

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd April, 2014

The House met at 2.30 p.m.

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

PETITION

DEPLOYMENT OF WILLIAM LANGAT TO MINISTRY OF INDUSTRIALIZATION

Hon. Tonui: Thank you, hon. Speaker. I have a petition on behalf of the undersigned petitioners whose names I am going to read at the end of this. However, I want to draw the attention of Parliament to the following:

This is a Petition to Parliament on deployment of one William Langat, Registrar of Trade Unions to the Ministry of Industrialization and Enterprise Development by hon. Kazungu Kambi.

The background of this Petition is that William Langat was appointed the Registrar of Trade Unions through Gazette Notice No.12355 on 18th November, 2009 by hon. John Munyes, the then Minister for Labour. The appointment was done pursuant to Section 31 of the Labour Institutions Act, 2007 which is anchored on Labour Institutions Act and which provides that, “The Minister shall appoint a Registrar of Trade Unions who shall be responsible for the registration and regulation of trade unions, employers’ organizations and federations. The Minister may appoint a deputy registrar of trade unions, assistant registrar of trade unions and such other officers as may be required for the purposes of this Act”.

Hon. Speaker, I know it is a bit long, but because it is something major I hope you will give me adequate time to go through the whole of it. Again, it is not mine; rather I am doing this on behalf of the petitioners.

Hon. Speaker: Where possible you can summarize some of the issues.

Hon. Tonui: You know I am a mathematician and I never learned summary.

Hon. Speaker: Well, we may have to teach you how to summarize, but proceed. So far you are doing well.

Hon. Tonui: Thank you, hon. Speaker. The appointment of William Langat as the Registrar of Trade Unions was effected in accordance with the law and he had served in the aforesaid position until 26th February, 2014 when he was transferred to the Ministry of Industrialization and Enterprise Development at the instigation of the Cabinet Secretary for Ministry of Labour, Social Security and Services as a legal officer. He was transferred to the Ministry of Industrialization and Enterprise Development while his appointment as Registrar of Trade Unions subsisted, thereby creating an anomaly and confusion as the officer is deemed to hold the same position in two Ministries. In his

place, the Cabinet Secretary purported to appoint one Elizabeth Nyambura Gicheha, a former Senior Lands Registration Officer.

It is our contention that the Cabinet Secretary has violated or breached the law because the position was not degazetted. The petitioners are registered officials drawn from various trade unions across the country. The petitioners are aggrieved by the decision of the Cabinet Secretary to oust the previous Registrar of Trade Unions in blatant violation of the Labour Institutions Act and the Constitution of Kenya.

With regard to the events leading to the present application, on or about 5th February, 2014, Mr. William Langat was summoned by the Cabinet Secretary, hon. Kazungu Kambi to his office and when he arrived there he found Messrs. Kanyamba Njeru, Mark Spinks Okello and Maurice Orimbo all of whom were known to him. He knew them as members of the Aviation and Airport Services Workers Union (herein referred to as (AASWU) except Kanyamba whom he had known as the former Secretary General of KUPPET. Upon arriving at the Cabinet Secretary's office, the Cabinet Secretary gave him Form Q (it is a notice of change of names of titles of officials of the union made under Section 35 of the Labour Relations Act, 2007) which had been presented to the Cabinet Secretary by the above named persons. He was ordered by the Cabinet Secretary to go and effect the necessary changes contained in Form Q. Mr. Langat took the documents and offered to study them and promised to inform the Cabinet Secretary of his findings and whether the said documents complied with the law.

On or about 17th February, 2014, Mr. Langat was once again summoned by the Cabinet Secretary, hon. Kambi to his office. Upon arrival, he found Mr. Wilson Sossion talking with Mr. Kambi. During the time they were in the office, Mr. Sossion pleaded with Mr. Langat to register Form Q submitted to him through the Cabinet Secretary, whether or not there were irregularities against the changes. Mr. Sossion intimated to Mr. Langat that by registering Kanyamba, he would be assisting him wrestle AASWU from COTU to PUSSETU where Sossion has an interest.

Contrary to Sossion's expectation, Mr. Langat dismissed Form Q on 26th February, 2014 upon establishing that the changes did not comply with the law and the Union's constitution. That is how he was removed from that position on the same day. We know that is a very sensitive office which requires someone who is very independent. It is a position which can deregister or register a union. So, it is very risky to place somebody who is politically influenced.

Hon. Speaker, I believe I may have to skip some pages of this Petition. I will now go to Page 6 because that is where the matters about the person this Petition is targeting are.

Hon. Speaker: Go to (g). Read from (g) now.

Hon. Tonui: Why do you not allow me to deal with that issue of abuse of office by the Cabinet Secretary?

Hon. Speaker: No! No! It is taking forever. You know you are 349 Members in this House, including those who are absent without leave of the Speaker.

Hon. Tonui: Hon. Speaker, mine does not have (g).

Hon. Speaker: Can you go to abuse of office?

Hon. Tonui: And then the prayers.

Hon. Speaker: Hon. Tonui, you said that you are a mathematician so you may clearly be having these structural difficulties.

Hon. Tonui: Hon. Speaker, abuse of office by the Cabinet Secretary: The Office of the Registrar of Trade Unions is key in the stability of labour movement in the country and any interference with its independence shall be a recipe for confusion, chaos and endless court battles. The Cabinet Secretary has failed, in that he did not seek the directions of the Public Service Commission and/or the National Labour Board on the appointment/removal or transfer of the Registrar of Trade Unions. The Cabinet Secretary has meddled in the affairs of the office of the Registrar of Trade Union. He has never held or attended any meeting of the National Labour Board and has on various occasions interfered with the independence of the said office.

The Cabinet Secretary directed the Registrar of Trade Unions to effect changes unprocedurally and upon refusal he ensured that he vacated office without following due process.

The Cabinet Secretary directed his Principal Secretary to ensure that William Kibet Langat vacates the office of Registrar of Trade Unions with immediate effect. The Cabinet Secretary's purported appointment of the new Registrar without degazettment or revocation of the appointment of William Kibet Langat is a nullity *ab initio* and is of no legal consequence or effect.

The Cabinet Secretary has brought the office of the Cabinet Secretary to disrepute and his decisions for the period of less than a year in the Ministry has led and continues to lead to confusion, chaos, and massive loss of public trust in the institutions under his Ministry.

The prayers to this Parliament are the following:-

A declaration that the transfer of Mr. William Lang'at---

Hon. Speaker: Hon. Tonui can you read (g) also for the benefit of Members.

Hon. Tonui: Qualifications?

Hon. Speaker: Yes.

Hon. Tonui: That one on qualifications?

Hon. Speaker: Yes.

Hon. Tonui: Okay. I thought I could spare him because that one has been in public domain. They may be aware.

Hon. Speaker: Hon. Tonui, you are presenting the Petition in Parliament and not in a public rally.

(Laughter)

Hon. Tonui: Thank you, hon. Speaker. This is on qualification and lack of integrity on the part of the Cabinet Secretary.

The qualifications of hon. Kazungu Kambi have been raised in various forums and to date he has never produced his original academic certificates for scrutiny. He has no known experience to run public affairs and he has failed to live to the expectations of his oath of office and to uphold the Constitution of Kenya.

That an attempt has been made by the undersigned petitioners to have the matter resolved by the Cabinet Secretary himself by calling upon him to accord them a hearing

and to rescind his decision but to no avail. There is no suit pending before the court of law by these petitioners. There have been no previous proceedings between the petitioners and the Cabinet Secretary over the same subject matter herein save for the application for intervention pending before the office of the Ombudsman of which no response has been received.

The prayers to this Parliament are this: A declaration that the transfer of Mr. William Lang'at as the Registrar of Trade Unions was irregular, a nullity, devoid of merit and not backed by any law.

A declaration that the appointment of Elizabeth Nyambura Gicheha as the Registrar of Trade Unions was irregular, a nullity, devoid of merit and not backed by any law and so be revoked. This was through a letter while the other one was existing through a Gazette notice which has not been degazetted.

Hon. Speaker: Proceed. It is not---

Hon. Tonui: It is so that I convince them, hon. Speaker.

Hon. Speaker: You will go to explain the greater details before the Committee.

Hon. Tonui: Hon. Speaker, a declaration that Mr. William Langat be reinstated to his former position and he continues to serve as the Registrar of Trade Unions.

Lastly, a declaration that the Cabinet Secretary, Mr. Kazungu Kambi, has grossly abused his powers and should be censured

That is the end. It is signed by the petitioners and the list is attached. I would like to urge my colleagues--- Hon. Speaker, I hope you will allow them to make one or two comments.

Hon. Speaker: Hon. Tonui, I would have been sympathetic had you not taken so much time prosecuting it. The best thing will be for it to be dealt with now at the Committee level. A report will be brought here for the entire plenary to debate. Only this one issue has taken close to 20 minutes of Parliament's time. Surely, Parliament would not be spending its time optimally.

Hon. Tonui: Hon. Speaker, I am directed, but remember it is very important business. That office of Registrar of Trade Unions is a very powerful office. It can deregister a union. You see these fellows who are ever on the screens like Atwoli and others, the Registrar of Trade Unions can decide to deregister those unions and those people will be jobless and those things will not be existing. That is why it is so critical that we make some comments on this thing. It is a major issue. It is not a small issue. That office needs to be independent. It needs somebody who can be trusted.

Hon. Speaker: Hon. Tonui, you had completed presenting the Petition and you had requested that I allow one or two Members to make comments.

Hon. Tonui: Thank you, hon. Speaker. Allow me to table this Petition.

Hon. Speaker: The Petition is already tabled and that is why I have a copy here. It is approved by me. I will allow one or two Members to comment, but not the ones raising hands.

(Laughter)

Hon. Ng'ongo: Hon. Speaker, while supporting the Petition presented by my colleague regarding these arbitrary transfers and sometimes even sackings especially with

regard to this Minister who also happens to be my friend and the first Minister I have seen registering trade unions in this country, I thought that as a matter of fact trade unions are a nuisance to Government. However, for the first time in the history of this world – I do not think it has happened anywhere in the world – we are seeing Cabinet Secretaries led by my friend Kazungu Kambi registering a trade union.

This is a Cabinet Secretary who needs to be reined in so that he is brought back to understand what is expected of him. There is a kind of a rogue behavior that many Cabinet Secretaries are getting involved in, including campaigning in Othaya.

(Laughter)

I want to thank the people of Othaya for rejecting that kind of misbehavior yesterday.

Hon. Speaker: Hon. Members, I can see a number of people who have made requests here. I will not see people walking around the gangways the way they wish. You have no permission to---

You will deal with this issue because it is coming to your Committee. Allow hon. Elmi a chance to say something.

Hon. Elmi: Hon. Speaker, I am sure that when it reaches the Committee, it will, on behalf of this House, critically look at what the Petition has raised. I do not know whether I heard right. The hon. Member is petitioning that the Minister be censured for transferring Mr. Lang'at and if he did so, it means that he has the power to transfer his staff. That just worried me. We hope the Committee will look at it properly and bring to the House something that we can vote on.

Hon. Speaker: The Petition is referred to the Departmental Committee on Labour and Social Welfare.

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Wednesday, 23rd April, 2014:-

Annual Report and Financial Statements of the Public Service Commission (PSC) for the year ended 30th June, 2013 and the certificate of the Auditor-General therein.

Annual Report and Financial Statements of the Privatisation Commission for the year ended 30th June, 2013 and the certificate of the Auditor-General therein.

The Half Year Budget Implementation Review Report for 2013/2014 from the Office of the Controller of Budget.

The Report of the Auditor-General and the Financial Statements of the Kenya Trade Network Agency for the year ended 30th June, 2013 and the certificate of the Auditor-General therein.

