant to keep girls in schools and to ensure that they improve their performance.

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

(i) the implementation status and the number of pupils who have benefited and in particular those from Nyeri County; and

(ii) the measures the Government is taking to ensure that all the needy girls in public schools receive sanitary towels.

I think there should be a distribution policy on this question so that Women Representatives are involved.

**Hon. Speaker:** What you are saying now is in addition to this and we do--- I am sure you know you are bound by what you have submitted.

**Hon. (Ms.) Kanyua:** Thank you, hon. Speaker. I just want to add that Women Representatives be involved.

**Hon. Speaker:** No, you cannot add!

**Hon. (Ms.) Kanyua:** Thank you, hon. Speaker.

**Hon. Speaker:** Let us hear from hon. (Ms.) Chege.

**Hon. (Ms.) S.W. Chege:** Thank you, hon. Speaker. On the issue of sanitary towels, currently the Ministry is distributing them to most needy areas.

**Hon. Speaker:** Are you giving a response?

**Hon. (Ms.) S.W. Chege:** I am just saying that since some of the information is with the Committee---

**Hon. Speaker:** If you are giving a response, then I will tell you that this is not the right time; in keeping with our own programme of work.

**Hon. (Ms.) S.W. Chege:** Okay. In two weeks I will have all the information compiled.

**Hon. Speaker:** Okay, please do so. Hon. (Ms.) Kanyua, what do you have to say?

**Hon. (Ms.) Kanyua:** Hon. Speaker, because the Chairperson has the information, I think two weeks is too long. I would request that we get it preferably tomorrow. Remember this matter is in the next financial cycle. So, we are now trying to distribute towels just at the end of the financial year.

**Hon. Speaker:** It is not possible tomorrow. You know what tomorrow's day is.

**Hon. (Ms.) Kanyua:** Therefore, one week will be okay because tomorrow is the Budget Day. I would like to urge the Chairperson to take one week to bring the response.

**Hon. Speaker:** Hon. (Ms.) Chege, you appear to have the information and that is why you are ready with the response. Can you do it tomorrow or next week?

**Hon. (Ms.) S.W. Chege:** Hon. Speaker, it is okay. I can give the response in one week's time.

**Hon. Speaker:** You can do it in one week's time?

**Hon. (Ms.) S. W. Chege:** Yes, hon. Speaker.

**Hon. Speaker:** Very well. Okay, let us hear from Francis Waweru Nderitu, hon. Member for Ndaragua.

NON-PAYMENT OF SEVERANCE PACKAGE  
TO FORMER KCC EMPLOYEES

**Hon. Nderitu:** Thank you, hon. Speaker, for giving me this opportunity. Pursuant to Standing Order No.44(2)(c)---

**Hon. Speaker:** Leave that one alone; go to the main body of what you are seeking.

**Hon. Nderitu:** Hon. Speaker, I wish to seek a Statement from the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives regarding non-payment of severance package to the former employees of the defunct Kenya Co-operative Creameries (KCC). I asked this question last time and it expired. Therefore, I will go to my request. In the Statement, the Chairperson should inquire into and report on the following:-

- (i) why the former employees have not been paid their dues;
- (ii) the number of former employees paid their dues and the amounts paid;
- (iii) when the former employees will be fully paid; and,
- (iv) the outcome of the petition by the former Member of Parliament which was forwarded to the then Minister for Co-operative Development on 4<sup>th</sup> December, 2012.

**Hon. Speaker:** Is hon. Nooru here or the Vice-Chairperson? Hon. Mbiuki?

**Hon. Mbiuki:** Hon. Speaker, we can have that Statement within two weeks.

**Hon. Speaker:** Is that okay, hon. Nderitu?

**Hon. Nderitu:** Hon. Speaker, when I talked to the Chairman last time, he told me the answer was ready and it was just a matter of presenting it to the House. So, I do not know why it should take two weeks. I think one week should be reasonable because I attended a meeting of the group and he confirmed that it would be possible to answer it within a week.

**Hon. Speaker:** But you know he does not keep the answer in his constituency. He represents the people of Maara Constituency. We should be fair.

**Hon. Nderitu:** I was just confirming a word from the Chairman who has said that the answer is ready.

**Hon. Speaker:** Hon. Mbiuki, can you get the answer in a shorter period?

**Hon. Mbiuki:** Hon. Speaker, I am ready to give the Statement even as early as next week as soon as the question is listed. But I was just trying to approximate within two weeks when the question can be listed.

ATTACK BY LEOPARD IN SAMBURU EAST



**Hon. Letimalo:** Hon. Speaker, first, I want to apologize for coming late. I still want to seek your indulgence because this Statement was filed in March.

*(Loud consultations)*

**Hon. Speaker:** Order, hon. Members! Can we allow the hon. Member to seek his Statement?

**Hon. Letimalo:** Hon. Speaker, I was saying that I sought the Statement in March and I followed it up last week. I was told by the Clerk's Department that I was going to be informed on when the Statement is due. For now, I do not have the details of the Statement and so I want to seek your indulgence that this can be deferred.

*(Loud consultations)*

**Hon. Speaker:** I cannot hear what you are saying.

**Hon. Letimalo:** Hon. Speaker, I do not have the question with me because I filed this Statement in March. When I requested from the Clerk's Department when the Statement was going to be due, I was told that I was going to be alerted. So, I did not know that it was coming in the afternoon and I want to request that it be deferred until tomorrow so that I can get the details.

**Hon. Speaker:** Hon. Letimalo, given your condition, I will come to your aid.

**Hon. Letimalo:** Thank you!

**Hon. Speaker:** It is true that you filed your Statement on 26<sup>th</sup> March; it was brought to my Office on 27<sup>th</sup> March and I approved it. Your Statement is to the Chairperson of the Departmental Committee on Environment and Natural resources regarding the attack and injury of 13 people by a leopard in Samburu East District. So, you want the Chairperson to inquire into and report on whether the KWS carried out tests to determine whether or not the leopard was suffering from rabies; what financial assistance the Government will offer to the victims to meet the cost of treatment in hospitals and compensation for the injuries sustained. I have taken the liberty to read this given your condition and because I do not want you to have to wait until next week to ask the question. Hon. (Ms.) Abdalla, I am sure you can respond about those leopards.

**Hon. (Ms.) Abdalla:** Hon. Speaker, I will ask the KWS to give that information but on the figures of compensation, we are the ones who passed the figure in this House. We have it that if somebody dies they get Kshs5 million irrespective of age or any other issue. If they are injured, you follow the figures that are mentioned in the Act.

**Hon. Speaker:** Two weeks, hon. Letimalo. Is that okay?

**Hon. Letimalo:** Hon. Speaker, two weeks will be okay with me.

#### KILLING OF MEDICS IN MERU COUNTY

**Hon. (Ms.) Kajuju:** Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding insecurity in Meru County. Dr. Albert Obiri, a surgeon and endo-surgeon at Meru Level 5 Hospital was killed by unknown

people in Meru County in the last two weeks. On 10<sup>th</sup> June, yesterday, Mr. Ashford Mbogo, a clinical officer and a specialist on ophthalmology in charge of Meru Level 5 Hospital was also killed under mysterious circumstances. Subsequently, the medical personnel, caregivers and students have staged demonstrations against the said killings. This has adversely affected the running and delivery of health care services in the hospital and the residents are living in fear.

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

*(Hon. Wamalwa consulted loudly)*

**Hon. Speaker:** Order! Hon. Wamalwa and the others, you know fairness. I am sure hon. Onyonka has been away for some time and you may be happy to welcome him back. But surely, hon. Momanyi, you should do it in a more civilized way. Please allow the hon. Member to seek the Statement. I appreciate it may be exciting to discuss a few of the village issues that may have happened in the course of his absence.

**Hon. (Ms.) Kajuju:** Hon. Speaker, thank you for the help.

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

(i) why the attacks and killings are purposely targeting the medical personnel in the area;

(ii) why the findings of the investigations report have not been released to date;

(iii) why no culprits have been arrested and arraigned in court in connection to the two incidents; and

(iv) the measures the Government will undertake to ensure security in the region is enhanced.

**Hon. Lentoimaga:** Hon. Speaker, this is a very weighty matter and it needs a very urgent response. So, I want to promise the hon. Member to bring the Statement within one week.

**Hon. Speaker:** In a week's time?

**Hon. (Ms.) Kajuju:** Hon. Speaker, although I accept that one week is enough, some measure should be put in place to ensure that no more medical personnel are killed in the meantime because that is our fear. That is the way things are moving at the moment.

**Hon. Speaker:** I wish it was within the power of hon. Lentoimaga to put in place measures but you can see the futility of speaking to yourselves. Hon. Lentoimaga represents his constituents. He is responsible for ensuring that measures are put in place.

**Hon. (Ms.) Kajuju:** He is going to get the message to the Cabinet Secretary responsible for security.

**Hon. Speaker:** You can only hope! Hon. Members, even those who are claiming to want to rise on points of order; I want to welcome back hon. Ghati. As you are all aware, she suffered a major accident and it is by the grace of God that she is back with us.

*(Applause)*

I, therefore, want to give this opportunity to hon. Ghati.

**Hon. (Ms.) Ghati:** Thank you very much, hon. Speaker.

As many hon. Members may be aware, on 11<sup>th</sup> March, 2014, I suffered a road accident along the Narok-Mai Mahiu Road. I was on my way from my county to Nairobi for business. I want to report to this House that it has been well. I thank God.

Hon. Speaker, to me, this sounds like a maiden speech after Members went on recess. I want to take this opportunity to pass my condolences to the family and relatives of the late hon. Joseph Ngugi. I wish the people of Gatundu South all the best as they prepare to get a new Member to this House.

I would also like to take the opportunity to thank the Members of this House who took their time to visit me at the Nairobi Hospital. I would also like to thank Members of my county who came to visit me when I was at Nairobi Hospital. I suffered spinal dislocation. I wish to also thank the staff of Narok District Hospital who came to my rescue quickly. I would also like to thank Members of AMREF Air Ambulance, who quickly took me to Nairobi Hospital. I would also like to thank the nurses of the Nairobi Hospital.

Hon. Speaker, as I report to this House today, I would like hon. Members to know that in terms of our welfare as Members of Parliament, we still have a lot to do. This is the first time I have come to the House since the time I was injured. Some Members are asking what happened. Most hon. Members have not been aware that I was involved in an accident. So, in terms of Members' welfare, we need to do better. Maybe, through the Welfare Committee, we need to look into ways of making Parliament a bit accessible to people who are living with disabilities.

I belong to the House Business Committee. I am very sorry to say that I shall be missing sittings of the House Business Committee because there is no ramp to enable me get to the Committee Room where the House Business Committee meets. So, as the Chair of the House Business Committee, Mr. Speaker, make sure that I am marked present because I will not be able to get there to attend meetings of the House Business Committee.

Hon. Speaker, I also wish to request that Committee sittings be responsive to the needs of people like me, who are on wheel chairs for now. We have spoken in this House before; that we should look into issues of accessibility for persons with disabilities. If you look at facilities like the toilet, unless you are in a situation like mine, for now, you may not know that people who have challenges like mine have to look at toilets that are responsive to the needs of people living with disabilities. As a House, we can do better.

I want to take the opportunity to thank hon. Members of this House and tell them that I am back for business. As you can see, I am now back here. I am actually very near the Member for Westlands. So, every time you do not see me standing, please, stretch your neck back. I also want to inform the people of Migori County, whom I represent, that I am up and well and ready for business and work for this country.

Hon. Speaker, I thank you for the opportunity.

**Hon. Speaker:** Thank you very much, hon. Ghati. On the issue of accessibility to various points within Parliament, that was amongst the issues that were discussed in the Commission's meeting this morning and afternoon – a meeting I was chairing. So, it is a matter which is being addressed. We want every hon. Member to be able to access the various points within Parliament Buildings with ease.

Yes, hon. Ibrahim Abass!

**Hon. Abass:** Hon. Speaker, I rise on a point of order regarding a Statement request that I raised this week. It was supposed to have been responded to by the Leader of Majority Party on Thursday last week but it was subsequently moved to Tuesday and then yesterday. The Statement request is about a very grave matter. It is about the missing of a key Kenyan businessman since 20<sup>th</sup> May, 2014. Would I be in order to ask the Leader of Majority Party to tell us the whereabouts of the Statement?

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

**Hon. A.B. Duale:** Hon. Speaker, I got an answer yesterday from the Cabinet Secretary for Interior and Coordination of National Government but I was not very happy with the answer. In my opinion, bringing the answer to the House would dent my own reputation and raise questions about my quality as a Member of Parliament. So, I have returned the answer to the Cabinet Secretary. I am arranging a meeting between hon. Abass and me on one hand and the Cabinet Secretary, the Principal Secretary and the Inspector-General of Police on the other with a view to looking into the matter afresh. We agreed with the Minister to meet either this afternoon or tomorrow morning.

**Hon. Speaker:** Hon. Abass, you can make yourself available. You will appreciate that the Leader of Majority Party had canvassed that matter. I think it is fair. Even Chairs of Committees should also do something similar. If you receive a response that is inadequate upon your own reading, take the initiative towards getting a better answer. You should not bring something that you know that your colleague who sought it will not be satisfied with. I commend the method adopted by the Leader of Majority Party.

What are these interventions about, hon. Hassan Yusuf?

**Hon. Abdi:** Thank you, hon. Speaker. Mine is to welcome my sister and hon. Member Ghati back from her injuries and also underpin some of the matters that she raised. In fact, I have vacated my position to her now that I am able to stand up and do other things. I also wish her quick recovery. I hope that, that position will be a positive place where she can one day get up and start moving around in the House using her own power and will rather than the wheel chair.

I just wanted to say that, in fact, I find it very difficult for disabled Members of Parliament as well as visitors who are disabled to access the National Assembly. I thank you for saying that the matter is under consideration, but it should be considered as a matter of agency because some of the difficult places to go is simply the bathroom. I am aware that bathrooms here do not provide access for wheel chairs. So, it is almost impossible for a visitor or a disabled Member of Parliament to use it, which is not very good for the National Assembly.

The other element is attending meetings, which I also find very difficult. I am seeing the problems of disabilities now that I also have disabilities. I think for most able people, disabled people are almost invisible. They cannot be seen. I would also like to point out the fact that the hon. Members who are on wheel chairs are hardly seen in the Assembly. They are right here at the back. Their representatives do not see them. I would suggest that the House should be reconfigured, so that they can have space in the front, where they can be seen by their constituents. We should not punish them because of their disabilities. They should not become invisible in this House because they are not able to move around freely because they are on wheel chairs.