The Report of the Auditor-General and the Financial Statements of the Development Bank of Kenya for the year ended 31st December, 2013 and the certificate of the Auditor-General therein.

Hon. Ng'ongo: On a point of order, hon. Speaker.

Hon. Speaker: What is out of order?

Hon. Ng'ongo: Hon. Speaker, I have listened to the Leader of Majority Party but I was just wondering because Article 226(4) of the Constitution requires that the accounts of the Auditor-General shall be audited and reported on by a professionally qualified accountant appointed by the National Assembly. We appoint an accountant to audit the Office of the Auditor-General. I have never heard of accounts of the Auditor-General's Office being brought to this House. I wanted to find out from the Leader of Majority Party: Is he aware that he is supposed to give us this report? If he is aware, when will we have that report?

Hon. Speaker: A report on the Auditor-General's Office accounts. Hon. A.B. Duale, are you in a position to respond or should we leave that to hon. Namwamba who has some Paper to lay?

Hon. A.B. Duale: Hon. Speaker, yes, I will consult. I am sure my colleague, hon. Namwamba, will give an answer. I will also consult the Parliamentary Service Commission to make sure that, that report is availed. It is valid. We must have that independent audit report on the Office of the Auditor-General. It has been long but I am sure the Chairman of the Public Accounts Committee (PAC) will add his voice to it as he deals with the document from the Auditor-General.

Hon. Speaker: I think it is an important issue that hon. Ng'ongo has raised because the Office of the Auditor-General is also required to be audited and the report on it be tabled before this House.

Hon. Cheptumo: Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, Wednesday, 23rd April, 2014:-

The Report of the Joint Committee on Delegated Legislation of the Select Committee on the Constituencies Development Fund (CDF) on its consideration of the CDF Regulations 2014.

Hon. Ababu: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 23rd April, 2014:-

Report of the PAC on the Hire of Aircraft for the Deputy President for a Tour of Four African Nations in May 2013.

This is a report that has been baptized the "Hustler's Jet Inquiry". Copies of this report have already been dispatched to the Speaker, the Deputy Speaker, the Leader of Majority Party, the Leader of the Minority Party, the Clerk, the HANSARD Editor, the HANSARD Reporters and it is now available for public consumption. Will you just indulge me a moment as I lay this report on the table of the House to really, in the strongest terms possible, rebuke individuals who have engaged in speculation and rumour-mongering around this report and have purported to discuss this report in sections of the media before it is tabled here. The Committee wishes to say from the outset that it is not party to that speculation, rumour-mongering and the leakage of this report; and that this report is becoming public for the first time right now.

Hon. A.B. Duale: On a point of order, hon. Speaker. What I wanted to say is what the Chair purportedly decided to preempt. This is a serious matter. Last week when you were away, the report of this Committee was carried by one of the dailies on its top headlines for two consecutive days. I want the House to listen to me very kindly. The first day it carried the report. The second day, it carried the same report with recommendations. Standing Order No.199(6) talks of a report of a Select Committee to

be tabled before the House once that report has been adopted by the Committee within 14 days. I need direction before this report comes for debate. First, are we debating the report that was tabled to the public by the *Standard* Media Group? It is a public document. If the report the Chair is tabling now is the same as that report word for word, a report of a Committee of Parliament as per the Standing Orders becomes a public document from the day it is tabled on the Floor of the House.

(Applause)

When you were away, the Deputy Leader raised serious matters concerning how we run Committees. This becomes a very good statement that can now be used by those who wanted to vilify the Deputy Leader of the Minority Party. We want to know when this report was adopted. If it was adopted before the House went on recess, then the question that begs is: Why was this report kept and not tabled? Secondly, the staff of Parliament of that Committee and the Members of that Committee, whom I had the privilege to talk to, some of them owe us an explanation as to how a report of a Committee of the House can be published by a media house before it has been tabled here. So, to set a tradition, it is more than one year and ---

(An hon. Member crossed the Floor without bowing)

Hon. Speaker: What are you doing? You must know that this is a House of decorum. You are walking here like a goat.'

Hon. A.B. Duale: So, hon. Speaker, I have nothing against the Committee but I want fundamental questions to be answered. I want your guidance and I want you to give direction that the report the Chair has tabled is the same report that the newspaper carried. Secondly, when was this report adopted?

If it was adopted before we went on the short recess and today it is being tabled, what was the timeline as per Standing Order No. 199? We must protect the integrity of Parliament. The Clerk and the staff of that committee must be held accountable. They must be reprimanded and asked who leaked this Report. Secondly, members of the Oversight Committee must also come out clearly and say, among the Committee members, who leaked this Report either in its entirety or partially, before it was tabled. It is about the integrity of Parliament and I want you to give direction.

Hon. Speaker: Hon. Ababu.

Hon. Ababu: Hon. Speaker, before I respond to the obviously potent matters that have been raised by the Leader of Majority Party, first of all, I wish to raise a procedural matter because I highly doubt that at the stage of merely laying this Report on the Table of the House, we can engage in any debate whatsoever on it. I do believe, with utmost due respect to the Leader of Majority Party, that these issues can be sufficiently prosecuted at the time when the Motion is properly before the House. At that stage, these issues can be raised. But having raised that procedural issue, let me also say that, as a Committee, we have been exceedingly offended. I have mentioned this unaware that the Leader of Majority Party intended to raise this matter. I was completely not aware. So, this was not in anticipation whatsoever of him raising this matter. We have been very

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offended on three separate occasions after those media reports came out, hon. Speaker. The Committee has taken time to discuss this matter and even this morning, before this Report was tabled in this House, the Committee discussed this matter and has taken a very strong view against anybody, whether it is a member of the Committee, a staffer from the Clerk's Office or those who work in the Photocopy Department that produces copies of this Report. We have taken a very strong stand against any attempt to leak sections of this Report.

At the same time, it would be wrong to say that the Report that we have tabled in this House right now is the speculation that has been published in the newspapers. We are a House of rules; we are a House of records but, at the same time, we cannot stop the media from speculating. The media will always engage in speculation and this is not the first time. I remember when I was the Chairman of the Committee on Justice and Legal Affairs, there was a time when my Committee was seized of a very serious matter, touching on the appointment of some key constitutional offices; Office of the Chief Justice, Office of the Attorney-General, Office of the Director of Public Prosecutions. Every single day, in the course of debate on that matter, in the course of our retreat at Windsor, while deliberating on the report, the media kept on speculating and reporting widely on our deliberations. We cannot prevent the media from speculating. All we can do is to exercise diligence and I want to assure this House that the Public Accounts Committee has exercised due diligence. We have been careful not to release even a scrap of paper relating to this matter while we were discussing it. This Committee will definitely get to the root source of this leakage, rumour-mongering or speculation on this Report. I assure this House on the integrity and the sanctity of the Report that we have just tabled.

Thank you.

Hon. Speaker: Hon Members, there is no debate. I do not require to be addressed by so many of you. The issues raised are very straight forward. But just to make a correction, any Member is permitted by your own standing Orders. It is like the Bible. People read the Bible and the Quran year in, year out because they must keep reminding themselves and refreshing their faith. Similarly, Members of Parliament are required to regularly and repeatedly read the Standing Orders. Any Member has a right to rise in his or her place and claim to be rising on a point of order. It is only after they have risen and gotten the chance that the Speaker is then able to decide whether what was raised is really a point of order or not. There is really nothing wrong with the Leader of Majority Party raising the issue as he did. The issue raised by the Leader of Majority Party touching on the staff of Parliament as possible culprits is a serious one. I need to make it clear that we will be dealing with issues of staff. But I am aware, by and large, that the staff of the Parliamentary Service Commission servicing committees of this House has, by and large, been very faithful to the rules and especially, those ones that are dealing with disclosure of deliberations in committees. I will, however, look at what was in the newspaper. That is because I was, myself, not in the country and so, I have not read what was in that particular newspaper to confirm whether it is verbatim or near verbatim recording of the Report. But I have read the Report myself since it was presented to me yesterday. I have looked at the recommendations and, therefore, it would be necessary for me to read what was reported in the papers to make a decision one way or the other,

before the debate on this Report commences. Therefore, there is nothing out of order for hon. Ababu to lay the Report. That is perfect; I will look at what was reported in the said newspaper. Next Order!

NOTICES OF MOTIONS

ADOPTION OF REPORT ON CDF REGULATIONS

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

THAT, this House adopts the Report of the Joint Committee on Delegated Legislation of the Select Committee on Constituencies Development Fund on its consideration of the Constituency Development Fund Regulations 2014 laid on the Table of the House today 23rd April, 2014.

HIRE OF AIRCRAFT FOR DEPUTY PRESIDENT

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

THAT, this House adopts the Report of the Public Accounts Committee on Hire of Aircraft for the Deputy President for a Tour of African Nations in May 2013, also known as the “Hustler’s Jet Inquiry” laid on the Table of the House on Wednesday, 23rd April, 2014.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, there is a short communication relating to the Parliamentary Prayer group. The Parliamentary Prayer Fellowship Group shall host the Kenya National Prayer Breakfast on Thursday 29th May, 2014 at Safari Park Hotel, Nairobi. It is expected that over 1,500 guests shall be in attendance from within the country and outside. That Prayer Breakfast is an inter-denominational prayer meeting solely sponsored by Members of Parliament. All Members of the National Assembly shall soon be receiving invitations to that event and are requested to confirm attendance in order to facilitate sitting arrangement to the Chief Public Relations Officer on or before Friday, 23rd May, 2014. You are also requested to make contributions towards the course. For further information on the event, hon. Members, I ask you to contact hon. Clement Wambugu, Member for Mathioya Constituency.

REQUESTS FOR STATEMENTS

INVITATION OF HON. RAILA TO BOSTON UNIVERSITY LEADERSHIP PROGRAMME

Hon. Speaker: Hon. Gitari

Hon. Gitari: Thank you, hon. Speaker. Pursuant to Standing Order No. 44(2)(c), I wish to seek a Statement from the Leader of Majority Party regarding the recent travel

by the former Prime Minister to Boston University for former Africa Politician Leaders Programme. Boston University-based programme is meant for formerly elected Heads of State and those who have since retired from politics. The former Prime Minister has never been a head of state except having shared power with the former President. In the Statement, the Leader of Majority Party should clarify the following:-

- (i) the status that qualify the former Prime Minister to attend the Boston University-based programme, being a programme for former elected Heads of State; and
- (ii) confirm whether it is now formal that the former Prime Minister has retired from elective politics and therefore restricted from participating in politics and holding a political office in future.

Hon. Speaker, now that the advisors of the former Prime Minister, the likes of hon. Kaluma and hon. Ababu have advised him to extend his stay by an extra month, would I be in order to ask my good friend the hon. Member for Kibra, hon. Okoth, as asked by his constituents, to tender his resignation so that when former Prime Minister comes back after one month, he can find his way back to Parliament? Hon. Mbadi admitted in the media yesterday that the Minority side has really failed; so that he can come and organize them! Thank you.

(Laughter)

Hon. Speaker: We can only have response from the Leader of Majority Party because there has not been any formal request to hon. Okoth. You are an hon. Member of Parliament.

Hon. A.B. Duale: Hon. Speaker, this matter is very private. The only person who can give me very critical answer is my good friend, the former Prime Minister. I can only bring the answer when he is back to the country. I need to get to have a session with him. I need to sit with him because this is a private matter. It has nothing to do with the Government. The Ministry of Foreign Affairs cannot give me an answer. I will have the opportunity to either have lunch or go to his house. He is my old friend. He will tell me about this leadership programme and the others.