Thank you, hon. Speaker for allowing me to make those few remarks.

**Hon. Speaker:** Well I hope the Clerk has noted that, so that the issues you have raised can then be brought to the Commission to fastrack. Whereas we appreciate the desire to reconfigure the Chamber to appreciate those Members who are living with disabilities of any sort, they are also meant to attend the sessions with some level of comfort. It is a matter that I think the Commission should consider. I do not want Members to begin speaking to everything; you will start telling me about lactating mothers and other things. That has been taken care of. Even the issue of lactating mothers has been sorted out by the Commission. This is not the chance. Remember some of those things you could write to me as a chair of Parliamentary Service Commission, so that you do not have to come and discuss them here as though they only affect the Assembly. Remember we have the other House also and it also has persons who have similar challenges. It is not just unique to the National Assembly. I am seeing too many interventions and I am not too sure whether we do not want to begin derailing ourselves from business. Hon. Members---

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

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

**Hon. (Ms.) Kanyua:** Thank you, hon. Speaker for this indulgence. I also want to welcome hon. Ghati and just raise the question that she has raised on welfare. When hon. Jose Mwangi passed on, it was very unfortunate that there was no system in this House to address that matter. With Commissioner Gladys Wanga, we remember being very sad that even text messages to Members on the matter of hon. Jose were coming from the Jubilee side alone. This question of welfare of Members is extremely important; I think the Committee needs to address it.

**Hon. Speaker:** Hon. (Ms.) Kanyua, as I have said, this is not the issue of the House right now. Those are matters for the Commission. Hon. Sakaja, you have something? Not about welfare, matters of welfare, you can request me to call a *Kamukunji*.

**Hon. Sakaja:** Thank you, hon. Speaker. I want to speak on behalf of the Committee on National Cohesion and Equal Opportunity. The issues being raised, beyond even the welfare of Members, are matters that we must address as a country. We recently came back from a trip in the United States and the Report will be coming where there is actually access of people with disabilities---

**Hon. Speaker:** Where do we place what you are saying in the proceedings of today? Under Order number what?

**Hon. Sakaja:** Hon. Speaker I am responding---

**Hon. Speaker:** When we talk about the House being a House of record, you know

**Hon. Sakaja:** Hon. Speaker, I am giving information based on the request made by the Member to inform them---

**Hon. Speaker:** Please table the Report of your committee

**Hon. Sakaja:** So, I am informing them that I will be tabling a report because those are issues that we are handling beyond just the Members of the House. It is not just us, there are many Kenyans with disabilities who are not in the House, and they cannot access public installations.

**Hon. Speaker:** Okay. Is there an intervention?

**Hon. Mohamed Abass:** I want to make clarification on sharing of names in this House. My official names are Abass Mohamed, and my colleague is Ahmed Ibrahim Abass.

**Hon. Speaker:** Nobody has asked that, and when they appear here, they appear as Abass Mohamed and a Member for Wajir East. Yes, he is a Member for Ijara. It shows, for your information, it even shows me your face, here.

*(Laughter)*

#### FINANCIAL STATUS OF KMC

**Hon. Mohamed Abass:** Thank you for your indulgence. My concerns are that on 19<sup>th</sup> April, I requested for an urgent statement from the Chairman of the Committee on Agriculture, Livestock and Cooperatives concerning money owed for the last two years by Kenya Meat Commission for the livestock farmers. An amount of Kshs700 million had been given to the Kenya Meat Commission in the Supplementary Budget but we are worried that the money is being used for other purposes. I am here to get the response from the Chairman. He has been carrying the response for the last two weeks, but it is not listed on the Order Paper. I would request your office for your indulgence to ask the Chairman to please give us the response because it is urgent.

**Hon. Speaker:** But surely if you want to request my office, this is the Chair, not the office. So, you will do it in the normal way. Hon. Wekesa, an intervention?

**Hon. Wekesa:** Thank you, hon. Speaker. I am seeking your guidance on an issue I have noticed in this House. This morning, the Chairperson of the Administration and National Security Committee purported not to be aware of the Statement that was on the Order Paper and it was supposed to be responded to this morning. This afternoon, my good friend, hon. Letimalo, has also claimed that he was not aware that his response was supposed to be on the Order Paper today. I am seeking your guidance on how we are going to conduct business when we, hon. Members, know that all matters that appear on the Floor of the House are always on the Order Paper. It is upon us to look at the Order Paper and see what is due to appear on the Floor of the House. This morning, the Order Paper for this afternoon was ready. How are we going to conduct business if Members purport not to know what is coming before the House?

**Hon. Speaker:** Well, with regard to a Chair claiming that they are not aware that they are supposed to respond, that is utter negligence and it is a matter that, in the appropriate way, should be dealt with when brought to my attention. It may well be that the Vice Chair maybe unaware because the Chair is out, but it is a matter that I think we could raise in the House Business Committee.

With regard to the issue raised by hon. Letimalo, I did indicate that I am aware of his current challenge and he may not have looked at the Order Paper. I do not think we can make anything out of that. Next Order.

#### MOTIONS

ADOPTION OF REPORT ON ESTIMATES OF REVENUE  
AND EXPENDITURE 2014/2015

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

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

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

(iv) The schedule be amended accordingly;

*(Hon. Musyimi on 5.6.2014)*

*(Resumption of Debate interrupted on 10.6.2014)*

**Hon. Speaker:** Hon. Members, the business on Order number eight is for purposes of putting the Question and I proceed to do so.

*(Question put and agreed to)*

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

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

*(Hon. Kajwang’ on 10.6.2014)*

*(Resumption of Debate interrupted on 10.6. 2014)*

**Hon. Kipyegon:** Hon. Speaker, the last time I was on the Floor I was actually almost winding up. I was supporting the issue where the Mover has proposed that a Committee of the House possesses the powers of a High Court. My biggest worry was that we always assume that the Constitution and the Standing Orders give us the same powers as those of the High Court. In the real sense, how to exercise those powers is what is not purely specified in that Article of the Constitution. This Motion is timely because we are now going to have a real discussion on how this House can be vested with those same powers of the High Court.

When we talk of the powers of the High Court, we know very well that there are certain levels of the court. When a case is within a jurisdiction of a certain court no other court is allowed to hear the same case. Sometimes when we have issues in the Senate, the National Assembly or in a Committee of the House, we hear of certain court orders which are issued with the aim of barring the House from discussing that issue. Sometimes those orders are meant to overturn the issues that are being discussed in this House.

I believe that this Motion will discuss this issue comprehensively so that we understand what it means for this House to have the same powers as those of the High Court. This will then mean that whatever is being discussed here at a Committee level should not be dispensed with in a court of law. Those were the contentions I felt I need to raise as I support this Motion. We need to look at this matter comprehensively so that we know how this House is going to operate.

I would like to thank the Mover of the Motion. I also belong to the Committee which was looking at this matter and I support this Motion fully.

**Hon. Aden:** Thank you, hon. Speaker for giving me the opportunity to contribute to this Motion. I stand to support it. I do so acknowledging the fact that, indeed, great work has gone into this Report. The recommendations in this Report are the ones that will make easier the operations of this House.

We have seen the many difficulties that we have whenever Members ask Chairpersons of Committees questions. It is a problem because the Chairperson of a Committee is also an ordinary Member of this House. It is difficult for them to answer adequately the questions raised with them. Article 153(4)(b) is very clear that the Cabinet Secretaries are required to report to this House. This provision has not been implemented at all in the past. I, therefore, support very much the recommendation in this Report that we use that opportunity to have the Ministers here so that they answer questions from Members. If we do that, it will also give us a solution to the issue where the Cabinet Secretary for the National Treasury is required to read the Budget like his colleagues will do in the countries of East Africa. Last year, we had a lot of difficulty accommodating the Cabinet Secretary in this House. This provision will give us an opportunity to have the Cabinet Secretary read the Budget Speech. I support the fact that this Report recommends that the Cabinet Secretary for the National Treasury shall not be asked questions even as he delivers the Budget Speech. The reason is that until last week, this House has been debating the Report by the Budget and Appropriations Committee and has in essence passed the Budget. Therefore, the Cabinet Secretary will only be here to read the Budget in compliance with the requirements of the East African countries which have agreed to be reading their respective Budget Statements simultaneously.

With regard to the amendment proposed to Standing Order No.30 concerning sitting hours of the House, I also support it. This is because it has been a problem for Members of Parliament, given the element of traffic jam in Nairobi. If you leave your residence at 7.00 a.m. it is quite difficult to arrive here by 9.00 a.m. This has caused lack of quorum in this House. With the amendment that we compensate for the time and end the morning session on Wednesdays at 1.00 p.m. that is something that is highly welcomed. In any case, there is no time lost. Members of Parliament will be sitting here for the same duration of time as they were doing previously, but in a more convenient way.



Bringing to life the issue of implementing the Constitution is an important thing. I mentioned here earlier that we need to have Cabinet Secretaries presenting reports here in time. I want to throw a challenge to the Chairman of the CIOC to ensure that this Constitution is implemented. I would like to turn your attention to Article 241(3)(b) of the Constitution. It is an example of an issue that I think is a failure and yet it has not been observed as is required by the Constitution. The Article reads thus: “The Kenya Defence Forces shall assist and cooperate with authorities in situations of emergency or disaster, and report to the National Assembly whenever deployed in such circumstances.”

I recall the good work that was done by the Kenya Defence Forces (KDF) during the Westgate Mall operation where they had to respond to that emergency. However, I do not remember a report from the KDF being tabled in this House as is required by the Constitution. The amendments proposed here are useful, in that they ensure that there is implementation of the Constitution.

Hon. Speaker, as the Cabinet Secretaries present to us reports on matters that have been asked by Members of Parliament, the Members will have an opportunity to interact with them. They will be in a position to ask supplementary questions. This Report proposes that Cabinet Secretaries be allowed to come here and give reports at any time they wish to do so. This Report is good. The Committee has done extremely good work. I support the Motion and urge hon. Members to also support it.

*(Loud consultations)*

**Hon . Speaker:** Hon. Members, please, let us listen to what is being said by the contributors. Hon. Dawood!

**Hon. Dawood:** Thank you, hon. Speaker. From the outset, I would like to support this Motion. Being a Member of the Committee, I think it is very timely that this has been brought to the House. I request all the hon. Members to support this Motion. Today we were being asked why the Vice-Chair of the Departmental Committee on Administration and National Security could not answer all the questions even after the hon. Speaker helped him out. He said that he could not deploy people in Meru because he would not know if that role is in his ambit. If we have the Cabinet Secretary here as per this Motion, we could probably ask him what measures he would take within 24 hours when there is urgency like what has happened in Meru. We have not just lost two doctors but also a lady who was killed and buried two weeks ago and nothing has been done up to now.

Regarding the timing, I think we move the time from Wednesday morning, 9.00 a.m to 9.30 a.m upto 1.00p.m. It gives us time to reach Parliament. I think the other thing is that of Committee Chairmen. They come with answers which are not satisfactory at all. I pity them because they probably do not even read the answers before they give them out and sometimes they are not convinced themselves. If the Cabinet Secretary would be present in Parliament, we could ask him much more. The other day, we heard the Chairperson of Education, Research and Technology Committee saying that certificates of secondary school leavers will not be held by schools. Unfortunately, I had gone to my neighbouring constituency to get certificates for people, but the school administration said that they want to take me to court because I am threatening them. There is a policy

which has been put in place by the Government. That was confirmed by the Chairperson of Education, Research and Technology Committee, but nothing can be done until the Cabinet Secretary comes here to say it.

With those few remarks, I would like to support this Motion. I request all hon. Members, because there are some who are skeptical that we are not following the Constitution, to accept this as it is stated in the Constitution that Cabinet Secretaries will give us regular reports. I think this is the only way we can interrogate our questions and get answers. Thank you.

**Hon. Speaker:** Leader of Minority Party, hon. Francis Nyenze.

**Hon. Nyenze:** Thank you, hon. Speaker---

**Hon. Speaker:** Sorry, I notice hon. Chrisantus Wamalwa--- You replace the microphone, we will recognize you. You are too close to the Leader of Minority Party

**Hon. Nyenze:** He is very close to me. He is learning, which is good. He is a good young man. Hon. Speaker, I want to support this Motion.

First, I want to congratulate the Committee on the work it has done. The 37 page document or Report is very detailed and well structured. I want to say the Report's findings and recommendations are largely targeting the implementation of Articles 95,125 and 153 of the Constitution. All these Articles deal with the oversight role of Parliament which has to oversee the Executive. A line has to be drawn between our roles of overseeing the Executive and our duty to represent our people here. Sometimes the line between representatives on the ruling Executive is very blurred and that is why I support this Motion. It will empower Parliament to bring these changes because it will seek to ensure that the sovereign power of Kenyan people is exercised through the elected hon. Members of National Assembly. The sovereign authority of Kenyan people through the elected hon. Members is to play oversight role on the Executive. These changes should not be viewed in isolation. They will bring efficiency, independence and they will entrench democratic accountability in the Executive arm of the Government.

The Constitution of Kenya, 2010 brought about the presidential system of Government. This system has challenges because we now have camps; there are those who are seen as pro Government and those who are seen as anti Government. We are not seen as united and cohesive. We always take sides and we cannot check the Government when we are divided. I want our colleagues to listen to this; the role of the National Assembly is to hold the Government to account, to oversee the Executive. It is not the other way of protecting the Executive. If we just take this very seriously, we will move a few steps in the right direction.

This new system has faced several challenges. We have received inadequate responses from Committee Chairmen and it is not that they are not experienced, but it is because they receive information from the Cabinet Secretaries. Sometimes, if our Committee Chairman is not competent, they can hide or pass blame that the answer given was inadequate. That is the first challenge and we have seen it on the Floor. The Chairmen of Committees are overwhelmed because there have been over 400 requests for Statements. It is only fair that these changes are brought about so that Cabinet Secretaries can appear in this House. The Committee Chairmen have been perceived, either rightly or wrongly as Members of the Executive. I am sure most Chairmen of Committees do not want to be perceived that way. Kenyans and other hon. Members of the National

Assembly see the Chairmen as representing the Executive when they give those answers. We want to give these Chairmen some freedom to lead Committees but for the answers to come from Cabinet Secretaries.