The one on Kibra Constituency, I am not able to bring an answer because that is a different matter from the visit of the Prime Minister. I want to urge the hon. Speaker that, when Statements are being signed to the Leader of Majority Party, some should not be sent to me. This is a private Statement. I will seek your indulgence. I will go with hon. Gitari when I am having a chat with the former Prime Minister. The way hon. Members are called to meetings of Cabinet Ministers, I will also invite him to the meeting. I will pay for the tea or the former Prime Minister will pay the tea on our behalf. Wait until he is back, we can even go to the airport and welcome him so that we finish our business there.

Thank you.

Hon. Speaker: Hon. Gitari, the answer cannot come immediately.

Hon. Gitari: I surely agree with the Majority Leader but I can assure you that I will not be part of you when you are going to the airport to get the Prime Minister back to the country. I was asking - just a thought - why can we not be sponsored by Parliament to go and look for him with the Majority Leader immediately?

(Laughter)

Hon. Speaker: No! No! All of you have not been named! Let me first recognize hon. Okoth who has been named. It is only fair that I allow him to say something. The hon. Mbadi has not been named in this one. Hon. Okoth!

Hon. Okoth: Hon. Speaker, I think it was not in order for him to mention my name in the manner that he did. It is disrespectful to the members of Kibra Constituency who voted me in and the whole tone of his request has been absolutely disrespectful in an African culture where we, as leaders, should set a good example to our young people. Here we are asking frivolous questions that are disrespectful to an elder; a Statesman who has contributed so much to democracy in this country. Raila Amolo Odinga is not your agemate. Show some respect. Behave yourself and we are not here to be abused or our leader that we love to be abused. Thank you, hon. Duale for the honourable response you have given. I salute you.

Hon. Speaker: Hon. Simiyu Eseli

Hon. (Dr.) Simiyu: On a point of order, hon. Speaker. We, as hon. Members, are allowed to ask for Statements to clarify certain matters that will be of use to our constituents or Kenyans in general. I do not know where we draw the line that anybody can rise up and ask for such a Statement, as hon. Gitari has asked which appears to have been playing to some political tune rather than actually dissecting any important issue that will help this country move forward or his constituents, for that matter. To include an hon. Member like the hon. Leader of Majority Party in such an issue, which I believe is a game that the hon. Member is playing, is not proper. I believe that perhaps you might need to put your foot down so that they do not bring such frivolous Statements requests, so that Parliament can actually move forward with dignity. This is a House of dignity. If we put forward things that appear to reduce the dignity of other people, I think that is very unfair.

Thank you.

Hon. Speaker: Hon. Mbadi.

Hon. Ng'ongo: Thank you, hon. Speaker. First, I want to confirm that I have never mentioned anywhere that the Opposition has failed. I think hon. Gitari has a problem understanding clean English from the lake. I also wanted to just echo what hon. Eseli had said. I expect our Clerks to advise hon. Members who have refused to learn, like hon. Gitari that there is content of Statements that needs to be sought so that when you approve these Statements, they make sense. What hon. Gitari has presented to us this afternoon was I think meant to annoy some of us. I just want to request our colleagues---

Hon. Speaker: Now that you may be annoyed, you must say something in sobriety.

Hon. Ng'ongo: So, hon. Speaker I have actually been restraining myself from being annoyed. I want to just plead with our colleagues from the other side, especially hon. Gitari that you need to show respect to some of the leaders of this country who have made a contribution. You may not agree with the contributions made, but they are serious. You have never heard us talking the way you are talking about the former President Mwai Kibaki. We do not even talk the way you have spoken about Raila when

we refer to the current President. Please respect others and we will respect you. I think your Statement was in bad taste. I would just urge that such Statements are never approved in future because you are polarizing the politics of this country for nothing. Hon. Gitari has a lot of issues in Kirinyaga that he is supposed to raise, but I have never heard him raise any substantive issue.

Hon. Speaker: Yes, hon. Ababu Namwamba. Remember it is only the Members whom I mentioned. Hon. Members, I know we all want to say something in support, in defence or in praise. That is why I am picking on hon. Ababu Namwamba, hon. Okoth and hon. John Mbadi.

Yes, hon. Ababu.

Hon. Ababu: Thank you, hon. Speaker. First of all, allow me to commend the Leader of Majority Party for the very mature manner in which he has dealt with this matter. I think that is the kind of leadership that we want to see in this House. This is a House of honour and decorum. This is a House that is charged with the ultimate responsibility of reflecting the very best of our country. This is not a House where you play frivolous and nebulous games.

Hon. Speaker, there is a gentleman called “Robert Greene” who wrote a little book called “*The Forty Eight Laws of Power*”. Law No.28 in that book advises that if you want to make a name for yourself then attack a great man because every time you attack a great man, you attract some attention to yourself.

Hon. Speaker, there are persons like my very good friend, hon. Gitari who have made a career out of attacking the person and the character of Raila Amolo Odinga in the hope that, that can sort of wear off and give them some moment of glory in the sun and it is unacceptable. However, my concern is that as a House, we need to set some rules that protect the dignity and decorum of this House.

We have the Office of the Clerk which is supposed to screen some requests for statements that come to this House. I am struggling to understand how the Statement that has been sought by hon. Gitari passed the very able hands of the Office of the Clerk to be brought to you, hon. Speaker for approval.

Having said that, we need to lay this bare and perhaps clear the air for eternity. It is not in doubt that hon. Raila Amolo Odinga shared power with hon. (Rtd.) President Mwai Kibaki. In sharing power, they were actually co-principals. The National Accord or the law which we incorporated in the Constitution of this Republic is clear about the status of the two great men that shepherded this country during that very difficult time. To continue repeatedly attempting to water down or to diminish the role played by hon. Raila Amolo Odinga is unacceptable; an attempt to write history and it will not work. Let us accept that hon. former Prime Minister was properly invited to Boston, he is properly undertaking a programme that he properly qualifies to undertake and at the end of the day, it is beneficial to this country. This kind of playing to the gallery of Kirinyaga and other parts of this country is unacceptable.

(Applause)

Allow me, hon. Speaker, to share this little piece of wisdom with you. This is from Dala. It was written by a gentleman called “Edmund Burke”, a British statesman and philosopher who lived between 1729 and 1797. This is how he described Parliament.

“Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You chose a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament.”

Hon. Gitari is not just a Member for Kirinyaga Central but is a Member of this honourable House and he owes this House, the nation and the Constitution to uphold the honour and dignity of this House. This must not be allowed at all at any time whatsoever in whatever circumstances.

Thank you, hon. Speaker.

Hon. Speaker: We will move on. You will make what you may out of yourself. Remember yesterday we had problems with hon. Rose Nyamunga having difficulties understanding what some colleagues were saying on account of grammatical misadventures, in her opinion. But of course, I happily reminded her that the Tenth Parliament, in its wisdom, made provisions in Section 22 of the Elections Act as to qualifications. I am sure you all know that and perhaps it must have benefited many people. So, we must live with what we have. They may not be Members of Bristol but Members of Parliament but they come from those places. They also come from those walks of life.

(Laughter)

Everybody has his or her background but somehow he or she finds himself or herself in the National Assembly. One way or the other whether you took a train, whether you walked or whether you rode on a camel or donkey somehow, the Speaker has no capacity to question why you are here as long as it is certified that you are an elected Member of Parliament to represent a constituency or other special interests, as the case may be. So, we must leave it at that.

We will move on to the request for a Statement to the Chairperson of the Departmental Committee on Education, Research and Technology. We will go to requests Nos.5 and 6. Request No.5 is from hon. Cecily Mbarire while Request No.6 is from hon. Abdullswamad Sheriff.

Yes, hon. Mbarire.

NON-RECRUITMENT OF TEACHERS IN EMBU COUNTY

Hon. (Ms.) Mbarire: Thank you, 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 Education, Research and Technology regarding failure by the Teachers Service Commission (TSC) to employ teachers in Embu County since 1997.

Hon. Speaker, between 1997 and 2007 there were no teachers employed in Embu County and yet the TSC continued to employ teachers in other counties. Only 33 teachers were employed between 2007 and 2012 and only 22 teachers were employed in 2013. This has led to massive unemployment as these teachers are unable to get employment both from within the county and without the county as they are considered outsiders in other counties.

Further to that, we have ended up with a backlog of teacher graduates who were in college as early as 1990s. In her Statement, the Chairperson should inquire into and report on:-

(i) the number of graduate teachers in Embu County who are currently unemployed in the order of their year of completion; and

(ii) the steps the TSC and the Ministry of Education are taking to clear the employment backlog in the county.

As the Chairperson of the Departmental Committee on Education, Research and Technology, who has done a very good job in that Committee responds, I want her to note that there will be employment of 10,000 teachers very soon. So, it is in my interest that I get to know the position for Embu County teachers way before the recruitment commences.

Thank you, hon. Speaker.

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker. On the issue of the TSC and lack of employment of teachers in Embu County, I ask the hon. Member to give me two weeks. I would also like to urge hon. Members of this House to support the Kenya Qualification Framework Bill when it is brought to the Floor of the House. This is because some of these issues, like what the hon. Member has asked, will be addressed. Once we have this Authority in place, we will have all professionals and even people who have qualified from technical institutions being registered. We will be able to tell the number. However, currently, we are not able to tell the number of teachers who are not employed. I ask the hon. Member to give me two weeks so that I can give a full and satisfactory answer to her question.

Thank you, hon. Speaker.

Hon. (Ms.) Mbarire: Thank you, hon. Speaker. I have heard what the Chairperson is saying, but I would like her to know that this information is available at the county Teachers Service Commission office. This is because it is a matter that I have raised with the office at the county level many times. They say that it is a real problem and that they would even want Embu County to be given some affirmative action in the next recruitment. Therefore, I do not think it will take her that long to get that information.

Hon. Speaker, because I am aware that next week but one I may have some official engagement, if she could kindly consider taking care of this matter next week.

Hon. Speaker: Chairperson, are you able to take care of it next week?

Hon. (Ms.) S.W. Chege: Hon. Speaker, I would like to request the hon. Member to be patient because I do not want to come with half-baked statements. I really need to get the facts; especially on the number of teachers who have graduated and are not employed from Embu County. I also need to liaise with TSC and the Ministry of Education, Science and Technology. Therefore, I kindly ask the hon. Member to give us

two weeks because the shortage of teachers in Kenya is a reality. Yes, 10,000 teachers will be employed, hopefully in next year's Budget. We are going to have 10,000 more teachers employed.

Hon. Speaker, it is important for us not only to give an answer for Embu County but to also do a comparison of what is happening in other counties. We may find that it is not only Embu County that is discriminated, but the teacher shortage is actually a reality in this country.

Hon. Speaker: Hon. Abdullswamad Sheriff Nassir.

Hon. Member: He is absent.

Hon. Speaker: He is absent and not desiring to be present. Statement dropped.

(Request for Statement dropped)

Let us go to the second one by hon. Francis Nderitu. Place your card, hon. Nderitu. Is it Samuel M. Nderitu? What is happening? The name I have been given here is Francis Nderitu. The statement is directed to the Committee on Administration and National Security on electoral boundaries. Is that Statement yours? Hon. Samuel M. Nderitu. The office of the Clerk should correct the name they have given me here. The Statement by hon. Francis Nderitu is dropped.

(Request for Statement dropped)

Let us have hon. Christopher Nakuleu requesting for a Statement.

MEASURES TO STOP EXTERNAL AGGRESSION IN TURKANA

Hon. Nakuleu: Thank you, hon. Speaker. Pursuant to Standing Order 44(2) (c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding constant and systematic attacks of Turkana herdsmen residing in Natapar and Karach Locations of Kibish District of Turkana North Constituency.

Hon. Speaker, in the recent past, Kenya has been losing an average of ten people in a month as a result of external aggression by South Sudanese nationals. Further, a number of casualties are now recuperating in various hospitals, including Lodwar County Hospital and Moi Teaching and Referral Hospital, among others. If this trend of insecurity is not addressed urgently, Kenya will lose a lot of acreage of land since the current land occupied by the Turkana community will be taken over by the neighbouring nationals.