The current system is inadequate. For example, if we have the ruling Executive as the Minority in the House, will an hon. Member from CORD give an answer from a Cabinet Secretary who is from the Jubilee Coalition? Those are some of the questions. I support the changes that the Committee came up with. Few Cabinet Secretaries have submitted their reports. The Constitution says that they have to submit regular reports. How regular is that; how many Cabinet Secretaries have submitted their reports? None or very few. Have the Ministries adopted the new dispensation? No Ministry has employed a full time liaison officer to work with these members of committees. These Ministries should employ officers who should be in charge of Parliamentary business, who will be coming and giving answers and representing Cabinet Secretaries. They have not done that. Lastly, Parliamentary Committees have no technical capacity to interrogate some of those members on technical issues. We are not belittling the Committee Chairmen or members, but some issues are so technical that they require people who are trained in those areas.

The comparative analysis on pages 13 to 18 of this Report is insightful because it shows us how the presidential system has addressed the challenge to ensure that parliamentary oversight is exercised and without it, the Executive will continue getting worse. They will be dictating and use the tyranny of numbers to bulldoze all the agenda. This House has responsibility and mandate under Articles 95, 125 and 153 of the Constitution to receive answers in a plenary. Article 153(4)(b) provides for the reports by the Cabinet Secretaries to be full and regular, which we do not see. We must define “regular” to know what it is, is it yearly and how often should they provide this reports?

In this transitional period, we should ensure that every Ministry appoints Parliamentary liaison officers and that is what I wanted the Leader of Majority Party to hear. While concluding my statement---

**Hon. Speaker:** Well, the rules are if the Member does not want the information, you do not interrupt him. You want information from hon. Sakaja?

**Hon. Sakaja:** Yes, he has accepted. I would like to kindly inform the Leader of Minority Party, who was the Minister for Environment during that time that they had Parliamentary liaison officers in their Ministries. Currently, we have an office of Parliamentary Legislative Affairs, which is at the Deputy President’s Office. From that Office, they liaise with the Office of the Leader of Majority Party as well as each and every Ministry that we have, so it is a similar setup but within the current framework.

**Hon. Speaker:** Then you are accordingly informed. Hon. Nyenze, proceed.

**Hon. Nyenze:** Thank you, hon. Speaker. You know the TNA Chairman, hon. Sakaja, used to sing for me when I was the Minister for Environment. He was a young student in primary school in those days. He was my friend and I used to give him presents, but he has come along way and is a good young man.

*(Laughter)*

The committees need to have more specialized staff and Parliament needs to invest in training them, so as to continually sharpen their skills and competences. We have seen some improvement since the life of this Parliament started. We had challenges, but we have seen a lot of improvement in terms of service delivery from the Speaker, the Clerk and the staff. I am urging that there should be further training so that we perfect our staff to be guiding the Committee Chairman.

With those few remarks, I just want to support this Motion.

**Hon. Speaker:** The Leader of Majority Party.

**Hon. A.B. Duale:** Thank you, hon. Speaker. I stand to support this Report and on a light touch, I do not know whether my colleague, the Leader of Minority Party read this Report. Why do I say so? It is good we make it very clear to the House, there is a callous team discussing political party matters---

*(Loud consultations)*

**Hon. Speaker:** Hon. Ken Obura with hon. Millie Odhiambo, in your midst consult in low tones.

**Hon. A.B. Duale:** Maybe they are discussing the bungled elections of ODM. They want to revive it and they are taking the wise counsel of the able lawyer, hon. Mille Odhiambo, now that they have realized that the men cannot do it, with the help of my good friend, hon. Kaluma. The lawyers must put this party that is under the able leadership of the brother of the former Prime Minister, a man I respect a lot, in the right perspective. We must make it very clear that in 2010 the Kenyan people went to a referendum, they decided to choose a presidential system of Government. They never chose a parliamentary system.

*(Loud consultations)*

There is another team lead by hon. Alfred Keter and hon. Nyokabi, there are so many caucuses. They may also be dealing with the impeachment Motion.

**Hon. Speaker:** Order, Members! Even if you must caucus and consult, please do so in low tones.

**Hon. A.B. Duale:** I want to make it clear that in 2010 the people of Kenya went to the polls on a referendum and they said, they do not want a parliamentary system or a mixed grill. They want a pure presidential system where the Legislature, Executive, Judiciary and Parliament are independent. They said for the first time in 50 years they do not want Cabinet Secretaries in the House. We are not amending the Constitution and that is why I was wondering whether my colleague, the Leader of Minority Party has read the Report.

We want to tell the people of Kenya that this House has no powers at all without going back to the people to amend the Constitution to bring a parliamentary or any other system. What has the committee under your able leadership done? In our first year of these House deliberations, we have realized that we might go ahead and borrow presidential systems of governance across the globe. We will look for best practices and see whether we can amend our Standing Orders and allow limited time for Cabinet

Secretaries on a weekly basis to address this House from there and not from the Chamber. So, I want to guide the Leader of the Minority Party that this Chamber, apart from the 349 Members of Parliament plus the Speaker and our able Clerk's Office, nobody else is allowed inside, the rest are strangers.

We want to use that system to see whether we can engage, apart from tabling the regular reports under Article 153(4) of the Constitution, and ask questions and they reply. If this Report is approved today, the first Cabinet Secretary who will benefit from this Report tomorrow will be Mr. Henry Rotich, the Cabinet Secretary for National Treasury, unlike last time when he addressed the Budget in an informal session chaired by the Chairman of the Budget and Appropriations Committee.

Tomorrow, if this House approves this Report, the Chair will be our Speaker and it will be a full session.

So, we are not dealing with the structure and the frame of the presidential system of Government, my colleague, the Leader of Minority Party.

Two, liaison officers from respective Ministries are there but they liaise with the office of the Leader of Majority Party. Every Ministry has a liaison officer to my office. There can be no liaison officer to the office of the Leader of Minority Party. You are the Opposition and so the Government has no business with you. That must be very clear until the day your coalition will win the elections and we wish you well. We wish you well and hope the matrix might change, but for now the Government will deal with three offices; the Office of the Speaker, the Office of the Clerk and the Office of the Leader of Majority Party – not the office of the Leader of the Minority Party. I want to go on record because you are not in the Government. I wish you were in the Government, like hon. Kamanda. You could have been a chair of a committee but even being a chair of a committee, there are only two committees that are preserved for the Opposition and they are the Public Investments Committee (PIC) and the Public Accounts Committee (PAC). They are chaired by two very able Members of the last Tenth Parliament. I want to thank those who elected the two very able chairmen.

Hon. Temporary Deputy Speaker, I am sure hon. Neto is very keenly following what I am saying. We do not want the media to interpret it differently. We do not want constitutional lawyers to look at it differently. We are not amending the Constitution. We are not changing the frame and the structure of a presidential system of Government. That is the wish of the people of Kenya. This House has no mandate. So, what we have done with the able Committee chaired by our Speaker is that we have realised that the system is not working. Even in the United States of America today, their system has challenges after 300 plus years of using it. What the Committee has done and I have read the Report is that every Wednesday, two hours will be allocated to a batch of two or three Cabinet Secretaries depending on the agenda where they will address us from there and Members can interrogate them. I also want to tell the Cabinet Secretaries that maybe one day they might join politics. They might become Senators, Governors, Members of Parliament, Members of the County Assemblies (MCAs) or Speakers. So this will also be a very good way of engagement.

Hon. Speaker, secondly, because Members have no direct engagement, the many Motions of impeachment that are flying across at the lobby and in the bar maybe will come down because Members will have an opportunity to engage Cabinet Secretaries

and vice versa. This is so that the people of Kajiado Central who are ably represented by my colleague who only decided to be in two different buses and my chairman of the Pastoral Parliamentary Group--- When I took the Jubilee bus and he delayed because of age--- The only bus that was at the stage was the Orange Democratic Movement (ODM), but I am sure his heart is with Jubilee. Physically he is in Parliament on a different bus. Hon. Sakuda is saying and I can confirm that he waited for him for too long to board the Jubilee, bus but he delayed because of age.

**Hon. (Maj-Gen.) Nkaiserry:** On a point of order, hon. Temporary Deputy Speaker. You know the Leader of Majority Party is a very good friend of mine and when he was in the livestock business many years ago and he wanted to join politics, I actually went to his constituency of Garissa---

**Hon. Speaker:** Are you on a point of order or you wanted to give some story?

**Hon. (Maj-Gen.) Nkaiserry:** I am on a point of order but I want to ask something. Does the Leader of Majority Party know my age because there was no record of when I was born? Do you have my record? I look younger than you.

*(Laughter)*

**Hon. Speaker:** Hon. Nkaiserry, you know you do not engage that way. If you wanted to be on a point of order, you do not ask a question directly to a Member.

**Hon. (Maj-Gen.) Nkaiserry:** Is he in order to say I am an old man when I can run faster than him and when I can actually beat him in walking and anything?

*(Laughter)*

**Hon. Speaker:** Hon. Nkaiserry, well I think that was with a light touch although hon. Millie Odhiambo suggests that you are a very young man.

*(Laughter)*

Proceed, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, that even makes it worse that it is hon. Millie Odhiambo who is confirming the age of Nkaiserry and as a pastoralist I totally agree with him. Our age is decided by the weather, where the *boma* is and whether there were some raids. That is how the pastoralists determine their ages and that is why we do not have birthday parties. You will never see hon. Nkaiserry, Sakuda, Duale and Tobiko talking about birthday parties. They do not exist in our communities because that is a Western phenomenon.

Hon. Speaker, I think what we have done is to use practices that other countries have used and make it very clear that we want to make the work of the Executive and Parliament to be more efficient, effective and to make sure that both of us, the Legislature and the Executive, will deliver to the people of Kenya as they have sworn to do.

Hon. Speaker, in conclusion, my colleagues in the Opposition have been crying for a parliamentary system of Government. I want to make it very clear. You know even within CORD there are the majority and the minority. So, I am talking to the majority

party in CORD which is my former party ODM, who believe in a parliamentary system of Government. I am not talking about the Wiper Democratic Movement of Kenya because the numbers that they have cannot take them to a presidential or parliamentary system. Wiper party has less than 20 Members of Parliament, so, they are neither in the parliamentary nor in presidential system.

So, hon. Speaker I beg to support.

**Hon. Speaker:** There is a point of order from hon. Nyenze.

**Hon. Nyenze:** Thank you, hon. Speaker. Is the hon. Leader of the Majority Party in order to claim that WDM-K cannot either form a presidential system or a parliamentary system because of its numbers when we know that he blows cold and warm water? Sometimes he is in CORD, sometimes he is in Jubilee. At night he is CORD and during daytime he is in Jubilee.

*(Laughter)*

**Hon. Speaker:** Obviously, that was not a point of order. You wanted to argue. Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I want to confirm because it is on the HANSARD that I belong to a coalition with 217 Members in this House. I am a founder member of a party with 76 Members in this House and the only party that beats me in terms of a single party is ODM.

*(Applause)*

Hon. Speaker I want to confirm to the country like yesterday that the party of the Leader of Minority Party has less than 21 hon. Members in this House. Why do I say so? If you go parliamentary then you produce the Prime Minister. You must have the largest party. Today if we were in a parliamentary system, it is only ODM who could have produced a Prime Minister.

Hon. Speaker, so in parliamentary governance, Wiper party cannot produce a Prime Minister. In a presidential system unless they form a coalition with TNA, URP and ODM, they are very far from producing a president.

Hon. Speaker, if I was in ODM, I would have brought a petition to challenge the leadership of hon. Nyenze because he comes from the minority. How did he become the leader of minority? The leader of minority should have come from the ODM Movement.

I beg to support.

**Hon. Speaker:** Let us hear from hon. James Nyikal. Hon. Members, just contribute. We seem to be moving away from the debate. Let us deal with the Motion before us and then we can talk about other matters later; even over the weekend, in funerals and at Press conferences.

**Hon. (Prof.) Nyikal:** Thank you, hon. Speaker. I rise to support this Report. We have often seen how hon. Members wish to get reports and information for their constituents each time. Sometimes they cannot get reports and information and I must thank the Chair for this. But the Chair has said earlier that hon. Members should

remember that the Chairs are not the Executive and, therefore, cannot answer further than what is written for them. That has been a glaring deficit amongst us.

I am happy that your Committee worked hard to bring this to reality. We have seen the tribulation of chairs trying to grapple their way around with information that many times they do not understand.

Hon. Speaker, I know from my previous life that when Ministers were giving answers on this Floor, they were prepared. Literally, they were educated before they came to the Floor of the House. I can tell you that we used to sit watching and we could even pass text messages to the Assistant Minister to pass on to the Minister to give the information. Therefore, we were getting fully researched information and we had people who had the authority to act on what they were saying. What we have now is not sufficiently done. I think the decision to bring this issue is really in good time.

Hon. Speaker, as regards the Constitution, Article 95 (2) actually says that the National Assembly deliberates on and resolves issues of concern to the people. When questions are asked often hon. Members ask them on what affects their constituents. They need not only to be seen to be talking here, but it needs to be resolved. As it is now, with the current system, there is no way this can be resolved. It is at the mercy of somebody who is sitting somewhere else and merely giving a report for somebody else to read. That representation is perhaps, what our constituents need most when we are in Parliament. The details of the laws we make, the Committee of the whole House, the amendments we make sometimes are so detailed that the people we represent do not actually follow. Therefore, the Constitution recognizes that.

Hon. Speaker, Article 125 says that either House of Parliament, or any of its committees, has power to summon any person to appear before it for the purpose of giving evidence or providing information. So, what your Committee has brought is perfectly within the Constitution. I must say that we are beginning to implement the Constitution in an orderly fashion, looking at every aspect and going into details of how it can fit.

Hon. Speaker, I am aware that we did choose a presidential system but the reality of life is nothing but absolute. Therefore, when you start a journey on a new Constitution, at one point or another you will find that this has not come out right. We would get a Committee like your Committee and then sit down and say:-“Within the context of the Constitution, we can get better results for what we want to do.” So, Article 125 definitely gives us the authority to amend the Standing Orders, as we are planning to do.