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

(i) the number of people who have lost lives as a result of external aggression during the month of January and February, 2014, in the said corridor and the number of Turkana herdsmen undergoing treatment in various hospitals in the region;

(ii) Government plans on the upkeep and the payment of medical bills of the affected persons;

(iii) plans, if any, to establish special security forces in the Lorumor area of Karachi Location and Natapar to cordon and protect Kenyan land from external takeover and secure lives of Kenyans residing in the said area;

(iv) plans, if any, to settle the internally displaced persons as a result of attacks from South Sudan nationals.

Hon. Abongotum: Thank you, hon. Speaker. This issue is really weighty and I know this area has really undergone several attacks in the recent past. We will give this Statement in ten days.

Hon. Speaker: Any reaction to this, hon. Nakuleu?

Hon. Nakuleu: Hon. Speaker, I appreciate the fact that the Chairperson may not be the original source of the response to this Statement. But for purposes of being practical, there are so many questions whose responses have not been submitted up to now. I would allow the ten days the Chairman prefers; although he is not practical because a number of other Statements have not been responded to.

Hon. Speaker: Very well. Hon. Ottichilo.

Hon. Member: He seems not to be in.

Hon. Speaker: Hon. Ottichilo is not in. Well, the request for Statement is dropped.

(Request for Statement dropped)

Let us move to the next one by hon. Abdikadir Ahmed Ore, the hon. Member for Wajir West.

SHORTAGE OF TUBERCULOSIS AND LEPROSY DRUGS

Hon. A.O. Ahmed: Thank you, hon. Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health regarding shortage of tuberculosis (TB) and leprosy drugs in health facilities across the country endangering over 95,000 patients who are on that treatment.

Hon. Speaker, this is due to the fact that it is not clear whether this is a devolved function or not. In the Statement, I would like the Chairperson to inquire into and report on:-

(i) the plans by the Government to harmonize the process of procurement of drugs; these are anti-TB, anti-retroviral drugs and the routine vaccines;

(ii) the timelines of the provision of the drugs especially the leprosy vaccines to the public hospitals and;

(iii) the details of the donor funding support for TB and leprosy programme through the Global Fund on TB and Leprosy.

Hon. Speaker: The Chairperson, Committee on Health, hon. Rachel Nyamai.

Hon. (Ms.) R.K. Nyamai: Thank you, hon. Speaker. I would like to appreciate the Statement that has been sought by hon. Ahmed, that we might be having a shortage of drugs, especially vaccines within our health facilities---

Hon. Speaker: Hon. Members, you know you cannot walk into the Chamber with your mobile phones on. So, the Member whose mobile phone is ringing, withdraw from the Chamber and go and deal with it.

Hon. Nyamai proceed.

Hon. (Ms.) R.K. Nyamai: I was just appreciating the concern that is being raised by hon. Ahmed, that the---

Hon. Speaker: When are you going to respond to the Statement?

Hon. (Ms.) R.K. Nyamai: We will respond in two weeks, but I would also like to point out that they should---

Hon. Speaker: No! No! In two weeks? Please do not engage in debate. Members requesting for Statements just read what I have. I have noticed that Members are giving stories, which are not part of the Statement they submitted to me. This afternoon, we have spent a lot of time on issues which are not in the Statement. So, for now Chairpersons, just say how long you think it will take to respond to the issue, instead of engaging in some other debate.

Hon. (Ms.) R.K. Nyamai: In two weeks.

Hon. Speaker: Hon. Ahmed, is that okay?

Hon. A.O. Ahmed: Two weeks is okay with me, especially knowing the fact that this is a national programme---

Hon. Speaker: Very well, next Statement, hon. Samuel Nderitu. You must put your card, it is not there?

STATE OF NEW WARDS CREATED BY IEBC

Hon. Nderitu: Thank you, hon. Speaker, it is there. 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 on the state of the new wards created by the Independent Electoral and Boundaries Commission (IEBC), in its exercise of setting boundaries.

Wards across the country remain administratively between two districts, creating confusion that has hindered delivery of public services. For instance, Malewa West Ward in Gilgil Constituency, which the IEBC put under Gilgil District, has administratively remained in Naivasha District to date. Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:-

(a) why some of the boundary changes undertaken by the IEBC have not been enforced administratively such as Malewa West Ward under Gilgil Constituency, Gilgil District; and

(b) when the changes will be effected to streamline administration of the said wards.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Kamama.

Hon. Abongotum: Thank you, hon. Speaker. I thought this Statement would have been directed to the Committee on Justice and Legal Affairs because IEBC falls under their purview. Nevertheless, I will attempt to bring a response in two weeks time.

Hon. Speaker: That Member's card is not showing on my screen.

Hon. Nderitu: This Statement was with that Committee in the last Session. You gave direction and said that IEBC sets the boundaries, but because it was dealing with enforcement, it was to be referred to the mentioned Committee.

Hon. Speaker: What?

Hon. Nderitu: You gave direction that the IEBC sets boundaries but they do not enforce. I remember you gave directions as to which committee was to undertake this and it was the Committee on Administration and National Security. But whichever committee that administers, I am happy that---

Hon. Speaker: He has undertaken to give you a response in two weeks' time. Is that okay with you?

Hon. Nderitu: In two weeks' time, I am satisfied.

Hon. Speaker: Exactly, very well. Hon. David Wekesa.

STATUS OF PROHIBITION OF FEMALE GENITAL MUTILATION ACT

Hon. Wekesa: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Leader of Majority Party regarding illegal Female Genital Mutilation (FGM) which continues to be practised in several parts of the country.

Hon. Speaker, in the recent past, several cases have been reported regarding the continued illegal practices of FGM, which not only endanger the lives of young girls but has resulted into death in many cases. The most recent case is that of a 13 year old girl from Kajiado who is said to have died from excessive bleeding plus other cases in Narok.

Many of such cases go unreported countrywide. It is also alleged that in some instances, the illegal practice is done with the full knowledge of Government officials in charge of administration and security, especially in rural areas. In the Statement, the Leader of Majority Party should inquire into and report on:-

(i) the number and details of cases of FGM that have been reported since the enactment of the Prohibition of Female Genital Mutilation Act 2011;

(ii) the progress of implementing the law, particularly the provision on offences and the list of cases where persons have either been charged or prosecuted for violating the said law;

(iii) whether the Government has been complying with the law particularly, the requirement of Section 27 of the Act, which requires the Government to protect women and girls from FGM and to provide support services to victims of FGM;

(iv) finally, the action being taken by the Government against those officers in charge of administration and security who are said to be actively abetting, aiding and encouraging the carrying out of FGM or failing to report the offences particularly in the rural area.

Thank you, hon. Speaker.

Hon. Speaker: Leader of Majority Party.

Hon. A.B. Duale: Thank you, hon. Speaker. This is a better Statement sought from me than the other one on Kitale. This is because at least for this one, I was part of the 10th Parliament, when we enacted the Anti-FGM law in 2011. So, I need two weeks

to bring a very comprehensive Statement concerning FGM, in order to save the lives of young girls.

Hon. Speaker: Hon. David Wekesa.

Hon. Wekesa: Hon. Speaker, two weeks is okay, I know the Leader of Majority Party is a serious man.

Thank you, hon. Speaker.

Hon. Speaker: Very well. Next Order.

BILL

Second Reading

THE DIVISION OF REVENUE BILL

(Hon. A.B. Duale on 22.4.2014)

(Resumption of Debate interrupted on 22.4.2014)

COMMUNICATION FROM THE CHAIR

AVOIDANCE OF IRRELEVANCE AND REPETITION

Hon. Speaker: Hon. Members, you know that debate on this Bill commenced yesterday and, as you all know - and we did point out yesterday - this Bill is really a product of another Motion that we discussed and passed. We passed the Budget Policy Statement (BPS). Therefore, I want Members to be aware of Standing Order No. 106 which provides that:-

“The Speaker or the Chairperson of Committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of the Member’s own arguments or the arguments used by other Members in debate, may, after having first warned him or her, direct that the Member discontinues his or her speech.”

I am drawing your attention to this Standing Order so that if you find you are being discontinued, you know that you are engaging in irrelevance or tedious repetition of arguments that have been used by your colleagues so that we can go to other businesses. We may have to discontinue several of you.

Thank you. Hon. Joyce Lay.

Hon. (Ms.) Lay: Thank you very much, hon. Speaker. I rise to support this Bill on the Division of Revenue. Of course, there has been an increment of the county allocation from Kshs190 billion in the Financial Year 2013/2014 to the current proposed Kshs226 billion for the Financial Year 2014/2015. As a member of the Coalition for Reforms and Democracy (CORD), I am glad about that. That is because we have been at the forefront asking the Government to add more funds to the county governments.

A lot of negative things have been said about the governors, some of which are very true. Some of them have nothing to show so far. They have nothing to show of what

they have done with the money that we allocated them in the last financial year. But, at the same time, there are those who have success stories that we, sometimes, overlook, especially on infrastructure development and youth empowerment. That has not been highlighted.

Hon. Speaker, secondly, I am glad that Clause 6 of the Bill gives cognisance to alternate dispute resolution mechanisms as a form of resolving any disputes that may arise from the provisions of the Bill. Article 159 of the Constitution requires even courts to be guided by alternate forms of dispute resolution. It is a principle that should guide them. It will be sad if disputes arising from provisions of this Bill are subjected to endless litigation while the poor and common *mwananchi* suffer due to delays in provision of services.

Hon. Speaker, thirdly, I also support the Bill with regard to its provisions of variations in revenue as envisaged by Clause 5(3) of the Bill. I support the proposal that where actual revenue exceeds the expected revenue, the expected revenue shall be apportioned equally between the national Government and county governments on a *pro rata* basis.

Hon. Speaker, with these provisions, I would like to urge all of us Kenyans to strive harder and ensure that more revenue is collected for both national and the county governments. It is with this regard that I would want to remind law enforcement agencies of their role, responsibility and mandate to Kenyans. For example, Kenya Revenue Authority (KRA) officials who are charged with compliance are compromised and end up taking bribes as opposed to ensuring that people pay their taxes. When they do that, we cannot collect excess revenue. Less revenue will be collected. When the revenue falls short of the expected collection and that shortfall is in excess of the threshold prescribed by the Cabinet Secretary responsible for Finance, Clause 5(2) stipulates that:-

“It shall be apportioned on a *pro rata* basis between the county governments and national government.”

So, actually, I urge KRA officials to make sure that they do their work according to what we have mandated them to do. I am sure there is so much revenue that we have not collected in the country. I wish to urge this Government that the next place to crackdown actually is KRA. That is where we are losing money as a country.

Hon. Speaker, fourthly, I have noted in the appendix on the county governments equitable share that Kshs7.1 billion has been transferred from the national Government share of revenue for the 2013/2014 Financial Year to the county governments, being an adjustment to reflect the expected deduction of administrative expenses for national Government and a corresponding increase for county governments following the transfer of some devolved functions.

Hon. Speaker, finally, I am alive to Article 187 of the Constitution on the transfer of functions between levels of governments. I am glad that the rural electrification funds amounting to Kshs3.6 billion are being disbursed through the counties. The energy sector, under the Fourth Schedule of the Constitution, is a national Government function. After all, Article 187(2)(b) expressly provides that the constitutional responsibility of a transferred function remains with the level of the government assigned the responsibility.

Hon. Speaker, with that I support. Thank you.

Hon. Speaker: Very well. Hon. Washiali, do you have a point of order? Yes, Benjamin Washiali.