Hon. Speaker, Article 153(3), states partly as follows: - “A Cabinet Secretary shall attend before committee of the National Assembly---”

Again, there is realization that the National Assembly must interact with the Cabinet Secretary in order to get information which it can use to resolve issues of the people. That is perfect in my mind as regards the Constitution.

If you look at Article 153(4)(b), it provides Parliament with full and regular reports concerning matters under their control. Once again, we are realizing that even if you have a pure parliamentary system, the Government is one. Therefore, Parliament will need information from the Executive from time to time and the Executive definitely will need information from Parliament. So, I think what the Chair is doing is really good progress forward.



Therefore, in my mind, we are strictly within the Constitution. I do not think we should waste time saying whether this is Constitutional or not. Your Committee has done it all.

With those remarks, I support this report.

**Hon. (Dr.) Pukose:** Thank you, hon. Speaker for giving me this opportunity to contribute. This Report from the Procedure and House Rules Committee on review of the Standing Order 44; Statements and actualization of provisions of Article 153 of the Constitution of Kenya is quite timely.

Hon. Speaker, this is an opportunity of sorting out pertinent issues that hon. Members have been raising without getting good response. This gives us an opportunity also to interact with our Cabinet Secretaries. Many of the issues like censure motions would not have arisen if we had interactions with these people.

Hon. Speaker, this is an opportunity for them to give satisfactory answers to hon. Members. These hon. Members represent their constituents and whenever we raise issues, more often some of these issues need immediate attention. Today, hon. Kajuju raised an issue that is affecting the medical fraternity in Meru Level 5 Hospital. In a span of two weeks there has been loss of two doctors and doctors are getting scared. This is creating anxiety within the institution. This is something we would have had a timely response to on the Floor by the Cabinet Secretary of Interior and Co-ordination of National Government. He would have told us how soon the issue will be sorted out

Hon. Speaker, we have raised several issues on the Floor of this House. I am on record raising an issue where I presented a petition, in July last year, on Mr. Mkanda and up to now the Departmental Committee on Defence and Foreign Relations has not given me a satisfactory response. Mr. Mkanda is still patiently waiting for the response.

This Procedural Motion gives this House the powers to sort out many of our issues. It gives us an opportunity to interrogate and if we feel we are not satisfied with the answers, we have an opportunity of interacting with Cabinet Secretaries and executing some of these issues.

I want to urge the Cabinet Secretaries not to fear. I know many of them are anxious and they would wish to perform their duties in their offices behind closed doors. We have had some not very good responses from them. More often you find that they just sign those responses. They do not go through them. Junior officers are the ones who research and write those responses. They should not be scared as to how they are going to execute their functions. As hon. Members have put it quite clearly, this is an opportunity for them to interact with hon. Members. Some of them might become MCAs, Members of Parliament or even Senators in future. Therefore, given this opportunity and platform, it is a very good opportunity for them to present their cases on a one on one interaction between hon. Members and Cabinet Secretaries.

Hon. Speaker, this is an opportunity where you know as the CEO of the Ministry, the buck stopped with them. This is a chance that we know as our rules that they are not going to delegate. They are not going to send the Principal Secretaries or an officer from the Ministry to come and represent them in this House. They are going to be there in person and give responses that will be held accountable. Because of the issue of having records in this House, these are issues that can be followed even later on and found out whether the answers that were given were up to the required standards.

With those few remarks, I want to support the Report by the Committee.

**Hon. Speaker:** Hon. Wamalwa, if we could all borrow a leaf; those of you who have read the Report, go straight to the issues.

**Hon. Wakhungu:** Hon. Speaker, indeed, I have read the Report. From the outset, I want to support it and thank you, as the Chair of this Committee, for the work well done though it has been long overdue. We are supposed to have handled this a long time ago. I am saying so because we have had a lot of problems with Committee Chairpersons. You find some of the information that they are given, before it reaches this House, it is distorted on the way. I have had a series of requests for Statements; one from the Chairperson of the Departmental Committee on Education, Research and Technology, Hon. (Ms.) Chege; she cannot even remember and this is more than three months down the line. This is something I asked about the vocational technical training institutes which were being funded by the Chinese Government. We have seen the response coming through Prof. Kaimenyi, on where hon. Members are supposed to come in yet that project had already been communicated to the county governments. So, it has been a big problem. Some of the Chairpersons have let us down. This morning we had an issue on the Committee in charge of security where the Vice-Chairperson could not even own the report and he said that the Statement was from the Cabinet Secretary and so he could not own it. So, if we start having such issues, it tells you that whatever we have been consuming here has no issues of accountability. So, this issue is long overdue. It will be very nice and by allowing the Cabinet Secretaries to come here, it has nothing to do with the presidential system or parliamentary system as the Leader of Majority Party was saying.

If I remember very well, when we were taken through the training when we were in Mombasa, we were told clearly that in the presidential system, there is no Opposition in this House. So the Leader of Majority Party seems to have forgotten what we were taught when we were in Mombasa. We were told so many things and normally in other jurisdictions, we have a hybrid system where you can do some amendments to suit a situation. By allowing the Cabinet Secretaries to come here, we are leading a good example of national dialogue. This is because we have been having a lot of disconnect between the Legislature and the Executive. As hon. Pukose, my neighbour has clearly put it, once we have put this linkage, it will avoid the misunderstanding, the kind of impeachments that are coming. If you look at the Constitution, it says that it is gross violation of the Constitution. So you wonder how you would measure these issues of gross violation. Is it because somebody has been transferred or what has happened? So, what we are trying to put across is that in the spirit of teamwork; in the spirit of national dialogue, this was supposed to have been done yesterday.

The proposal of starting business at 9.30 a.m. every Wednesday, we normally go for spiritual nourishment to help this House as we debate. We do everything for the common good. And because of the issues of coming in at 9.00 a.m. we have been trying to shorten our fellowships. It will also be a good opportunity for the Members of Parliament who go for fellowships on Wednesday. It will also allow more hon. Members to come and we will have quorum. As you know, the Bible says that where you are two or three together and you put God first, he will be in your midst. As we debate in this House, we need spiritual nourishment. We come from different sides of the House but as

we debate, it is for the common good of *mwananchi*. It does not matter which coalition you come from. It does not matter where you appear as 77 or Wiper; I come from FORD (K) and I am proud of the numbers that we have in this House.

Hon. Speaker, from 9.30 a.m. to 1.00 p.m.; it is good for *wananchi* to know that we are compensating to end at 1.00 p.m. and we know very well that in the normal practice people go for lunch at 1.00 p.m. So this has been long overdue; from 9.30 a.m.; an extension of 30 minutes to 1.00 p.m. Another issue I wanted to mention is that as much as we try to shorten these issues of the Motion, Private Members' Bills are affected. I think what we should do on Wednesday; when you look at the requests of hon. members, the Bills are piling; the Motions have not been touched and this the only time we can exercise fully our representation role. This is because other times we have Bills coming from the Government side. But for Private Members, in Article 95 where we are supposed to do representation, we are trying to advance the grievances of our people to represent through Motions and Bills; not just through requests for Statements. So, it will also be good further if we can look into issues of allocating more time to the Private Members' Bills because this is the core business of this House. We must make laws. We must legislate. It is not an issue of requests for Statements alone. I am happy with this issue of Cabinet Secretaries coming in. we should debate objectively without being skewed or without being sycophants of whatever coalition we come from for the common good of our Kenyans.

Thank you and I support.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Members, I have to follow the list. I know that so many of you are looking at me as though--- I have noted that you put your requests but let me follow the list.

**Hon. Kangata:** Hon. Speaker, I have looked at this Report and I support it. But then I feel there are some areas that need to be looked at again. I draw the attention of this House to pages 26, 27, 28, 29 and 30. I particularly draw the attention of this House to the proposed Clause 25(b). In that Clause, it provides that the Speaker may designate a suitable place in the Chamber for the purposes of admitting the Cabinet Secretary responsible for finance to make a public pronouncement of the Budget Policy highlights and revenue raising measures for the National Government as contemplated under the Public Finance Management Act. Then it proceeds to provide in 25(c) that whenever the Cabinet Secretary responsible for finance makes a public pronouncement under Standing Order No.25(b), the Speaker shall not allow any questions or clarifications to the Statement by the Cabinet Secretary. With due respect, I am not yet convinced as to why the Cabinet Secretary for Finance should be exempted to questions and clarifications. I believe that the most important thing that we do here is issues to do with the economy and the budget. When we exempt the Cabinet Secretary from being interrogated on issues relating to revenue raising measures or budget policy highlights, we shall have missed a very crucial aspect.

**Hon. Speaker:** Hon. Kangata, on the day reserved for that, the tradition and practice the world over is that it is not a day for questions or clarifications. Let us not try

to invent things. Where are we going? The Cabinet Secretary is not exempted from being recalled back here to come and clarify the issues he may have spoken about on the date he presents the highlights: Later but not on that day.

**Hon. Kangata:** Hon. Speaker, I stand guided. Thank you.

Hon. Speaker, with your kind permission, another area in respect of which I would also like to draw the attention of hon. Members is on Clause 44(d), which seeks to give the Speaker circumstances under which a request may be rejected. They start from Clause (a) to Clause (i). Well, I agree because at times we do ask for Statements through Committees. I also agree that sometimes we ask about issues which are very particular to a constituency. This is what I would call “drawback clauses”. They should not have been very many. Otherwise, we may have a situation where we have very few requests for Statements which are able to go through because of the stringent rules that have been provided here.

For instance, Sub-clause (i) refers to a matter that is not before a Committee. It is true that some of us may make a request without being aware that a matter is pending before another Committee. Therefore, it cannot come through this system. I would pray that if a request is rejected on the basis that it is pending before another Committee, maybe, the person rejecting should inform the requesting hon. Member that the matter is before a certain Committee, so that if the hon. Member wishes to further interrogate the issue, he may attend the sittings of that particular Committee. Otherwise, if a request is rejected without the hon. Member being informed as to which Committee the matter is being considered, the hon. Member may fail to get very important information from the relevant Cabinet Secretary.

Hon. Speaker, another issue has to do with Sub-clause (e), which provides “does not suggest its own answer”. Some of us may not be good in drafting. I would pray that our staff will be able to guide us to come up with something that does not, for instance, get barred because of the way it has been drafted. In my opinion, this is a draft issue. Be it as it may, on the rest of the aspects, it is a very good way of interrogating the Executive. I also pray that when they come to this House, we shall get adequate time to interrogate them further on issues contained in the Reports. From my experience, I have noted that when you make a request for a Statement, they take it to the Ministry. The Ministry prepares a response. The response comes back to the Committee and then the Committee just comes to this House and reads the Statement.

I would imagine that with the new system, we shall have an opportunity to cross-examine the Cabinet Secretaries because some of the issues may escape the written aspect of it. It may need further clarification through some form of oral cross-examination on the issues.

To that extent, I am happy. I look forward to the enactment of these Rules, subject to those few areas in respect of which I would pray that we become more liberal in terms of allowing Members of Parliament to request for Statements on various issues without restricting them further.

Thank you.

**Hon. Speaker:** Yes, hon. Agostino Neto!

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

I support the spirit of this particular Report. I support the content of this particular Report but as I proceed to do that, I would like to invite the Speaker and the members of the particular Committee to, perhaps, see with me if at all the amendments that we are making to the Standing Orders would not occasion an amendment of Article 153 of the Constitution.

Hon. Speaker, I am looking at the provisions of Section 153 that we rely upon. Article 153(3) is very clear in terms of dealing with Committees of Parliament. However, looking at Article 153(4), I am not so sure that the spirit of Article 153(4) (b), which is to provide Parliament with full and regular Reports concerning matters under their control, is what this particular Standing Order seeks to achieve. So, even though we are proceeding to amend the Standing Orders in a manner that gives effects to the provisions of Article 153 of the Constitution, I really think that, perhaps, we need to give a consideration if really Article 153(4) (b) is what this amendment seeks to do.

I would really like to congratulate the Committee because they have done what, for a long time, has caused a little bit of a problem. It is true that the Leader of the Majority Party and the Committee Chairpersons have been appearing like holding brief for the Executive. The Executive and the Legislature are now delinked. Whenever the Chairs of the Committees have been speaking, some of them sometimes have forgotten that Parliament and the Executive have different roles. That is of course the very tenet of the spirit of the presidential system, where you have a distinct parliament and a distinct Executive to provide for checks and balances, as well as for distinct separation of powers.

Hon. Speaker, I like the fact that the Committee tried to even explain that if we do not achieve this distinction in good time, the situation would be tricky in the long term, in case we have a minority party having the presidency and the majority party not having the presidency. I would like to bring it to the attention of my colleagues that the essence of a presidential system is the fact that the Executive is the Executive regardless of how many members of their political party belong to this House; and the Legislature is the Legislature checking the Executive in whatever form and context.

Now that we are already allowing what we are going to call “The Cabinet Secretaries Time” – which is, of course, going to eat into the time that ordinarily Members of Parliament have, perhaps the Committee could also consider an extension of time. Perhaps the House Rules Committee could consider having extra hours, perhaps on Thursday morning, so that we can have more time allocated for Private Members Bills.

The issue of checking the Executive is going to be properly dealt with whenever we are going to ask the Cabinet Secretaries Questions in the Chamber. That means Parliament is supposed to be playing its cardinal role, which is to make laws. You notice that the three hours that we have on Wednesday morning for Private Members’ Motions is perhaps not sufficient, given the numbers of Members of Parliament that we have in this House, and given the number of Bills we might want to consider in terms of legislation. I would, therefore, like to propose that your Committee considers a proposal to have an extra sitting of the House on Thursday morning.

Hon. Speaker, I love the comparative jurisprudence and the comparative practice that the Committee showed from the various countries, including the Ghanaian, the United States of America (USA) and the Philippines examples, amongst others. In terms of having Cabinet Secretaries’ Time, two advantages highlighted in this particular Report

are that, one, it is going to strengthen the institutional position of Parliament within the Government and, secondly, it is going to provide an avenue for fast response to requests.

Of course, hon. Members know that Parliament, under Article 95 of the Constitution, is supposed to be performing its cardinal roles but having had a mirage of both the Chairs of Committees and the Leader of the Majority Party speaking for Cabinet Secretaries, it has been a very difficult stint to have. The Committee Chairs have been speaking like they are speaking for the Executive, which does not create that particular distinction. The second advantage that has been highlighted by this Report is the fact that it is going to be quick to get responses as opposed to what we have been subjected to – Committee responses sometimes taking too long.

Hon. Speaker, as the Report says, the new methodology will ensure that Committees are not over-burdened by requests for Statements.

This has been taking considerable Committees' time. Committees have, for example, been looking at several Statements as opposed to looking at several legislations. So, this is a welcome idea. It is going to fuse both Statements Time and Questions Time in one and it is going to be very useful. I also like the Committee's presentation that this is going to be transitional. Nothing is engraved on marble. The Committee proposes that we try it for a couple of weeks or months and see the best that we can do. I highlighted earlier my understanding and appreciation of Article 53 of the Constitution. If you look at the second part, which is on page 24, the second bullet, on oversight in Committees, it still states that Committees will still be allowed to continue exercising the right, which they exercise under Article 53 of the Constitution.

Therefore, that begs the question as to where then we get in the Constitution, the power to extrapolate the Constitution in Article 154 in the manner that we do propose. The other thing is the proposal in Article 44(c), which is on page 28. It says that if a prior request is made by a Member pursuant to Standing Order 44(d), it is supposed to address all the matters specified in the request. Does this mean, for example, that, if at all the Cabinet Secretary comes to the Floor of Parliament, then Members cannot ask for clarifications that are contingent to issues that are related to the particular question that the upcoming Cabinet Secretary is responding to? My understanding of the particular amendment to 44(C)(c), states that perhaps the Cabinet Secretary will then be restricted specifically to the issue that they have been asked to deal with. That, perhaps, would be fairly tricky because the Cabinet Secretary will not be having a lot of time. Perhaps, someone will be asking about the road going to Homa Bay or to Mbita, for example. There could be questions that are contingent or fairly relating to the same matter. I understand, perhaps, having what my colleague hon. Iringo said about draw back provisions. Perhaps, we could make an express provision to the extent that, for example, if there is a request or a question pertaining to an issue of roads or medication, the Cabinet Secretary should be well versed with his/her subject matter, so that we do not have them coming back to the Chamber from time to time.

It is a well thought-out Report and if Parliament goes this way, with the two proposals that I have requested you to consider; one, to consider an extension of the hours of Parliament to include a sitting on Thursday morning as well as looking at the provisions of Article 153(4) of the Constitution and see if it gives us the mandate. So, we are able then to amend, should there be need, specific provisions of Article 154 and either

make a (4)(a)(1) at Article 153(5) to give us real credence in terms of engraving these provisions of the Standing orders that we want to mend.

With those many remarks, I do support this Report.

**Hon. (Prof) Sambili:** Thank you, hon. Speaker, for giving me this opportunity. I fully support this Motion. Drawing from my experience in the last Parliament, where I had a privilege of being a Minister in three different Ministries, namely, the Ministry of Youth and Sports and East Africa, the time for Ministers to answer Questions was very serious. The Ministers were able to give adequate answers. In the Ministries, there were very committed and experienced officers who took it upon themselves, as a very serious duty, to do very serious research, so as to provide adequate answers that were focusing on Government policy and national policy. They were so serious and that was their priority. You would not leave the Ministry before you get the response that you would bring to this House the next day or whenever it was needed.

It was very serious. You had to have thirteen copies of those responses. They were also well researched. I remember hon. Members would actually ask for those copies because they would get information that they would give to their constituents. Given the present ---

**Hon. Speaker:** There is an intervention from hon. Nassir

**Hon. Nassir:** Thank you, hon. Speaker. It seems that the mood of the House is very evident. We are all very much in support of this very particular Report. Under Standing Order No.95 regarding closure of debate, I would like to request that the Mover be now called upon to reply. We have quorum and so, we can move forward.

**Hon. Speaker:** Very well. Hon. (Prof) Sambili, can you conclude so that we can move on?

**Hon. (Prof) Sambili:** Yes, hon. Speaker. I will conclude very quickly. The present Cabinet Secretaries are not able to come here. They are not politicians and it is good for them to be here, so that they can interact with the Members. Meanwhile, before this is enacted and brought into operation, I suggest that we need to have a political tutorial for Cabinet Secretaries, so that they know how to respond to issues. We do not want to have situations like we have at the moment, when we see Cabinet Secretaries in the media talking so arrogantly. A political tutorial would help to inform our colleagues who are in the Executive to know how to communicate with Members of Parliament and also *wananchi*.

I thank you once again for this opportunity. I do not know whether I am allowed to say, only for one second, what I had wanted to say yesterday, when I was asking for one minute to contribute to the Motion that was here. I know it was just for information. I had wanted to say that looking at the Development allocation for universities, I realized that two universities in this country were allocated only Kshs40 million, whereas the others were allocated more than Kshs200 million. I thought that it is good to review this even if it is in the near future. It is not fair. Some of the universities that I know have so many stalled projects and to get Kshs40 million only is not fair.

**Hon. Speaker:** Hon. (Prof) Sambili, I suspect this is not part of the Report.

**Hon. (Prof) Sambili:** It is not, hon. Speaker. That is why I asked that I be allowed to say it. I thought it would have been useful contribution and talking on behalf of those universities; namely, Maseno and Egerton.

**Hon. Speaker:** For now you are out of order!

**Hon. (Prof) Sambili:** Thank you hon. Speaker. I appreciate this and I will oblige.

**Hon. Speaker:** Hon. Members, it has been proposed by hon. Nassir that the Mover be called upon to reply.

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

Mover, hon. Kajwang'.

**Hon. Kajwang':** Thank you, hon. Speaker. I want to thank you for giving leadership to this Committee and for giving us the hindsight that has now become very useful. You helped us think through the procedures as we went through these amendments. I also want to thank hon. Members who actively participated in formulating their own rules; these are rules that we follow as Members. I was listening, for example, to hon. Kamama today and I could not help feeling his frustrations, that is, how a Member of Parliament is able to carry ten responses and yet be unable to offload them.

Hon. Speaker, with these amendments, I think Cabinet Secretaries will carry their loads and come to the House to explain the various responses that they have. This will correct the imbalance and the seemingly contradiction of terms that we have had in this jurisdiction. Chairpersons of Committees will now play their rightful role of oversight. A Chairperson can sit in his place and even challenge the Cabinet Secretary. When the Chairperson talks with the Cabinet Secretary, he or she will know that the Chairperson means business because he is oversighting that same Cabinet Secretary. If these rules are adopted, we are going to see very few Cabinet Secretaries being impeached because they will know that there is a National Assembly to which they must give full and regular Reports.

For the Leader of the Majority Party who might not have been there when I was moving the Motion, the rules have actually captured the Office of the Leader of the Majority Party.

*(Hon. A.B. Duale consulted with (Eng.) Rege)*

He needs to know that today he is sitting on unfamiliar grounds and he needs to take his seat. In my contribution as I was moving the Bill, I stated that the Office of the Leader of the Majority Party is the liaison between the Chamber and the various Government offices. We have recognized that and I want to urge him that the schedules that we will put in place will be adhered to. Members could be very frustrated that there is a schedule and yet a Cabinet Secretary chooses not to come.

The last thing I must say is that Article 153 of the Constitution should be read carefully. We have not taken away the normal appearance by the Cabinet Secretaries in Committees. This will continue. We will grill them in the Committees. The Committees can call anybody that they want to testify. When you look at Article 153(4) where we have the words "full" and "regular" those words can be interpreted properly so that the Reports that they give us here comprise what we call "full" and "regular" Reports. However, in addition to that, a Cabinet Secretary may also on his or her own volition



come here and give a Report. Where a Cabinet Secretary chooses not to give a Report, or does not respond to the request, we will still obligate him or her that once in a year, every Cabinet Secretary must give a Report to this House.

Hon. Speaker, I think this issue has been canvassed very well. Members must know that on Wednesday morning, the Session will only be for two hours. The Speaker, however, in his own discretion can add one more hour. We want to thank you, hon. Speaker for leading us very well.

I beg to move.

**Hon. Speaker:** Hon. Members, I have ascertained that we are within the constitutional threshold of the quorum.

*(Question put and agreed to)*

### COMMUNICATION FROM THE CHAIR

Hon. Members, before we to the next Order, I wish to make the following communication or announcement: That consequent upon the House's adoption of the Procedure and House Rules Committee Report and pursuant to the provisions of the new Standing Order No.25(b) and Standing Order No.241 as amended by the House today 11<sup>th</sup> June, 2014, I wish to inform hon. Members and the nation that the Cabinet Secretary for National Treasury will make a public pronouncement of the Budget policy highlights and revenue raising measures of the national Government for the fiscal year 2014/2015 tomorrow, Thursday, 12<sup>th</sup> June, 2014 at 3.00 p.m. before the Assembly.

I thank you. Next Order!

#### STATUS OF SAN MARCO SPACE APPLICATION CENTRE IN MALINDI

THAT, this House adopts the Report of the Joint Committee on Energy, Communication and Information and Education, Research and Technology on the Status of the San Marco Space Application Centre in Malindi, laid on the Table of the House on Wednesday, 12th March, 2014.

*(Hon. (Dr.) Otichilo on 4.6.2014)*

*(Resumption of Debate interrupted on 4.6.2014)*

**Hon. Speaker:** Hon. (Eng.) James Rege, you have a balance of 17 minutes.

**Hon. (Eng.) Rege:** Hon. Speaker, last week, we noted that Members had requested that we distribute the document due to the complexity of the Report. We did that last week and if anybody needs an extra copy, it can be availed in Room 8.

Allow me to take this opportunity to expound on San Marco. San Marco Complex is located in Ngomeni in Kilifi County. San Marco has two segments. One is offshore, that is, 25 kilometres from the shore and the other one is on land in Malindi. The sea segment of San Marco was used as a launching pad for rockets going into space for sub-orbital trips. This means that they could just do one orbital trip. These were rockets

loaded with scientific data which the Italian Government used for analyzing whatever they wanted to analyze. A total of 27 rockets were launched and that was it. Now it is no longer used. It is a dark space, although anybody is welcome to look at it.

Hon. Speaker, the land-based San Marco is used for monitoring satellite launches globally. This could be Intel Sat satellite, Arab Satellite, Asia Satellite, Chinese Satellite and any satellite of the sort. San Marco is geographically situated so well on the equator. Most satellites are placed in what is called orbital. This is the equatorial range area where their movement is synchronized with the earth's movement. The land based San Marco Satellite is used for monitoring those launches. They get paid for those monitoring facilities or services. Companies or authorities who use San Marco facilities are in agreement to pay handsomely. Some of those payments are only benefiting the Italian Government and not Kenya since 1995. We have noted that.

Apart from monitoring the launches by this facility, San Marco dishes can also be used for remote sensing. In other words, fishing, meteorological or surveillance of security along the Coast. Those dishes are capable of doing that and they are, indeed, used mainly by deep sea fishermen and they do provide the data. Under the agreement signed by San Marco and the Kenyan Government, which was supposed to expire on June 2013, it was that they incorporate the Ministry of Defence, Ministry of Higher Education, Science and Technology, Ministry of Foreign Affairs, Civil Aviation, Department of Resource Survey and Remote Sensing, Meteorological Department and Jomo Kenyatta University of Agriculture, Science and Technology (JKUAT).

As I stand here, I would like to inform Members that the benefits that we deliver from this Station are as follows:-

It is majorly training of Kenyans, use of data for educational research, remote sensing, meteorological data usage, maritime surveillance, 220 Kenyans are employed there who earn a total of Kshs102 million, financial benefits which could be up to Kshs104 billion in the services that this centre provides to the Italian Government.

The corporate social responsibility that, that centre gives Kenyans amounts to Kshs240 million. That money has been committed to Coast Development Authority (CDA) and a possible Kshs600 million that has been budgeted for Ngomeni area alone. The Government leaps a rental sum of about Kshs.8 million per year and this could go up to Kshs.25 million if additional 25 acres of land is provided for expansion of San Marco. We could reap more benefits only if we could understand what San Marco does with geothermal data that they gather. But as of now, there is no Report or funds that have been remitted by the Italian Government since 1995.

Since I only have 17 minutes and I gave some of this information last week, allow me to go into summary. If there are any doubts or any more queries, we do have this document. It has a lot of details on the operations at San Marco. The summary and recommendations that the Committee came up with include:-

(i) The Government should enhance its oversight role in ensuring that the San Marco Space Application Centre maximizes its presence in Kenya in the enhancement of the Government development agenda in education, research, communication and information. The Kenyan government should be involved both at the technical and managerial levels to ensure sufficient supervision of operations and management and maximum utilization of benefits at the space centre.

(ii) The new San Marco agreement should be under review and all future agreements should be approved by Parliament in line with the Constitution of 2010. The new agreement should correct the anomalies existing in the previous agreements and ensure it includes, among others:-

- (a) A joint management of the facility.
  - (b) A clear framework for third party agreements and signing of third party agreements in the presence of the Kenya Government.
  - (c) Provision for employment of Kenyans in senior managerial positions.
  - (d) Enhanced capacity building of Kenyans in space science technology.
  - (e) Sharing of revenue gained from commercial services provided to users of the centre.
  - (f) Technology transfer and increased access to data collected.
  - (g) Use of satellite technology to address climate change, environment risk factors and securities and satellite-based research.
  - (h) A clear exit strategy in the likelihood that Kenya would like to manage the San Marco Space Application Centre independently.
- (3) A proper framework on third party usage of the Station should be formulated, so that the Kenyan Government will be aware of the third party users of the Station and how much money is earned from those third party agreements. Further, the Kenyan Government should ensure that it is present at the signing of all third party agreements.
- (iv) Considering the importance of San Marco Space Application Centre in space science technology in the country and its establishment for peaceful uses, the National Council for Science and Technology and the Ministry of Higher Education, Science and Technology, should take a lead role in the management and co-ordination of its activities.
- (v) The Kenyan Government should take an interest in the data or information gathered at the Centre. The Government should also ensure that qualified Kenyans are competitively recruited in senior managerial positions.

In concluding my secondment, I plan to bring to Parliament, a Parliamentary Legislation Paper to ensure that this outfit really belongs to this country and controlled from day to day by parliamentary procedures. In the document, I will recommend that ICT Authority takes over the management of that Centre. Why do I say so? ICT Authority is already in control of the Rascom Satellite, which I am proud to say, I was the designer of Intel Satellite. I am proud to say I worked for 15 years in the United States of America (USA) and the control of other satellites in space, which ICT Authority is in control of now. This Government needs to be in charge of the ones and zeros that come into or leave this country. This coming in or going out via the Seacom teams and all other under sea cables, which are connecting this country via the sea or via the satellites at Longonot or in Kericho or anywhere else.