Hon. Washiali: Yes. Thank you, hon. Speaker. While we were debating this Bill yesterday, we adopted a rule that every Member should debate for only five minutes. Can we carry the same today so that we can give an opportunity to many Members to contribute?

(Applause)

Hon. Speaker: Well. Hon. Members, you may have made that decision yesterday. If you want it to be carried on in the interest of ensuring as many of you contribute, of course, bearing in mind Standing Order No.106 which I have just read out to you, is it the feeling of the House that we reduce the time to five minutes for each Member contributing?

Hon. Members: Yes.

Hon. Speaker: I will therefore put the Question that every Member contributing in the debate on the Division of Revenue Bill, National Assembly Bill No.13 of 2014, contributes for five minutes.

(Question, that speaking time be reduced to five minutes, put and agreed to))

Hon. M'eruaki.

Hon. M'uthari: Thank you, hon. Speaker. I rise to support this Bill. First, it is important to see that the Jubilee Government is committed to devolution. Given the amount of money that is disbursed to our counties, it is a manifestation that there is support. As I support, it is important also that even the county governments take into consideration the amount that they are given. Even in those counties, there is money that is collected. So, the question of accountability and utilisation of those funds to enhance development is also important at that particular level. As we discuss this, since we are involved in the disbursement of the funds, it is important that the question of accountability is considered seriously.

The other thing, hon. Speaker, is that at the county level, just like the national level, we have the problem of disparities in terms of development within our country. At the same time, it is encouraged that, at the county level, the utilization of funds disbursed from the national level should be considered in terms of giving it equity so that the regions that have suffered for many years are able to catch up. Otherwise, even with devolution, there is a possibility that certain regions will still remain the same if the same previous policies continue to be used.

The other thing is the question of functions. We have a problem in the country because people are given responsibilities, but they do not do what they are supposed to do. It is sad that we are in the second year of devolution and the fourth year after the promulgation of the new Constitution and yet, we still do not know the cost of functions. It is as if we were not prepared for it. This is sad and the people concerned should take their responsibilities more seriously.

We also appreciate the Rural Electrification Authority (REA), although money has been shared. It is high time the leadership of REA and Kenya Power lowered the cost of power connection. It can go as low as Kshs5,000 or less. That is because, eventually, they are going to recoup their money from the supply of electricity. Many households cannot afford the money that is being asked for connection to power supply. In the process, they contribute to the destruction of the environment by using charcoal because they cannot access other alternative sources of energy like electricity.

The other thing is the question of security. The allocation for defence, national intelligence and other services is quite substantial. It is our hope that, as that money is given to those agencies, they will secure the nation. There are many questions on security every day. It means that there is a problem in the area of security. As we give resources as the National Assembly, they should be utilized properly to secure Kenyans. That way, we can develop as a nation.

There is also money given to other agencies like the police and Teachers Service Commission (TSC). We know the value of education and it will be difficult to have quality education without teachers. So, I believe that when those resources are given, they will be utilized in a way that we can promote our human resource. It is a very important component that can make the country to move on.

With those few remarks, I beg to support this Bill.

Hon. Okoth: Hon. Speaker, mine will be very brief because you have given guidance on repetition. I want to focus on the Division of Revenue Bill with an emphasis for more money for the education sector.

Hon. Speaker: Very well!

Hon. Gichigi: Hon. Speaker, I rise to support this Bill. The truth of the matter is that this is our chance to support devolution in this country and, going by the number of hon. Members who have supported this Bill, it is clear that, indeed, devolution is the future for this country.

The only problem I have - perhaps, in future, we may need to look at our Constitution and the other Acts or statutes that deal with public finance - is the fact that nobody remembers that we are supposed to be generating revenue. The county governments are supposed to generate their own revenue. The focus is so much on what is being raised by the Kenya Revenue Authority (KRA) and, therefore, to be shared by the counties and the national Government. But we forget that, individually, each county ought to be working very hard to raise its own funds locally. Perhaps, it is high time that, that particular function is raised at the national level. When we consider what is coming from the central Government, we should see what is projected to come from the county governments. I plead with our governors - my Governor in Nyandarua - to utilize these funds properly. We are grateful because we have seen a small impact in terms of rural roads, despite the challenges in terms of the implementation of the projects. I am happy that we can start seeing what devolution-related funding is doing.

I wish to plead with the governors as well as the Executive to look at the issue of wastage. I am very unhappy that, at one point, even our President indicated that we have ghost workers in the ministries. Several months later, we have not been told how many ghost workers have been busted. I think we are still paying them. We have not been told what is happening. This conversion of Public Works Ministry - or is it "public wastage"

ministry - into a fragmentation of various departments in the few Ministries as well as the counties has continued the old trend of wasting public funds. It is high time we cut down on that. That is very bad and we have that information. It is a matter of public knowledge. But the people responsible, including this Parliament, are not doing much about it. We are not saying: "You have told us there is wastage, show us where it is and tell us what you are doing about it."

I am also a bit unhappy about the Equalisation Fund. I think the Parliament that was ahead of us made a report on which counties are to benefit from the Fund but, maybe, we need to revisit that issue instead of lamenting in this House. Some of our counties, especially where I come from in Nyandarua, we do not have anything that looks like a building for the county headquarters. We have nothing at all! I am aware that Tana River and Tharaka Nithi suffer the same predicament. If at all we are going to implement the spirit of the Constitution in terms of the Equalisation Fund, we need to look at some of the needs in the various counties.

Hon. Speaker, in future, in the Supplementary Budget, if it is not too late, we need to look at the issue of economic stimulus. The amount that we have allocated is certainly not sufficient. If you look at the projects that have been done in the entire country, this is just a drop in the ocean. We need to ensure that we do not use public funds and not complete projects. We need to look at such issues.

Hon. Speaker: Your time is up! Hon. (Maj-Gen.) Nkaissery.

Hon. (Maj-Gen.) Nkaissery: Thank you very much, hon. Speaker. I also stand to support this Division of Revenue Bill. We are talking about the division of revenue; that is, the estimated amount of money the national Government has collected. When you look at the figures, it is quite interesting because when you look at the criteria used for this division of revenue, first of all, there is the issue of the threshold as required by the Constitution. The other is the costing of functions of the two levels of Government, and the other is the national interest. When you look at the issue of national interest and go to page 225, you clearly see that the national Government has tried to cost the functions. But when you come to the county governments, they just lumped the Kshs226 billion to 47 counties. We should have cost the functions of each of those 47 counties to know in their budget, what they are going to use this money for. For example, the county governments are collecting taxes. We do not know how much. The Auditor-General should have indicated that those units are collecting so much money, which they can use in their budget to reduce the amount of money to be allocated by the Division of Revenue Bill.

Look at the national security, for instance, we have got so many things coming against this country. National security entails provisions of security for the citizens. We are shouting all the time that national security organs are not properly funded and yet, the Commission on Revenue Allocation went out of its way without costing the functions, to say that county governments should be entitled to Kshs279 billion. They gave that figure without basing it on the cost of the functions of those units. It is exactly what it did when it started grading counties and especially, my constituency. They graded it among the richest counties without basing it on any fact. So, even the division of revenue which was indicated on this Bill is actually based on that. It is not based on facts.

For example, I would have expected the National Treasury to tell us we have devolved health. We are still talking about Level 5 hospitals in specific constituencies or counties. We should be talking about Level 5 hospitals in all the counties, so that the amount of money which we are giving to those counties can be properly utilized to put up those hospitals. When you look at the Equalisation Fund, they have not put a criterion so that we know as Parliament that, that amount of money is going to this or that. But if it is based on the Commission on Revenue Allocation's recommendation, we are going to lose it.

With those few remarks, I support the Division of Revenue Bill. Thank you.

Hon. Speaker: Hon. (Ms.) Emanikor.

Hon. (Ms.) Emanikor: Thank you, hon. Speaker. I rise to support this Bill and thank the Budget and Appropriations Committee for doing a good job. It is worth noting that besides going way above the minimum threshold of 15 per cent, the county allocation is also protected from possible cuts accruing from the shortfall in revenue, which is a very good thing. However, what I want to dwell on is the issue of prudence and austerity measures in appropriating the funds that are going to the counties. We have observed that in some of the counties, things like procurement or PFM regulations are not followed. There is need to observe the measures that the Government has put in place, not only in the national Government, but also in the county governments. We are appealing to the oversight agencies including the Auditor-General, the Public Procurement Oversight Authority (PPOA) and Ethics and Anti-Corruption Commission (EACC) to be very keen in looking at how that money is being spent in the counties. It is also a good thing for the county assemblies really to step up their oversight role because without it, we cannot be celebrating the 43 per cent that we are sending to the counties. That is because it will go to a few people's pockets. There is an issue with the capacity to absorb the funds. That is because by the end of last year, we had Kshs51 billion lying in the Treasury waiting to be collected by the county governments who had not made proper returns to qualify for the funds. That is a big issue and yet, they are fighting to get more allocations. I support the idea of counties setting up emergency funds. A county like Turkana, for instance, is experiencing many disasters from drought, famine, floods, fire, conflicts and the problem of internally displaced people, not only from the post election violence but also from the conflicts within and outside the Kenyan borders. This county is entitled to set up an emergency fund. We have just heard from one of the Statements that, that emergency fund will be very useful.

I would like to speak to the issue of the Economic Stimulus Programme (ESP) too. We witnessed the ESP package one. The first package witnessed many financial malpractices and irregularities. We are all aware of what happened with the *Kazi Kwa Vijana* Programme. We are just hoping that, that package will not follow suit. There is need to be very keen on that. I am looking at the revenue collected at the counties. My colleague has already spoken to that. But there is need to factor the revenues that are collected in different counties in the budgeting process. That is because without doing that, we are giving leeway to the governors, the Executive and the counties to actually waste the money through corruption, misappropriation of funds and public wastage, which we are already witnessing. We have seen in some counties, for instance a county like Turkana, the inflation of the cost of different procurement tenders. For instance, for a

road that cost Kshs1.8 billion, when you look at the Kenya Rural Roads Authority (KERRA) estimates, you will find that such a road will cost ten times more. This has happened in many counties. There is need to look at how that money is going to benefit the local *mwananchi*.

Thank you.

Hon. Speaker: Hon. Mbui, Member for Kathiani.

Hon. Mbui: Thank you, hon. Speaker. I rise to support the Division of Revenue Bill. I want to say that we have put a lot of effort in coming up with this Bill. I also thank the Government because there is an increase in the amount of money that is now going to counties. However, there are several concerns that I have, one being the issue of the constitutional responsibility that this House has. This is indicated under Article 95. We hope that after we do this, what happened last year will not be repeated. That is where the Senate decided that it will take us to court and deny us this opportunity.

Having said that, I would like to say that devolution, which is being supported heavily by the funds that we are dividing between the national and the county governments, was overwhelmingly the reason why over 60 per cent of Kenyans supported the new Constitution. There are certain expectations that our people have when we take money to the counties. I want to say that the understanding that Kenyans had on the issue of devolution was the money will go to them and they will get an opportunity to have what we call participatory development. There was expectation that when the finances go to the grassroots, there will be financial support for the businesses within the counties. Finally, there was also the expectation that there will be equality.

Hon. Speaker, I just want to urge the Members of the County Assemblies, the governors and the Senate to ensure that people are involved when the money is sent to the grassroots. I want to give an example of Machakos County where I come from. There is a lot of development in that county and the whole country knows that this county is doing very well, but there is absolutely no development in my constituency, which is in Machakos County. There are things which have been done out there and vehicles and ambulances have been bought, but what we call the actual development for the people is lacking. Supply of water and roads have not been done. I believe that the counties should wake up now and realize that we expect services from the money that goes there.