Hon. Speaker, our security is at stake right now. Nations right now are gearing up for wars that are not conventional or, if you like, you can call them kinetic wars using cyber space and that is why I am recommending that this Government must have an institution such as an Information, Communications and Technology (ICT) Authority to be in charge of all the data packets that come into the country or leave this country. That way, they can control that data.

Hon. Speaker, you understand recently that our President's communication gear was tapped or being monitored. If we had this and we checked all the data packets leaving this country, we should be sure that we are in full control of our country. These are really technical issues and that is why I would recommend that the ICT Authority takes charge.

Hon. Speaker, with those few remarks, I beg to second. Thank you.

*(Question proposed)*

**Hon. Speaker:** Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, hon. Speaker. From the outset, I want to thank you most sincerely for allowing this Report to be back in the Eleventh Parliament. I had the privilege to serve in this Committee and many of us in that committee are not here. So, first, I also want to thank the people of Garissa Township for bringing me back so that I get an opportunity to contribute to this very important matter.

Hon. Speaker, this matter is so important that I should have expected the whole House to be here. It is about our national security and I am happy because hon. Rege and hon. Gumbo are here. That is because in April 18<sup>th</sup> 2012, the Member for Emuhaya sought a question from the Minister for Defence who, by then, was none other than hon. Haji, the great Senator of Garissa County. It was on the status of San Marco Space Application Centre in Malindi.

Hon. Speaker, he raised pertinent issues and when the Government could not answer those questions, a joint committee of Education, Science and Technology and that of Energy, Communications and Information led by the former Member for Mosop, hon. Koech and the current Member for Karachuonyo as the co-chair.

Hon. Speaker, we are taking of a satellite institution based in Malindi and run by the Government of Italy. It is in our soil and sea. That is why the Kenyan sea is mysterious. We were not even allowed entrance to that facility as Members of the Tenth Parliament by then. The agreement between the Kenya Government and the Italian Government was first signed in 1962. It was renewed in 1995 and then expired on 4<sup>th</sup> March, 2010. Until December 31<sup>st</sup> 2010, then they got an extension for June 2012. I am told that they have an extension that is expiring in June, 2014.

Hon. Speaker, I want to use your Office that if this House approves this Report, we should communicate to the Government that no agreement should be signed between the Kenya Government and the Italian Government as far as this station is concerned without the approval of the 11<sup>th</sup> Parliament.

Hon. Speaker, why do I say so? The Memorandum that was signed in Article 41 stated that the use of San Marco facilities by third parties or any other Government agencies should not happen except with the approval of the Kenya and Italian Governments.

Hon. Speaker, that was not done. That facility collects data across all sectors and sells to third parties. It sells to the Chinese, Americans, Europeans and anybody who needs the data in a secluded room by the Italians without the knowledge of the Kenyan Government. That, in my opinion, is a serious violation of our national security.

Hon. Speaker, I want to speak for Jubilee. Successive Governments owe this country an answer and specifically the former Ministers for Defence. Under Article 3 of the Agreement of 1995, it was the responsibility of the Italian Government to train four PhD holders, 12 engineers and 24 technicians. That was not done. If they did anything over that period since 1963, there were only two PhD holders. Even the technicians and engineers they have trained are not allowed access to that facility.

Hon. Speaker, I want to confirm - and I am sure hon. (Eng.) Gumbo will agree with me - even us could not access that facility. The rumour is that - and we need to confirm it - that every year the data that they sell to third parties is in excess of USD1.4 billion. We are selling our country.

Hon. Speaker, we are talking about the tapping of telephones of key leaders in our country. How do we know that it is not being done from San Marco? We are giving people our own soil and rights. We violate our Constitution. The Italian Government owes this country serious reparation and they need to pay it.

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

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

Hon. Temporary Deputy Speaker, I will bring an amendment to this Report. The Italian Government needs to get an invoice. They need to do a full disclosure of the data that they have sold to third parties and the Americans, Chinese and Indians. That must come out. For anybody who bought data from San Marco behind the back of Article 41 of the Agreement between the Italians and the Kenya Government, an amendment must come that the Italian Government must refund that resource.

*(Applause)*

They must refund whether it means bringing back Berlusconi from that community service he is involved in and asking his Government at how much he got it.

Hon. Temporary Deputy Speaker, I do not want to talk much. I want to go to the recommendations. Last night, when I talked to hon. Gumbo - and when I read this thing - I had a pen in a small study room I have in my house. That is because I wanted to draft my amendments last night and I looked at Recommendation 2 which says:-

“All future agreements should be approved by Parliament in line with the Constitution of Kenya, 2010.”

Hon. Temporary Deputy Speaker, I hope Ms. Rachael Omamo, Cabinet Secretary for Defence, General Karangi and the Government is watching me. I dare you to sign and renew the agreement of San Marco Space Application Centre without the approval of this House. I am daring you as the Leader of Majority Party. The recommendation says that there must be a joint management of that facility. We must share the keys to the opening of the rooms in that facility. A Kenyan should have a key and an Italian should have the key to that facility. A clear framework of the third party agreement and the signing of

third party agreements should be in the presence of the Kenyan Government and Parliament must agree.

Hon. Temporary Deputy Speaker, we must share resources - a shilling for a shilling. If they sell data worth US\$1 billion to the Chinese, Kenya must get 50 per cent of that, if not more because of our soil, water and air. In fact, Malindi has a very good weather and that is why the Italians are found everywhere there.

I want to confess, go on record and say that, last year, the Italian Ambassador visited me. In one of our joint discussions, he told me that if we do not sign the agreement, then our bilateral relationship will be affected. We do not want a penny from the Italian Government. What we want is that resource. They should give it back and pay us reparations.

Hon. Temporary Deputy Speaker, technology transfer increases access – we should even go further and take over the site. Why should we cost-share with them? Do we have a similar San Marco Space Application Centre in Milan or Rome?

**A hon. Member:** Or even San Migingo for that matter!

**Hon. A.B. Duale:** Or San Migingo? Do we have? I think the recommendation should go further and suggest that, that satellite institution should be transferred to the people and Government of Kenya. We are no long a colony of the British, Italians, Americas or the Chinese. We do business on mutual respect and equal resources. Therefore, a clear exit strategy should be found in the likelihood that Kenya would like to manage the San Marco Applications Centre. That has to be agreed on.

Hon. Temporary Deputy Speaker, God did his miracles and knew that for Kenya to be saved from San Marco Applications Centre, hon. (Eng.) Rege and hon. (Eng.) Gumbo must be voted back; hon. Aden B. Duale, hon. Otichilo, the man I respect; who is an expert on such matters. Then they bring in hon. T.J. Kajwang, hon. Ochieng, hon. Ogalo and many other hon. Members who are here. We have hon. Waluke who left the military to join politics. We should save our country.

Finally, at least, they can tap my phone. The only thing that I do is to deal with the Jubilee Government and Parliamentary business. But I was shocked that when Parliament say---

**A hon. Member:** They can tap the President's phone!

**Hon. A.B. Duale:** No! No! Why should they tap our President's phone? Those guys are tapping the phones of the Chancellor of Germany and of the British Prime Minister. In fact, they only tap ours when they are not busy. When they have nobody to tap, they would look for hon. Sakaja, hon. (Eng.) Gumbo, the President and myself! But I want to urge my colleagues that this is a serious matter.

The San Marco Applications Centre is a resource that has been stolen from Kenyan. That is according to the intelligence data; meteorological data, financial data that somebody opened---

In fact, I want Parliament to order another team to visit San Marco Applications Centre. You will see how you will be chased away.

Hon. Temporary Deputy Speaker, San Marco Application Centre is in hon. Harrison Kombe's constituency. If you go there, for the corporate social responsibility, they built two classrooms and two toilets. That is extremely pathetic! That constituency is very poor and they take US\$1.4 billion; according to the rumours we have. It could even

be more. Imagine such an amount of US\$1.4 billion from our soil and the constituents of hon. Harrison Kombe are languishing in poverty!

Therefore, I want to urge hon. Members Parliament that we take this matter very seriously. With regard to the Departmental Committee on Energy, Communication and Information, nothing will stop it after we pass this matter. It will go to the Committee of Implementation and we will go and visit that place. Hon. (Eng.) Rege, hon. (Eng.) Gumbo, hon. Otichilo and all of us need to go and visit San Marco Application Centre in Malindi.

Hon. Temporary Deputy Speaker, at one time in 2003, the late hon. Mutula Kilonzo wanted to take over KICC on behalf of KANU. The late Mutula said: "No! KICC belongs to KANU." He was fighting the NARC Government. What is preventing us from going and taking over San Marco Applications Centre in Malindi on behalf of the people of Kenya? We are the representative of the people of Kenya. Therefore, hon. Sakaja, who leads a serious party, can lead us! It should be all parties not only hon. Sakaja's party, including the great party that I one time used to belong. The only party that could have won if we were in a parliamentary system, but they decided to give their seat to a minority party in the coalition.

I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, Leader of the Majority Party for the good memories you have of the late hon. Mutula Kilonzo.

**Hon. (Eng.) Gumbo:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Report. As I contribute to this Report, I want to follow from where my good friend, the Leader of the Majority Party has left; to beseech our colleagues that we should adopt this Report.

Hon. Temporary Deputy Speaker, as I start to contribute to this Report, if I was asked to write a story on San Marco Applications Centre from 1962 to date, the short title would be: "Selling Wealth to Buy Poverty." I say this because I was privileged to be in the last Parliament. I was privileged, indeed. It was the highlight of my sitting in the Tenth Parliament to go to Ngomeni and for that, I want to thank most sincerely the Speaker of the Tenth Parliament, hon. Kenneth Marende for leading from the front, hon. Wilber Otichilo for bringing the matter to the House and, of course, the current Speaker for bringing back this Report.

Why do I say that San Marco Applications Centre is a story about selling wealth to buy poverty? When you go to San Marco Applications Centre, what strikes you most is the neighbouring village called Ngomeni, in hon. Harrison Kombe's Constituency. What strikes you most when you visit San Marco Applications Centre is the level of poverty of the people around that station. It is dehumanizing, degrading and completely unacceptable!

The San Marco Applications Centre is a study of how foreign governments and entities manipulate our own vulnerabilities for their purposes at the expense of the welfare our people. This is unacceptable! It is completely abominable and unacceptable that we should allow foreign governments to come to Kenya to manipulate our resources, when our people live in that level of poverty. It is unacceptable.

Another thing that strikes me - and the hon. Leader of Majority Party has spoken about it - is the attitude of the managers of the Centre towards the local people. They do

not regard them as human beings and it is very saddening. It is painful. On the attitude, to get into San Marco Applications Centre, the Committee of the House mandated constitutionally to provide oversight on behalf of the people of Kenya, had literally to plead. Even when we went in, the evasiveness of the managers and the attitude towards hon. Members was unacceptable.

Hon. Temporary Deputy Speaker, I want to ask - and gain follow from where the Leader of Majority has left - how could successive Governments of Kenya from our founding Father, the man we highly respect, Jomo Kenyatta to Daniel arap Moi and Mwai Kibaki have allowed that to happen? It is a thorough indictment of the successive Governments before that of Uhuru Kenyatta.

The San Marco Space Application Centre is in Magarini Constituency where hon. Kombe represents. You ask yourself, for example, why it has taken over 50 years for them to do that short stretch of road connecting Ngomeni from the main Malindi-Lamu Road. You ask yourself why the Government of Kenya has not insisted on getting a share of the billions of shillings that, that Centre generates from third party contracts. You can go a step further and ask yourself why our successive Governments did not find it necessary to use the massive amounts of data that is generated from third party contracts for our own technological advancement. These are questions that we kept on asking when we went to San Marco.

Hon. Temporary Deputy Speaker, it is a known fact that, that Centre generates billions of shillings. We spent the whole day there asking how much does the Centre generates. In fact, the impression the Italians running the Centre were trying to give us was that the Centre was a non-profit Centre. It is laughable! It is ridiculous and unacceptable. This Centre, for the information of hon. Members and those who may not know, has been used to launch rockets from the Kenyan landscape.

**An hon. Member:** What do you mean?

**Hon. (Eng.) Gumbo:** Yes, it is! It has been used. Kenya has launched rockets from its own landscape using this Centre. Most Kenyans do not know that. This is a fact. It is on record; it is on the ground.

The Leader of the Majority Party has spoken about the obligations of the Italian Government, which they have not discharged at all. I think that going forward, the Government of Kenya must also deal with what clearly appears, in my view, to be professional apartheid. The Kenyans at that Centre with the same qualifications as the Italians earn about a tenth of what the Italians in that Centre earn. This is a fact. They are miserable. They are crying out for help. This House has a duty to help Kenyans who are working in that Centre.

I want to conclude by saying this: We need to be bold as a country. That is because countries that have succeeded succeed through being bold. Like I said yesterday, I want to repeat the universal truth. It is said, remember no more effort is required to aim high in life; to demand abundance and prosperity than is required to accept misery and poverty. The long form of that statement is--- If you allow me, I will read for the benefit of hon. Members. It goes like this: "I bargained with life for a penny and life would pay no more. However, I begged at evening when I counted my scanty store for life is a just employer. He gives you what you ask but once you set the wages, my brother, my sister, why, you must accept the task." Why am I saying this? It is an opportunity - as we debate



this Report - for the Jubilee Government to use, and by extension the people of Kenya, that Centre to join the league of big boys and girls of the world.

We are at the moment on the throes of re-basing our economy. But that alone is not enough. We all know that space has now become the playground for countries that matter in the world. Kenya has no choice but to use this resource which is a Kenyan resource; built on Kenyan soil, using Kenyan air space, to join the big boys in the quest for the conquest of space. Kenya cannot afford to be indifferent by standards if it wants to play in the great league in geopolitics.

Kenya must now not only start actively pursuing satellite technology but, as a country, we must start seriously thinking about launching our own rockets into space. It has been done before and there is no reason why we cannot do it again. As has been said in the recommendations, which have been very eloquently espoused by the Leader of the Majority Party and my friend and colleague in the distinguished profession of engineering, Hon. (Eng.) Rege, let us adopt these recommendations. But, fundamentally, that Centre must revert to the Government of Kenya. That Centre must transfer its benefits to the people of Kenya. Not only that but, as a House, as a country, we must demand a complete and detailed audit of how much that Centre has raised for over 50 years and why the Italian Government cannot transfer those benefits for the benefit of our own people. More seriously, take care of the neighbourhood of Ngomeni which, in my view - and hon. Kombe can bear me witness - remains one of the poorest places in Kenya. It is unacceptable. As a start, San Marco Space must go out of its way to improve the livelihoods of our brothers and sisters in Ngomeni.

I beg to support.

**The Temporary Deputy Speaker**( Hon. (Ms.) Mbalu): Very well spoken and articulated.

**Hon. M'uthari:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report and thank our Speaker for allowing it back. I also thank hon. Otichilo. He has tirelessly worked on this. It is high time, as a country, we take care of our resources. This nation is rich in resources. It has facilities, like the one which we are discussing here - San Marco. It has been there for almost 50 years. Although we have a good relationship with Italians, it is tilted to their favor. So, sometimes, somebody can give a token and the token should not blind us from getting what is of benefit to this Republic.

It is high time we work on the recommendations so that our Government can take steps as proposed in the Report. The Government should take a role and involve the critical Ministries like the Ministry of Education, Science and Technology in the manning of that Centre. They should also ensure that the other departments like Defence are involved so that, at the end of the day, we can go in that direction. We know many countries and people are, at the moment, relying on information. We are in the information age and we are relying on space science. The importance of that particular Centre has been highlighted and we need to get its full benefits so that, as a nation, rather than relying on begging from other people who give us conditions, we can use what is rightfully ours. The benefits from the Centre should be utilized in furthering development. As it has been highlighted, it is a shame that a Centre like that has so many benefits and many resources but the people around it do not benefit. They live in abject poverty.

If it is a fact that the Italian Government has not met its commitment in terms of training and personnel, how come we can be marginalized in our own country? In terms of employment, we are told that within the senior managers, we have only two Kenyans while the rest are from Italy. For all these years, they have not been able to build even the capacity of our local scientists and our own people against the earlier agreement. This is a sure reason why we should have change. When those negotiations are done; when we have that agreement, it should be on a 50-50 basis. Given the fact that this Centre is within our country, we should not be taken as a junior partner who has to be given a token so that the whole thing can proceed. So, the fact that the training of our personnel did not take place as it was agreed in the beginning raises serious questions. We have also not benefited from third party agreement payments. The Kenyan people should gain from that. At the end of the day, we should get resources to fund other activities within the country and achieve development.

As I said, as a country, we cannot rely on traditions. This is where the importance of science and technology come on board. By utilising science, we can be able to break new ground. We can use information to generate resources which can eventually enable our country to move forward. It has happened before. Even our other technology has been taken over by other countries. At the end of the day, we go running after them. We now have a centre like this one, which does not benefit us. It is like a monument. Kenyans just get a token out of it; when we could be partners.

Therefore, as the National Assembly, we should not allow the Government of Kenya to negotiate and sign an agreement before hon. Members agree on its terms. At the end of the day, we ask: "Why does this continue?" I believe there are people who benefit from the chaos. Maybe, instead of the proceeds benefitting the common good, there could be a few people who are benefitting on behalf of other Kenyans. Money changes hands amongst individuals who have been entrusted with those responsibilities. They look the other side and Kenyans end up not getting the full benefits from that facility.

It is, therefore, high time that, as Members of this august House, we should stand firm on our feet and refuse to, ever again, allow our resources to be utilised by other people while our people continue to suffer. We also want equality. Let us not have our people employed at the Centre at the level of casuals or mere support staff. Our people should be at the management level. They should have been engaged. Again, even as we talk about independence, you can be independent politically but, economically and technologically, you may not be independent. So, at the end of the day, you are subdued even in your own land. It is for that reason that we should stand up and say that enough is enough. We need our space. We need to have that Centre run by our own. If the Italians are not happy with that position, they should leave. We can manage it. Other people in Africa are doing it. Why can we not do it? Even if it is not being done in Africa, we can do it.

With those few comments, I beg to support the Report. Let us have our own space centre.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Yes, Member for Siaya County!

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

I want to look at this Report as an educationist and believe that space technology or space science has not been well developed in this country. That is because we are still a very young country as compared to other countries abroad. However, this is a good opportunity for this country to benefit from space science. Some of the universities that we have today are struggling to come up with space science departments and courses, where our students can learn something about space.

It is surprising that for 50 years, a space institution like this one has never been in touch with our universities in terms of helping them to develop and come up with academic programmes in space science. That is a big gap. That is why I suspect that something is very wrong with that institution. It is operating with a lot of mystery and under a kind of secrecy. It is not connected to the institutions of higher learning. That is a big problem for me because I have just heard that they are supposed to train undergraduate, masters and PhD students, but that was never done. So, how are they helping our universities? There is need for the space centre to be connected to our universities.

Students who are doing sciences, and who need to go for attachment, sometimes fail to get places to go for attachment. There are never enough places to absorb them during the attachment periods. This is an area where our science students can go for attachment. But the San Marco Space Centre seems to block other people from utilising it. It is part and parcel of colonialism. That is how colonialism operated. They came, grabbed the land, made use of it, utilised all the resources and the local people did not benefit in any way.

Our universities are not gaining anything from the data that the Centre is generating. Our universities need to understand what is going on there. Our students need to be attached to that institution to learn more. It should help universities to come up with strong programmes on space science. Therefore, I believe that so much has been lost by the fact that they operate in isolation and ignore the local people. They do not even bring development to the local people.

Therefore, I feel that a lot needs to be done in terms of engaging the San Marco Space Centre to go beyond just involving the local people. The Centre should involve institutions of higher learning and engage our students to improve in space technology so that Kenya, alongside other African countries like Nigeria - which has done very well - reach there and be part and parcel of space science.

I want to support everything contained in this Report. I believe that time has come for us to work hand-in-hand and improve the framework that the San Marco Space Centre has been operating in Kenya. New policies should be developed so that the Centre can offer programmes to our universities to utilise, so that we can improve science and technology in this country.

With those few remarks, I beg to support the Report.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Yes, Member for Magarini!

**Hon. Kombe:** Ahsante sana, Naibu Spika wa Muda. Nasimama kuunga mkono Ripoti hii na kuipongeza Kamati iliyoshughulikia jambo hili.

Ni jambo la kusikitisha kwamba sehemu hiyo ya utafiti iko nchini Kenya, katika Kaunti ya Kilifi na Eneo la Bunge la Magarini, lakini hakuna chochote ambacho

tunaweza kujivunia kutokana na Kituo hicho. Wakaaji wa Magarini wamebaki maskini. Tunavyozungumza, barabara ya kwenda Ngomeni kutoka Mjanaheri haipitiki. Gari linalotembea kwenye barabara hiyo ni moja tu. Kituo kile kimekuwa pale kwa muda wa zaidi ya miaka 50 sasa, lakini hakuna chochote ambacho tunaweza kujivunia, kama wakaaji wa Magarini.

Kenya imechelewa! Ingekuwa imechukua Kituo hicho punde tu makubaliano ama kadarasi ilipokwisha mara ya kwanza. Wakati huu tungekuwa mbali sana. Hivi ninavyozungumza, Serikali ya Italy inapata Kshs54 bilioni kila mwaka kutoka kwa Serikali ya Ufaransa peke yake, mbali na zile nchi zingine. Kiwango hicho kingesaidia Kenya kusonga mbele katika nyanja hii ya teknolojia ya angani.

Hakika kwa wakati huu, hakuna haja hata kamwe kuwaruhusu Waitaliano kuendelea kutumia Kituo hicho. Hivi ninavyozungumza, inawapasa wahusika katika Serikali wachukue hatua kwa sababu kuna mipango ya kuyaahamisha mamlaka ya kituo hicho kutoka kwa makubaliano baina ya Kenya na Serikali ya Italy iwe kwa makubaliano baina ya Serikali ya Kenya and Chuo Kituu Cha Roma. Ikifanyika hivyo, tutakuwa katika hali ya kutofahamu. Hivyo basi, inafaa hatua ya dharura ichukuliwe na Serikali ya Kenya kuhakisha ya kwamba muda unapoishi mnamo tarehe 21 June, 2014, maneno hayo yawe yamekwisha. Hakuna tena kurudisha makubaliano baina ya Serikali ya Kenya na Serikali ya Italy.

Wanasema kwamba wametoa Kshs240 milioni kusaidia ujenzi wa mahospitali, mashule na barabara katika sehemu tofauti. Jambo la kusikitisha ni kwamba katika kijiji cha Ngomeni, mahali ambapo Kituo hicho kipo, nyumba za wananchi zinaendelea kubomoka kama ilivyoonyeshwa katika runinga juzi. Wao wamejijengea ukuta mkubwa mahali ambapo hapaharibiki. Wale wenyeji, pale majirani, nyumba zao zinaendelea kuanguka.

Katika mwaka wa 1975, kulikuwa na ofisi kubwa ya uvuvi. Kwa bahati mbaya hivi sasa, hiyo nyumba haiko. Imebomolewa na maji. Kulikuwa na hoteli kubwa hapo kando kando ya Ngomeni. Lakini hiyo pia imebomolewa. Kulikuwa na kituo cha askari wa majini hapo mbele ya San Marco Space, ambacho pia kimebebwa na maji. Hakuna msaada wowote ambao umepatikana kutoka kwa San Marco Space ilhali wanakusanya hera nyingi. Angalau wangeongezea ukuta wao ndani ya bahari na kwenda upande mwingine ili kuhifadhi zile nyumba na maeneo ya watu wengine; ingekuwa bora. Hivi sasa, maji ya bahari yanaingia mashambani na “kuua” mimea. Minazi “inakufa” kwa sababu ya maji ya bahari. Kule kwao wameyazuilia. Wameweka gome na hivi sasa, maji yanatiririka kwa mashamba. Wakati ni sasa kwa Serikali ya Kenya kukichukua Kituo hicho na kukimiliki kwa manufaa ya Wakenya.

Kwa hayo machache au mengi, ahsante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Asante sana, mhe. Kombe. Wakati ni sasa. Member for Kipipiri!

**Hon. Gichigi:** Thank you, hon. Temporary Deputy Speaker. I wish to begin by saying that I am one proud Kenyan. I will be in the fore-front when it comes to fighting any attempts of neo-colonialism. More than 50 years after Independence, there is not much we can show for our relationship with the former colonial powers, except poverty and a bad culture. In fact, right now, we are having serious problems bringing up our children because of the influence the western world has brought to this country.

I rise to support this Motion. Yes, time is now for us to make sure that we claim this country's right on that particular station. If initially the agreement was contributing, for instance, the land and the Italians were supposed to build the station and bring the equipment and that we were to be equal partners - the way agreements have been framed in the past - then I think we have been sleeping on our rights. I have heard my colleagues lambast the Italians, but all the leaders and Governments that we have had since Independence have played second fiddle to the colonial powers. We have let them ride on us. We decided that we will become just tools to the western world. Fifty years later, when our relationship becomes sour, we are almost turning to be "crying babies" on this issue. We need to move on. However, it is also important that we do not move on and become tools of any other colonialist. It is important that we put our feet down. We should not get that institution from the Italians and hand it over to other Italians by a different description.

I sit in the Committee on Labour and Social Welfare. It has come to my notice that this country has no direction when it comes to what we train our people in. How many people, for example, have we trained since Independence in space technology? How many people are experts in electronic technology? Who looks at the training needs of this country currently, in terms of the labour market, tomorrow in terms of the needs and ten years later? Who is there to tell our primary, secondary schools and colleges what courses they should offer to our young people? Are we very comfortable that our universities are just churning out the so-called graduates into the labour market without a clue of what the economy is demanding in terms of manpower?

I have looked at this Report and it is, indeed, a tragedy. God has blessed this country with so many resources. We, as indicated, sit on the Equator and have a lengthy patch along the coast. But what are we doing with it? We just get excited when we go through a road and find a marking saying: "You are now passing the Equator." That matter ends there. This Report is telling us that, that is a resource that we must take advantage of scientifically, in addition to the tourism advantages that it might offer to us. Our leaders have been negligent in the past. It is our duty now to demand that we have an arm's length relationship with any person that we sign an agreement with. We have lost great opportunities in the past. As some people have indicated here, we were with Singapore, Malaysia, India, Brazil and others at one point in terms of economic and technological developments. But now, we are importers of even mundane and simple gizmos.

We could cry in this House and even keep--- It is important that when we prepare the budget, we ask ourselves where the future of this country is. Even this Budget that we are going to pass, we need to ask whether or not it is going to support posterity. Could it be that we are just using the money and burdening posterity with bigger and bigger debts?

As a Member mentioned here, the truth of the matter is that some money normally changes hands so that the colonialists can take advantage of our resources. Majority of Kenyans do not get a penny out of it. This is similar to what has been happening to aids and loans. Some few fellows utilize that money and probably ship it back to where it came from. The poor Kenyans - myself included - continue to pay those debts. It is, therefore, high time the education sector sat down with the people in charge of labour and tell us what we need to do to have space technologists in the future. We need to know

what to train them. This is currently lacking and the people who are responsible are actually negligent. Let us not permit this kind of situation to persist.

I support, but let us not just talk; let us walk the talk by making sure that there are enough resources in the budget to execute the recommendations in this Report.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Christopher Omulele, Member of Parliament for Luanda.

**Hon. Omulele:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to speak to this important Motion. From the outset, I would like to state that in this country, we are always looking for resources and yet, it is clear from this Report that we have a gold mine. We have, in fact, been allowing foreigners in the form of Italians to mine it without giving us any form of returns. The only returns they have given to us are basically meager payments in terms of rents. What they give us compared to what they get from the information they get from space is really peanuts.

We also know that Kenyans who apply and get employment in that Centre are actually mistreated and treated as third class citizens. This is really sad. However, I think all is not lost. In this country, our law today is that for any treaty to be signed by the State, it must be brought before this House. It is correct that this Report requires that if any treaty or agreement is to be entered into between our Government, the Government of Italy or any other Government with regard to that Centre, then that treaty or agreement, in its draft form, must be brought before this House for consideration and approval. So, I sit comfortable knowing that any treaty or agreement that will be signed outside the laws of this country will be null and void. It will be quashed in any jurisdiction that it may be taken to. Anybody who is thinking that he can sneak and sign an agreement with the Italians should re-think that.