Finally, I want to talk about the Economic Stimulus Programme (ESP) that was initiated in the last Parliament. I made this observation and I talked about it in this House. The observation I have made is that we only had 210 constituencies when the ESP was in existence. The centres of excellence were started but we now have 290 constituencies. The money for centres of excellence has been allocated, according to this Bill, to 290 constituencies- that is with the 80 new constituencies which were not in existence then. What will happen to the Kshs5 million for those new constituencies? I believe that once the money is allocated to my constituency, for example, through the Constituencies Development Fund (CDF), and I do not have a centre of excellence, I should be expected to go and support a project with that money because there were other ESP projects.

Hon. Speaker, I support this Bill and urge the county governments to do what befits them because we have given them enough money. We have anchored this in Article 203 of the Constitution which says that we must ensure that there is fiscal

capacity and efficiency of county governments. I hope that they will prove that they are capable by doing a good job with the money.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, remember that the debate is on the Division of Revenue Bill which divides revenue between the two levels of Government. As you know the Constitution requires that not later than 30th April, which is Wednesday next week, the Cabinet Secretary for the National Treasury must deliver to the House the Budget Estimates or highlights which I believe will be the proper avenue for us to debate some of the issues that I hear us debate in the Division of Revenue Bill.

Just to remind you again, there is Standing Order No.106. Stick to the Division of Revenue Bill and not those other issues which you will very well and perfectly debate when we are discussing the Budget highlights. That is because it is in the highlights of the Budget of the national Government, Judiciary, Parliamentary Service Commission (PSC) and other commissions. There will be greater details by the Cabinet Secretary for the National Treasury.

Yes, hon. Lelelit Lati.

Hon. Lati: Thank you, hon. Speaker. I pressed this button very long time ago but, for some reason, it is taking too long. I rise in support of this Bill because there are some things here that are very good for our country.

If you look at what is allocated to counties in terms of revenue, you will find that it is about 43 per cent while our constitutional stipulation is about 15 per cent. For the Government, this House and the people in the Treasury to move that figure to about 43 per cent, it shows a lot of goodwill and support that we, as a county and as a House, are putting towards devolution. So, the debate on who likes devolution and who does not should rest now. That is because when you have a country that is voluntarily allocating about three times more than what it is supposed to allocate, it is a clear signal that this House, the country, the President and the Government are fully in support of devolution.

Hon. Speaker, it is even impressive if you look at the increase that has been made this year. It is about 19 per cent if you compare to what we had last year. If you consider why a Government would give an extra 19 per cent on top of what it gave last year, then things like inflation will come into play. Maybe, it is trying to cater for inflation or growth in our GDP. However, if you were to add the growth in the GDP and the annual inflation in our country, they cannot even add to 19 per cent. So, there is nothing else here apart from the goodwill of us being a country that wants to go the devolution way.

I commend the Budget and Appropriations Committee on the Rural Electrification Authority (REA) allocation. That is because last year the Treasury made a terrible mistake by allocating the entire figure for REA and KERRA to the counties. As a Committee, we had to work out with the Treasury to find some extra money to allocate to constituencies because REA is a shared function. That mistake has been taken care of this time. We realize that REA is a shared function. So, we have shared the money for REA both in the counties and the national Government, although there is a dilemma there. I do not think any county has any capacity to perform the work that REA does. It is, somehow, self-defeating because all counties will have to send money back to REA so that it can implement the programmes that it is supposed to implement. But, at least, from the Committee and national Government side, we have done what we are supposed to do.

Hon. Speaker, the other thing that is very impressive in this Budget is that we have allocated about Kshs30 million to every county to build polytechnics. That is already a county function. However, we have given extra money to build polytechnics in each county. What is very important here is to make sure that our counties are also accountable now that the Government has shown the goodwill by allocating enough money to them. The counties must also play their role by being accountable.

If you look at our Constitution, among other funds that are in the Constitution, for example, the Consolidated Fund and Equalisation Fund, there is also another special fund called the "County Revenue Fund" which we should be very careful about. That is because that Fund is supposed to take away all the revenues that are collected in the counties. Counties are not supposed to collect revenue and use it there. They are supposed to send it to a special fund called "The County Revenue Fund". It is only the Controller of Budget who can allow that money to be used by the counties.

Hon. Speaker, I am also very proud that the Division of Revenue Bill puts to rest the issue of whether the Equalisation Fund is a county or a national fund. This is clearly a national fund. I watched television last time and saw somebody who claims to be a very good lawyer- the Majority Leader for the Senate. He claimed that the Equalisation Fund is not a national fund. I am not a lawyer but there are things that I can read plainly in the Constitution. If you are a lawyer and pretending in a House--- By the way, I ended up reading the Constitution and realized that there is no Majority Leader in the Senate and yet, we are paying those people to be majority leaders.

Hon. Ogalo: Thank you, hon. Speaker. I rise to support this Division of Revenue Bill and I will do it with serious difficulties. The reason why I support it is because we are getting an increase in allocation to the counties from Kshs190 billion to Kshs226 billion which is good. But it is sad that while the Chairman of the Commission on Revenue Allocation keeps commenting on very many issues, Article 216 requires him principally to find a formula for sharing revenue; up to now, the second Budget after the first election and after the promulgation of the Constitution, we still do not have the cost of devolved functions.

Hon. Speaker, it is sad that we are sending money to counties without knowing exactly what these monies are going to do. This House must resolve to ensure that no other Division of Revenue Bill should come to the House before we have the cost of devolved functions. We should not be acting without the knowledge of what we are doing.

I am also a little bit silent on the dangers of the way we are processing the Division of Revenue Bill. I know there is a Supreme Court ruling that says that this Bill, after leaving this House, will go to the Senate. I envisage a situation where the Senate, if we do not amend anything in the Bill and it decides to amend it, we will have the two Houses going to mediation. I do not think the framers of our Constitution expected that there could be a possibility of the Division of Revenue Bill to be lost. In a case where the mediation committee fails to agree, it is clear that the Bill in that state will be lost. What will happen to the division of revenue, if it ended up in that situation?

Therefore, I do not know, but what I know is that the Supreme Court ruling is there and the Chair's ruling is also there. Last time the Supreme Court disagreed with us.

Therefore, this Bill will go to the Senate and I only pray that the Senate agrees with the National Assembly and passes the same version of the Division of Revenue Bill.

Hon. Speaker, one of the reasons why I am saddened by the Bill is the fact that we are taking money from the Rural Electrification Authority and sending it to the counties, hoping that counties will bring it back to REA. I think we are setting a stage for winding up REA without paying very clear attention. Even if the governors are supposed to decide what it is used for, it should be in the interest of this House that we send money directly to REA. Let the counties give their projects, the way hon. Members are doing. If we do as it is proposed now, that we send this money to the counties; I am not sure whether the counties will retain these monies for the purpose they have been earmarked.

Hon. Speaker, in the same breath, I come from Homa Bay County and all the four counties in South Nyanza, that is Nyamira, Kisii, Migori and Homa Bay, have one only Level 5 hospital. If we share the money for Level 5 hospitals across the country; where is the guarantee that Homa Bay will transfer the money back to Kisii to take care of the Level 5 hospital in Kisii? I think there is something critically wrong. I know the process we have gone through, it has become impossible to propose even an amendment to this Bill. I have been with you; the Leader of Majority Party, the Chairman of the Budget and Appropriations Committee and the Leader of Minority Party here and I have hit a brick wall in converting these earmarked funds into conditional grants.

We are going to hope that the governors will behave and follow the proposals that this Bill is giving. We are hoping that when the County Allocation of Revenue Bill comes to this House, it will also have this as an addendum.

Hon. Speaker, I am also concerned that we are getting into another budget cycle. Article 228 of the Constitution requires that the Controller of Budget brings to this House Budget reports every four months. As of now, we should have dealt with two reports to know what exactly is happening with the money we allocate these institutions. As we speak---

Hon. Speaker: That means your time is up. Hon. Ogalo, food for thought; the Constitution talks about the national Government being responsible for areas of health and dealing with referral hospitals; but the Constitution does not create the referral hospitals. This House deals a lot with the national Government and makes laws. Who prevents this House from making a law creating referral hospitals in every county so that we stop also lamenting about things which are within our power to do? I think we should, as a House, begin proactively thinking about how to appreciate or to have the national Government dealing with some of those hospitals that are in the counties; like you mentioned Homa Bay which is not Level 5 hospital. Even the so-called Level 5 hospitals are not a constitutional creature. But because the Constitution has given the terminology "referral hospitals", who says that the National Assembly cannot create a law that creates 47 referral hospitals for which now you as the National Assembly will have direct control on funding? That is food for thought.

Hon. Waweru: Thank you hon. Speaker, for giving me this opportunity to contribute to this Bill. First of all, I would like to say that it is within the 15 per cent according to Article 203(2) of the Constitution. I want to express my appreciation because I have seen some funds have been approved for the Economic Stimulus

Programme. We have been having pending projects at the constituencies while we have been fighting for this funding to come through.

The other thing I would like to say is that we have got to devolve 43 per cent of the revenue. I think that is sufficient compared to the 53 per cent that was recommended by the CRA. I must register my disappointment because of lack of costing for functions. I must say that this is a very important thing and I would like to urge this House; in the coming financial year, that we do not approve this Bill without functions being put to cost.

The other thing I would like to outline is on moving from Kshs190 billion to Kshs226 billion. On the counties, I would like in particular to talk about my county, Nairobi, where we have come from Kshs9.7 billion to Kshs11 billion. But the few questions we have to ask ourselves as a House and with our brothers in the Senate is how to account for these funds. We have to follow through and make sure that with this funding; first of all, priority projects are executed. We have adequate oversight capacity in our counties.

Hon. Speaker, of importance to note, like I have heard my county of Nairobi talking about, is actually procuring metro buses in Nairobi. Up to now I have not seen any tenders advertised in Nairobi County and yet we are devolving more funds to our county. These are the kind of things, as a House we are wondering what should be done.

Finally, I would like to comment on the national Government. We have been given very clear costing on the part of the national Government. If you look at the Bill, Table No.1 is evaluating the costing for the national Government. We have not seen any costing on the part of the county government. So we urge this House in future, not to approve this kind of allocation of funds to the counties without getting details on the costing.

Finally, in future, when we allocate some funding to the counties, we have to come up with legislation that a certain percentage needs to be spent on Development Expenditure and another on Recurrent Expenditure. This is important as we look at other functions. I would also like to comment on rural electrification, which is a shared function. It is important for us to hold it at the national level, even if it is shared. This is because I am in doubt whether the counties have capacity to implement these kinds of functions.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Rose Nyamunga.

Hon. (Ms.) Nyamunga: Thank you, hon. Speaker. I want to support the Division of Revenue Bill. We may say that it may not be possible for the Government to support every function at the county level. You realize that when we were campaigning, the budget for the counties was only 15 per cent. You will realize as at now it has already reached 43 per cent, so in my view, the Government is very committed to the devolved government in this country. It is now up to the county governments, the governors and Members of the County Assemblies to make sure that all the allocations that are directed to the county governments are properly used. What I have observed about the Government over the short time that I have been in this Parliament is that there is no prudent use of Government resources. So, where we should put our attention is on how we utilize this money. This money may not even be enough to develop each county and

now it is up to each county to realize that they also have to generate their own revenues to complement what comes from the national Government.

Another issue which is very important that may have escaped is failure to provide figures. I know the Committee on Budget and Appropriations has done a very good job, but some of us are so much used to figures. Without giving us proper costing, it may be very difficult for us to know exactly how much goes where. When talking of the issue on remuneration; that is salaries which are paid at the county level, this is giving the national Government a hard time because it is said to be bloated. All of us know that the salaries are very bloated, but if we do not have figures, the Salaries and Remuneration Commission (SRC) may have problems in knowing exactly how to deal with the figures and lower the salaries at whatever level. I want to support the Bill and I see a lot of commitment by everybody concerned, the Government and all of us.