I have looked at this Report and I realize that, that Centre generates huge amounts of resources in terms of dollars that come in as payment for the data that is sold. I think this Report may have left out one major resource stream. The intellectual property that accrues from the information that is collected in that Centre must be of humongous value. Today, the world is rotating on intellectual property rights the sale of which accrues to many people huge sums of money. We must safeguard this. This Report may have left out that fact and it might be the most important thing that we shall accrue from this.

I know my brothers also want to speak and they have good points to put across. However, I want to congratulate my brother hon. Dr. Otichilo for being so dogged in pursuing this Report. I also thank Eng. Gumbo.

**Hon. Oyugi:** Hon. Temporary Deputy Speaker, I want to support the adoption of this Motion. This Report speaks to all those things that are wrong with our country. Kenya is lacking whereas we have so much resource base. We are talking about Italians who are raking in millions of shilling - if it is true. From what I have heard from hon. Kombe, they make US\$54 billion a year. That amount of money could fund our entire budget!

It goes to the core that the resources of this rich country are either being mismanaged - or not being managed - or the chosen few are raking in Kenya's public resource for their own personal benefits. It is quite interesting. The same is happening in the fishing industry. The people at the Coast are reduced to fishing in boats and small canoes while the big international companies in Kenya's territorial waters export huge

amounts of fish. So, look at it this way: Kenya has resources, but the people benefitting from the resources are not Kenyans themselves. Rather, it is a few individuals and those interesting multi-nationals.

Hon. Temporary Deputy Speaker, I will not speak to the engineering content because my two learned brothers, hon. Eng Gumbo and hon. Eng. Rege, spoke about cyber orbital satellite issues; things I have no understanding of. I will only speak about the legal aspects. The third recommendation is paramount. It is of prime importance to anybody who is moving forward with the San Marco agreement. The fact is that any future agreements with or about San Marco ought to be sanctioned by this Parliament. This cannot be gainsaid because there is a constitutional provision. Anybody who wants to do things in the background should know that constitutional provisions--- They owe it to the Kenyan Constitution that those agreements must be sanctioned through Parliament. That is one of the greatest tenets of the Constitution of Kenya, 2010. It makes Parliament an oversight body and as the one which represents the people's sovereignty. It is the big organ that makes decisions on behalf of the people of Kenya. If, at all, the agreements are sanctioned by Parliament, then you can be sure that we shall ensure that Kenyans will benefit from what they deserve.

I would like to have a juxtaposition of recommendation number 12. The Italian Government gives grants to Jomo Kenyatta University of Agriculture and Technology (JKUAT) in the manner of loans. They are raking in billions of shillings and yet, they are giving us loans. It is supposed to be our right in terms of sharing some of the resources. So, that is the paradox: You take our money, and then give it back to us in form of loans, which poor Kenyans are repaying at very exorbitant interests. This is just wrong! It is illegal! I think it goes against those very tenets of international brotherhood.

On the other recommendation, I would like to speak on the establishment of a cyber space agency. If it is true that, for example, Kenya is exporting all this satellite information but is not benefitting and many Kenyans are trained and qualified, then we may end up, for example, training Kenyans in the wrong things.

Why should we be training Kenyans on paleontology and other kinds of things that they never get jobs for, whereas we can actually benefit from a space agency? I learnt from my friend hon. (Eng.) Rege that, in cyber space and satellite innovation, that is where the future is moving towards. So, we have the resource in Kenya. We ought to be training our youth and the young people on cyber issues. We are concentrating them with general sciences and social sciences which, really, do not have marveling jobs, whereas for example, in just one single centre in Malindi, billions of shillings are being made.

I know it is a Report that generates a lot of interest; I shall just highlight two or more things from these particular recommendations. Some of these recommendations are fairly lean. Look at Recommendation No.11, which says that the Government should ensure that qualified Kenyans are competitively recruited and the management of the Centre should ensure that they adhere to the Kenya labour laws, with regard to employee matters. If it is our right and we are supposed to own the Space Centre, we should not then be talking like we are begging someone. It is supposed to be our right in terms of what we do with the Centre. The conditions of young or old Kenyans employed there should be those that are in line with Kenyan laws and nothing to do with Italian laws.

Kenya should stop being really nice at our own expense and, if, indeed, it is true, we really need to move forward and develop university programmes in space science. That will enhance training of Kenyans in that particular field. That will be a new front in terms of giving Kenyans employment.

The last thing I would like to speak to is the status of the constituents of my very good friend, hon. Kombe. The truth is that the residents of Magarini are amongst the poorest in Kenya. If the San Marco Space Application Centre is based next to Magarini, the residents there are not getting anything back from what they are hosting. It is illegal and goes counter to anything else that could be discussed, even under the principles of international law. Even if the Italians had a heart, at least, they should be reasoning. If they do not want to give the money to Kenyans or the Kenyan Government, at least, they should use it to empower the people of Magarini.

I really think that the best we can do for Kenya and for prosperity is to adopt this particular Report, and ensure that any future agreements are done and concluded under the provisions of the Kenya Constitution, 2010. Agreements must be sanctioned by Parliament, so that Kenyans can reap the benefits.

Two, there should be a quick establishment of a cyber space agency, so that it can monitor and control the San Marco Space Application Centre. It will help in facilitating the training of young Kenyans on cyber space issues.

Thirdly, perhaps, there should be a re-negotiation of the agreement with the Italians so that they do not really give us money in terms of loans, but in terms of what the Leader of the Majority Party called reparations. That is because when you look at Recommendation No.2, they have been getting loads of money in third party agreements. We do not even know how much we are owed. If we do not know how much we are owed, why should we pay what we allegedly owe them? I really think if we moved in that particular way, we will be benefiting from that which is within our soil. We will be making sure that Kenyans reap from their resources and, that way, we will move forward.

With those few remarks, I thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Hon. Sakaja Johnson.

**Hon. Sakaja:** Thank you, hon. Temporary Deputy Speaker. I do realize that, maybe, it was difficult to spot me because I am on this other side, seated on the Leader of the Minority Party seat for the interest of national dialogue and we are doing very well with my neighbour, hon. (Eng.) Gumbo.

These are some of the things that really get me annoyed and it is quite disheartening that, 50 years after Independence, we still act and behave as if we are still in bondage. For those of us who keep goats, we know that if you tie a goat to a tree for a couple of days, the time you remove that rope, that goat will never move out of that radius. That is because it will think that it is still bound there. 50 years ago, this country gained independence. We got emancipation from the shackles of colonialism. But it looks like what we got really was physical independence from visible shackles, where the white man left but we are still mentally in bondage as a country.

50 years after Independence, it is time that we now emancipate ourselves. I do not know if it is within the Standing Orders to quote singers like Bobby Marley but, in his redemption song, he says: "Emancipate yourselves from mental slavery. None but



yourselves can free your minds.” We think that the freedom we got was also mental but it is not. It beats all logic why such agreements are entered into and extended while Kenyans are not leaping from the benefits of our natural blessings from God.

The strategic position is that this country is on the Equator. With respect to such satellite work, it is nothing we asked for. God gave it to us, but we do not reap any benefits. In any case, the people of Magarini remain as some of the poorest Kenyans we have in this country. It is disheartening. That is why I fully support this Report. I am sure you are aware that this country is grappling with a lot of economic issues. We have been trying to discuss the wage bill, saying that we have too many people in the Civil Service or the salaries are too high. I have always disagreed with that debate because the only reason we think we have too many people to pay is because we are collecting too little as a country because of corruption.

A study was recently conducted by one of the big five accounting firms - probably PriceWaterHouseCoopers (PWC) or KPMG. That study states that Kenya, annually, has a potential of collecting Kshs.2 trillion a year. We get excited when KRA announces Kshs.600 million and because of that problem, we can never move beyond. We will just be as if we are on a trend mill sweating, but we will not move an inch as a country. It is time His Excellency the President of this country, Uhuru Kenyatta, puts his foot down and does not accept that contract to be renewed at all.

For many Kenyans, despite having one of the best strategically placed Space Centre in the world, when you talk about cyber optic, all they know is cyber café. Cyber is internet. They do not know what we have. I am informed that we have launched two rockets from Magarini and yet, Kenya is still paying for the access to data. That Centre gives us, on top of the rockets, other information such as weather and we are paying them. So, when my friend, hon. Agostino Neto, who is a very active Member of KYPA says that Kenya has been too nice, I do not think we have been nice. We have been stupid! We have actually refused to use our mental faculties as a country.

It is just that we have hon. Members like Dr. Otichilo, hon. (Eng) Gumbo and hon. (Eng) Rege, who have brought this issue. There are many other such useless contracts that we keep on renewing in this country, and we must put an end to it once and for all. We are struggling to give young Kenyans Kshs6 billion through the *Uwezo* Fund to help them economically. We are mired in deep poverty and we could be raising more than Kshs5 trillion in this country just by claiming what is rightfully ours as a country. It is totally absurd and wrong.

Hon. Temporary Deputy Speaker, we must acknowledge the fact that, in as much as--- That is because, as Members, we have the capacity. But even if we may not have the full capacity, we can hire the same people to do that work. But the problem is the revenue. I am amazed to learn that if a rocket is launched in the United States of America (USA), they call here and ask: “Have you seen it?” They call Magarini and ask: “*Mumeiona?*” “Has it passed there?” If a rocket is being launched by the Russians, they call and ask: “*Iko?*” This is despite the fact that we are getting nothing from it.

Hon. Temporary Deputy Speaker, I am speaking from a position of information that there have been some attempts by the Italians to try to even delay the debate in this House. I am not sure if you are aware. But that is something that I am willing to substantiate at any one time. They tried to actually stifle this particular debate saying:

“You wait until we extend the new contract.” I do not know who has been renewing that contract and who pays him.

**Hon. Members:** The dark forces.

**Hon. Sakaja:** I do not know. Who does he represent? Somebody said that usually, when there is handover in the military, the first file that is handed over is the one of San Marco. I always thought the Italians are in Mombasa because we have nice sunny beaches and they enjoy the weather, but there is something.

Hon. Temporary Deputy Speaker, I would like to state that this National Assembly must stand with Kenyans. It must protect the sovereignty of this country. It must display its patriotism by refusing to extend any such contract. The Report is very lenient in saying that: “Any other such agreement should come through Parliament.” We should not have any other such agreement. I believe we should build our capacity. We should run the space centre and let Kenyans benefit from the technology that we have.

I am sure we have trained very many scientists and engineers. It is also very sad. Hon. (Eng.) Gumbo has told me that a Kenyan engineer at San Marco is earning less than a tenth of an Italian technician and yet, we walk proud that we are a free sovereign country. Is it apartheid, racism or plain stupidity on our part?

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Sakaja, do you accept his point of information?

**Hon. Sakaja:** I accept but let him make it quickly.

**Hon. Kombe:** Thank you, hon. Temporary Deputy Speaker. I just wish to inform the House that I personally worked at that station and I used to be paid Kshs6 per day at a time when the Italian Government knew we were earning Kshs260 per day. It is pathetic.

**Hon. Sakaja:** Hon. Speaker, he is even making it worse. I thought it was ten per cent. The money he was being paid is much less than that amount of money! Let us put an end to it.

The Report recommends that: “The space station should not be administered by the Department of Defence (DOD).” In as much as I agree with that, I do not think the Ministry of Education, Science and Technology is the place to administer it. That is because that Ministry has also been mired in so much corruption for many years and we know it is the most rotten Ministry in this country. If that space station leaves DoD, I think it should be administered by the Ministry in charge of Information, Communications and Technology. That is where it needs to be.

With those few remarks, I support. Nigeria, Algeria, South Africa and Egypt, of all countries, have such a space centre.

**Hon. G.W. Omondi:** Hon. Temporary Deputy Speaker, from the outset, we can see what has been happening in this country. This seems to be the beginning of Anglo Leasings and Goldenbergs. I do not think that has been done by Italians alone. There are Kenyans involved in that corruption. My worry is this: Once we get this asset back, are we going to stop there? The people who have been involved in signing, re-signing and extending the contract of that space agency must be brought to book. The other thing that we are going to demand is this: The experts who understand that field should come up with figures and show us what we have lost. That is possible from the information that has been given here. They should show us the earnings per year, the launchings that have

been done there and the fees that have been paid by the French. Some accounts could be done. They may not be accurate, but let them be brought to this House, so that we can know what Kenya has lost.

As other contributors have said, it is not just that resource that we are losing. Recently, when I went to Mbita, I got interested to go and see how the fishermen were selling fish. To my surprise, the people I found selling fish were Africans who could not speak any Kiswahili or English. They were selling fish to the fish processors. It is true that this is happening all over the country. It is high time that the Ethics and Anti-Corruption Commission moves in and identifies the assets of this country that are being used by foreigners in collusion with Kenyans. This is not a small thing. I would recommend that hon. Otichilo gets security because Italians are no jokes. Hon. Otichilo has pushed this single-handedly and the Italians are watching him. They are going to lose this very lucrative business and so, he needs Government protection while we move to take this out of the Italian hands.

The other thing is that we have exposed ourselves too much. What have those people not seen? They have even been monitoring our President from where he is sleeping. With a space satellite, you can do anything. They pass information to our enemies. So, I support this Motion. But I am saying that getting the asset back should not be the last thing. We should know how much we have lost through that space agency.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Sakaja, you know the process of information; that is, if you have some information to give to the hon. Member. Hon. Omondi, do you want to be informed?

**Hon. G.W. Omondi:** Yes, if it is fruitful.

**Hon. Sakaja:** On a point of information, hon. Temporary Deputy Speaker. I just wanted to enrich his last comment that we need to know how much we are owed. However, we should not leave it there. They also need to pay us back the amount of money for all those years.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Is it an argument or a point of information, hon. Sakaja?

**Hon. Sakaja:** It is information. I am informing him of what I am thinking. They need to pay us back.

**Hon. G.W. Omondi:** Hon. Temporary Deputy Speaker, I agree with hon. Sakaja. That is the point I was missing. After getting how much they have looted, we should demand it from the Italian Government.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. You will have a balance of seven minutes, hon. Omondi.

## ADJOURNMENT

Hon. Members, the time now is 6.30 p.m. It is time to interrupt the business of the House. This House stands adjourned until tomorrow, Thursday, 12<sup>th</sup> June, 2014, at 2.30 p.m.

The House rose at 6.30 p.m.