Another thing I would like to raise is that the county governments may not have the full capacity to take care of all the devolved units. We have seen a lot of misuse of funds and questions being raised at county governments. If we take Kisumu County, for example, being my county, you will realize that there is money which has been allocated to that county government. When you look at the tangibility of this money at the local level, it is still not showing. I know one year could be short but at the same time if you spend Kshs.2 or 3 billion in a county, I am very sure that there must be some light at the end of the tunnel showing that some work is being done. This is still missing.

We are also asking, who is going to bear the short fall? The short fall must be borne by the county governments and it cannot be expected that the Central Government is going to produce all the money that is required to develop the counties. It is the responsibility of each county to go into every bit and the nitty gritty of the development of each county, so that it is realized and all the people in the county can start enjoying the benefit of devolution.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Ali Rasso.

Hon. Dido: Thank you, hon. Speaker, for giving me this opportunity. I rise to support the Division of Revenue Bill. On the outset, I want to observe something in this Bill under “Fiscal Capacity and Efficiency of County Governments”, that says; it is still early to measure county governments’ fiscal efficiency. When we are celebrating that we are giving more money to the counties than what they were given last financial year, it means we are pushing more money where actually we have not established the fiscal efficiency and how well that money has been used.

I wish to comment on the allocation to Defence, particularly in the area of national interest. Continuously what we have experienced over the last many months is the weakness within our national security. If we do not go by international best practice that national defence must be allocated at least two per cent of the national revenue, it means we will still be grappling with the issue of security.

On security again, I want to say that smart security and modernization is what Kenya needs today more than figures. Looking at the allocation for Defence, the NSIS and the police, we are still likely to go back into our pockets for the security to deliver what we want. We are still saying that we want to develop security, but in the end with

the figures that we have here, security may be forced to deal with the day to day expenditure rather than addressing development.

On the allocation to the counties, I have no problem with that, because already we have established that we do not know how the counties have used the last allocation. It is important for the constituencies, under Article 203 of the Constitution, which states that the counties are receiving equitable share--- When you go to the counties, are they using a formula to give each constituency their fair share as per what is enshrined in our Constitution?

I want to finish by saying that Equalisation Fund is good, it shows how much will go to those constituencies which have been disadvantaged since Independence, but if that money was available last year and this year, has it been delivered to those constituencies?

Thank you, hon. Speaker.

Hon. Speaker: Hon. Ferdinand Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Speaker, I rise to support this Division of Revenue Bill but I have a few observations I want to make here. One, I am yet to be convinced about the capacity of our counties to absorb what we have given them. This is because we have been asking ourselves about the accountability of our counties. Now that we have increased this revenue by 43 per cent, I want us to be very clear. One, the county governments must be very transparent on what they are doing. Two, they should be accountable. Three, we want them to set up at least an effective way of monitoring the funds that were taken to the counties. That is a system that will be able to detect problems and if there is anything that can be detected, we send in auditors who can be able to prosecute those who are involved.

At the same time, given that we have increased the funding to the counties, I am expecting that the governors out there should be able to accept now to be supervised by the Senators because that has been the tussle in the past. I also want to request that the Members of the County Assemblies take it up upon themselves to set up watchdog committees so that governors do not misuse this money. Some of them have not been able to account for the little that they have been given. In fact, I understand that there is still some money in the Treasury. Now we are increasing the funding and, therefore, we expect the MCAs to be watchdogs so that governors can be held to account.

Hon. Speaker, the other thing that I want to talk about is that I have done so much with my Constituencies Development Fund (CDF). I have not been convinced that the county governments are doing much. I am sorry but if you come to my county, I am not seeing any development. I hope that by increasing this funding, we will be able to see things for real so that we can now wholeheartedly support the devolution of the Government today.

The other thing is that the tendering out there has been questionable. You go to the counties and you find that things are being done behind the backs. The tendering is not very clear. The transparency is not even there. So, I am afraid that by us increasing the funding, we will get into problems because today most of the county governments are not transparent in even awarding the tenders that I have seen out there. I see that in road constructions and even in some of the hospitals as well. Given that we have given money for rural electrification to the county governments, I want them to reduce the rates of

connectivity so that we can get our youths actually employed or engaged. That way, we can eradicate poverty and increase the economic empowerment out in the rural areas. So, rural electrification actually is key to development out there and I hope that this will not be taken, as somebody mentioned, as additional funding to the counties but a specific function that can help our youths to get themselves into meaningful employment.

Hon. Speaker, lastly and not least, allow me to raise an issue on issuance of identity cards. I do not see the allocation for that. I have looked at this Bill and there is no money for identity cards. Where will the money come from? That is the question and, I hope that the Mover will be able to---

Hon. Speaker: Hon. Ntutu.

Hon. ole Ntutu: Thank you, hon. Speaker for giving me this opportunity to also add my voice. I rise to support the Division of Revenue Bill. I think this is a very important Bill as it fulfills the requirements of Article 218(1) of the Constitution and also Section 191 of the Public Finance Management Act, 2012.

Hon. Speaker, this Bill appropriates funds for the national Government and also our county governments. When you look at the issue of our counties countrywide, you will find that they are really trying. I think that this should go a long way in telling our governors that they should not go around saying that the Jubilee Government is not giving them enough money so that they can do their work. I think this is a very good indication and goodwill from the Jubilee Government that we are for devolution and we are doing everything we can to make sure that devolution works. This is because that is the solution to the many problems that we have had in this country.

Hon. Speaker, one important issue that I must mention is that us, as the Budget and Appropriations Committee, have done a very good job in terms of looking at issues that are affecting our people. When you look at this stimulus package, this is money that was allocated to start institutions of excellence like schools, hospitals and other facilities but most of them are white elephants. When you look around, there are so many stimulus package projects that have stalled in the country. What we thought as the Budget and Appropriations Committee is that we must complete these projects and that is why we have allocated Kshs5 million per constituency for the 290 constituencies. I think that will go a long way to complete the projects which are unfinished.

Hon. Speaker, when you look at the Equalisation Fund, I come from one of the counties that in this country have for a long time been left out by previous governments. I know that we are now coming up with a regulation which will actually indicate where this money will go. Yes, it is in the national Government but where does it go? This is because as Members of this honourable House, we want to make sure that this Fund goes to the various constituencies that are supposed to be uplifted.

Hon. Speaker, when you look at the youth polytechnics, for a long time they have been left out in this country. Those people who join these polytechnics have been called failures, which is far from the truth. We are supposed to have these polytechnics so that they can help people who have completed Class Eight and also those who have completed Form Four. Polytechnics in Western countries are used to actually motivate the youth to not only look at white collar jobs as the only avenue of getting an income. We are supposed to start looking at polytechnics also as institutions that can make our youth get jobs.

Hon. Speaker, I am also very happy when I look at the Level 5 hospitals. We should develop our hospitals all over the country instead of just having a few Level 5 hospitals that are not helpful to our country.

With those very few remarks, I support the Bill and thank you very much for the opportunity.

Hon. Speaker: Benjamin Langat, what is your point of order?

Hon. Langat: Thank you, hon. Speaker. Judging by the mood of the House, may I request that the Mover be called upon to reply? The House is repeating itself now.

Hon. Members: No!

Hon. Speaker: I think it is not the mood! Hon. Members, I have reminded you about Standing Order No.106. Please about the costing of this entity or the other, that argument has been used since yesterday. It has been used by so many of your colleagues. This is what is in your own Standing Orders and it is referred to as tedious repetition. I will discontinue any hon. Member whom I hear repeating that which has been said by others.

Hon. Ogolla: Hon. Speaker, I want to support the Bill. There are a number of things that I think need to be looked at. If we do not look at them, there are a number of worries that need to be taken care of. One is the worry that we are in the second year of the three years of transition. We were supposed to have cleared transition by August next year in terms of making sure that things are in place and that devolution works. If you look at the Bill, supported by the determination of cost, it is indicated that it has not yet been done and the Government has not cleared that. It is also indicated by the kind of contradiction between the CRA and the Treasury. This has been repeated.

Hon. Speaker: That argument about costs has been said and spoken to by more than five hon. Members. It will not add any value by saying it as the sixth hon. Member. So, you said very well which was new, that we are into the second year or the third year of transition. That is important. That is new, but the other one about costing, that has been said. It is not adding any more value.

Hon. Ogolla: Hon. Speaker, I am trying to bring this because I have like three examples. That was just one of them. The other one is the whole idea that we have not harmonized staffing in this country, particularly personnel. We have a lot of personnel in the counties who are supported by the national Government. Again, this is appearing like duplication and overlaps. It is costing us and we have been talking about the whole issue of the cost of personnel. This is yet to be harmonized. The Bill is still not recognizing this; that there is an extra cost that we incur by virtue of just not harmonizing staff.

The other example that I wanted to bring out is in terms of the building of capacity that the national Government was supposed to be doing for the county governments; capacity support and facilitation. The idea that we are sending funds and then following them with functions is where there is a big problem. We would have rather cleared the whole issue of functions and then we follow it with funds. These are the kinds of contradictions that I wanted to bring out, that if you looked at them very carefully, there all manner of things that are worrying and will not make this devolution work. But they are also bringing all manner of questions in terms of the division of revenue. So, it is like we are sending money to the counties when we are still not very clear in terms of what this money is supposed to do.

Besides that, there are a lot of functions that are supposed to be with the county governments that are still with State and quasi State agencies or some different authorities. Again this is an extra expenditure. I want to believe that we needed to have looked backwards and seen exactly how we harmonize; how we close off functions that are with other State agencies or quasi parastatal bodies such that they are completely transferred to the counties, in the manner that we are transferring money to the counties.

Thank you, I do not want to repeat the other things.

Hon. Musimba: Hon. Speaker, thank you for brevity and focus. I just want to address myself to the principle of devolution, more cited under Article 174(f) where it is supposed to promote socio-economic development and proximate accessibility to services for our people. On this point, it is high time when we are looking at the Division of Revenue Bill to track things to do with job creation, opportunity and poverty alleviation amidst our people. In this regard, when you look at the monies that we have allocated towards the Rural Electrification Authority, we should go towards the last mile which is talking about connectivity because we are dealing with public funds and ultimately transferring them into a quasi private organization where they are charging and making profit for it. So, we should introduce a measure of pay as you go, more so for our polytechnics and schools in line with the energy campaign which was done under the former Ministry of Energy, for provision of electricity using solar by carrying out activities such as wiring for those schools. This is because this is not provided for adequately within the budgetary allocation. More importantly is that as we are allocating this revenue, we should look at how we are increasing our national competitiveness, especially in line with the reality of the East Africa Community (EAC); the integration that is in place so that we look at how we are bolstering local businesses within the county to internationalize within those particular countries.

Thank you for the opportunity.

Hon. Wangamati: Hon. Speaker, thank you for giving me this opportunity that I may join my colleagues in supporting this Division of Revenue Bill. I want to congratulate the Committee. It has done a good job. I have listened to the observations of hon. Members this time and compared them to last time; I am proud that the standard is going up every now and then. What I wanted to say today is that after having a fair and balanced division of revenue to our two governments, I want to tell this House that it is our duty as an oversight Committee to look at corruption and wastage of funds in this country. We should also look at poor performance. I think this is one way where we can be assured of the development of this country and be assured that the economic development of this country can be seen within a short time.

I want to say this because we can only be seen as a strong oversight Parliament when we have strong chairpersons of Committee. As for the chairpersons of Committees, the Leader of Majority Party has not been helping us. These people should be given an opportunity for induction so that they continue raising the standards of looking at the performances of our Cabinet Secretaries rather than only going to them to get what they tell us in this House. I think we are being unfair, as Parliament, to the chairpersons of our Committees. I do not want to go further than that. I congratulate the House for today's observations on this division of revenue.

Thank you.

Hon. Bitok: Thank you very much, hon. Speaker for giving me this opportunity to support this Bill. The Division of Revenue Bill as dealt with by the Committee and the relevant stakeholders is important in this country. This is because it gives us an opportunity to view the responsibilities of the Government and of our people, of passing the Constitution to ensure that devolution is entrenched in our country. Devolution is an important aspect of our lives. Given the funds that the national Government is sharing with the county governments, it is important to ensure that the county governments and the Transitional Authority are in a position to ensure that the activities undertaken by the county governments give value for money to our people.

I wish to congratulate the Committee, of which I am a Member, for the very able way in which it has handled this Bill. I expect that issues to do with accountability and relevance in the use of funds at the county and the national levels are adhered to.

Hon. Speaker, I support this Bill.

Hon. Farah: Thank you, hon. Speaker. Let me add my voice to those of those who have supported the Bill. I will begin by saying that the Jubilee Government has done very well in devolution. It is very rare for a country to embrace such an expensive system of governance and it was a success in the first year. I, therefore, give kudos to the Jubilee Government.

Secondly, the Jubilee Government, contrary to the expectations or the perception of many, supports devolution. This is because they have given 43 per cent of national revenue to the counties in this Bill, which is Kshs226 billion. I think that is an excellent job and we can see the road the Jubilee Government is taking.

Thirdly, I want to talk about the Rural Electrification Authority money. I ask the governors to use that money for the supply of electricity and not for any other thing. The governors are fond of spending money in a very crazy way in this country by not prioritizing the needs of specific counties. They are involved in very funny expenditures.

Hon. Speaker, devolution is an eye opener to many counties in this country which we say have been marginalized by successive governments. Since those counties are getting huge sums of money now, we beseech the governors to use it wisely, and try to bring those counties which were left behind at par with the rest of the country. I am very fearful about corruption being devolved to the county governments. With such huge sums of money, many Kenyans at the counties might be tempted. So, we call upon our governors to be watchful as they spend this money.

As a country, we need to have a law that guides the expenditure of the county governments. I might sound very radical. However, if the county governments are not controlled in their expenditure, I believe that they will undertake unnecessary expenditures. As a country, this is the right time for us to put a ceiling on the expenditure of county governments. Probably, we could say that not more than “X” per cent of money should be spent on Recurrent Expenditure.

Thank you very much, hon. Speaker.

Hon. Bunyasi: Thank you, hon. Speaker. I rise to contribute to this Bill. I am inclined to totally support the Division of Revenue Bill as presented. I have got a few views to qualify my support for this Bill as presented.

I realize that the framers of the Bill have maintained the honeymoon period for the counties and the national Government by not insisting that fiscal discipline is required

when spending money. That is a grace period that they have been given; I believe that we should have that so as to begin following strictly what the legal framework requires.

Hon. Speaker, I support the proposal they have made for optimizing county use of funds. By optimizing it simply meant that you reduce as much as possible the restrictions you put on allocations to allow each county to allocate funds in the manner it thinks will have the biggest impact. The truth of the matter is that 10 or 20 years from now, the counties will be at different levels of development depending on how wisely they will have used the resources that they will have been getting. We must allow that process to evolve. I predict that even population movement will go along the same way. We shall move to areas that will be successful and away from those that will not be successful.

Hon. Speaker, this Bill has provided for an increase or growth in revenue. We have quoted 43 per cent over and over. I just want to qualify that and tame our positive moods by reminding all of us that, that percentage is based on a denominator of five years ago. We are way behind in approving the accounts. The 43 per cent, therefore, may be somehow high because of that age of the denominator. If we use the 2011/2012 Report, it is at 22 per cent. It is my hope that come next year, we will sit in the Public Accounts Committee (PAC). I know that we are looking at the 2010/2011 and 2011/2012 accounts. By the end of this calendar year we should have looked at the 2012/2013 accounts, so that we are more or less current come next year when the next Division of Revenue Bill will come up.

Nonetheless, the current percentage shows some growth; it provides comfort to the counties since they can expect resources not lower than what they got in the previous year. They have no excuse, therefore, to say that they were not able to plan because they did not know what they were going to get; the resources are reasonably stable.

I find it disappointing that the debt repayment is nearly 40 per cent of the ordinary revenue of 2011/2012 Financial Year. Compare that with 22 per cent if you use the same base that will be going to the counties. We might need to borrow to grow but we also know that in our borrowing portfolio, we have some bad lemons there. I hope that the Government will strictly look at avoiding the Anglo Leasings of this world, and that resources borrowed will really come in to assist this country. This is because we must borrow both as individuals and as nations to grow. The proportion of what remains to what we transfer to the counties is almost twice.

Finally, on the issue of REA, I am very pleased that the rural electrification money has been given to this Authority and not to the counties. Let us change this year from what has been the relative performance of these two entities. We have not questioned REA, yet I do not know how it awards contracts to carry out works. I do not know how efficiently they are using the resources. I find the numbers very difficult to discern. I hope that they too will rise up to the occasion, become more efficient and be subject to the scrutiny that we are applying to every entity.

Thank you very much, hon. Speaker.

Hon. Speaker: Yes, hon. Nicolas Gumbo.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker for giving me the opportunity to contribute to this Bill. As I contribute, it is important to point out that this Bill, as you rightly said yesterday, is the instrument for implementing the Budget Policy Statement.

Hon. Speaker, equity will always remain the avenue for achieving equality. The problem in our country today, 50 years after Independence still remains extreme inequality in some parts of this country. It is unacceptable that 50 years after we attained Independence the level of degradation in some parts of our country is so serious that it is difficult, in my view, for people living in those parts of the country to truly feel that they are Kenyans; indeed, it is not easy for them to be proud to be Kenyans.

Hon. Speaker, in this country we have constituencies that have hundreds of kilometres of tarmacked roads, while we have whole counties which do not even have a single kilometre of tarmacked roads. It is always said that the devil is in the detail. When you look at Table 1 of this Division of Revenue Bill, you notice that our allocation for defence and the National Intelligence Service is actually Kshs79.46 billion. That is about 10 per cent of the national allocation in the Schedule.

Hon. Speaker, perhaps, what most of us may not know is that the defence budget for Kenya is nearly as much as the defence budget of the entire East African Community combined; Uganda, Tanzania, Rwanda and Burundi. In fact, the defence budget of Rwanda, which is reportedly the safest country in the community, is just about 10 per cent of the defence budget of Kenya. Of course, you can advance an argument that Rwanda is a small country with fewer people. But, if you go down south to Tanzania, their defence budget is just about a third of our defence budget and it is reportedly the second most secure country in the region.

Hon. Speaker, I am bringing out this point because time and time again, I have come to this House and observed that we have had many issues relating to security because security for the citizens of this country is paramount. I think it is time we did not just look at the budget lines; we should open it up and call upon the people whom we have given the responsibility to execute it to account. For example, we had a very lengthy discussion on security in Marsabit County, and the Chairman of the Departmental Committee on Administration and National Security was put to task by way of questions which, in my view, did not even belong to him. The role of a Member of Parliament is clearly defined in the Constitution.

I think this House has a duty to fast-track processes; we need to bring the people who actually use the money that we allocate to account. We should be interested to know that the best practice is to require that the defence allocation for a country be, at least, 2 per cent of the Budget. But if you look at our allocation to defence and matters relating to security, it is about 20 per cent of the national Budget. Really, we are way beyond the optimum. What we would expect is a level of security for all Kenyans; I mean all Kenyans, without discrimination. That is why it is important that as we go forward, let us fast-track the processes. We need to bring the people who are directly responsible for ensuring our security to account.

As I conclude, I think with this allocation which is an increment, governors must now roll up their sleeves and get to work. They should discard the eagle trip. It has been said that in Kenya today, we have governors who mean well, but we have governors who do their work as if they belong to the 21st Century by mistake. We must all understand that we are all in the 21st Century and we cannot---

Hon. Kimaru: Thank you, hon. Speaker. I would like to urge this House that given the unanimity of our views and concurrence on the suitability of this particular Bill,

now that we are all speaking the same language, the Mover be called upon to reply. My humble view is that all of us are saying the same thing in a different language.

Hon. Speaker: Is that the feeling of the House? I will put the Question.

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

Hon. A.B. Duale: Thank you, hon. Speaker. On the outset, I want to thank the Budget and Appropriations Committee, who have developed this Bill. Secondly, I want to thank my colleagues who have raised a number of pertinent issues. Fundamentally, the issue of costing of functions; this is very critical and the National Treasury must listen to Parliament. Next year, we want functions to be quantified.

Finally and more importantly, I think the politics of devolution based on resources should be over, because now the Government is allocating 43 per cent, equivalent of Kshs226 billion to counties.

Hon. Speaker, I beg to move.

Hon. Speaker: Order, hon. Members! Hon. Members, you cannot be walking while the Speaker is on his feet. I direct the Serjeant-at-Arms to detain those two hon. Members until I clear with this business.

(Question put and agreed to)

(The Bill was read a Second Time and committed

to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairlady (Dr. Laboso) took the Chair]

THE DIVISION OF REVENUE BILL

Hon. Chairlady: Order, hon. Members! Can those hon. Members at the back settle down? You are either in or out of the Chamber.

Hon. Members are now in the Committee of the whole House to consider the Division of Revenue Bill, National Assembly Bill No. 13 of 2014.

(Clauses 3, 4, 5, and 6 agreed to)

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Schedule

Hon. Chairlady: I see an amendment by the Mover, hon. Duale.

Hon. A.B. Duale: Thank you, hon. Chairlady. I beg to move:-

THAT, the Schedule to the Bill be amended in the item relating to County Allocation by-

(a) by deleting the words “of which, Equitable Share, Rural Electrification, Level 5 hospitals, Youth Polytechnics” appearing in the first column;

(b) by deleting the figures “217.87, 3.65, 3.74 and 1.4” appearing in the second column.

We have agreed that we only show that we have given the county governments a block allocation. This will avoid the culture of micromanaging the National Treasury, and also Parliament does not need to micromanage others. The Controller of Budget knows the counties with Level 5 hospitals. Rural electrification is a shared responsibility. So, we delete this as per the Order Paper. That is the only amendment that I have.

(Question of the amendment proposed)

Hon. Chairlady: Did these requests come in earlier, like the one for Iringo? Nelson Gaichuhie, is that on this matter or it was on an earlier matter that has gone?

Hon. Gaichuhie: It has been on since morning.

Hon. Chairlady: Hon. Benjamin Langat. He is not here in the House? You see Members, you are the ones who bring confusion when you are here because you put in your cards and leave the Chamber. Hon. Members,

(Question, that the words to be left out be left out, put and agreed to)

(Schedule as amended agreed to)

(Clause 2 agreed to)

(Clause 1 agreed to)

(Title agreed to)

Hon. Members, we now want to report to the House and I call upon the Mover.

Hon. A.B. Duale: Hon. Chairlady, I beg to move that the Committee doth report to the House its consideration of the Division of Revenue Bill, National Assembly Bill No.13 of 2014 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE DIVISION OF REVENUE BILL

Hon. (Dr.) Laboso: Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Division of Revenue Bill, National Assembly Bill No.13 of 2014, and approved the same with amendments.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report.

Hon. Kimaru seconded.

(Question proposed)

(Question put and agreed to)

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move that the Division of Revenue Bill, National Assembly Bill No.13 of 2014, be now read the Third Time.

Hon. (Dr.) Shaban seconded.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang'): Yes, Member for Taveta in your capacity as the Deputy Leader of Majority Party.

Hon. (Dr.) Shaban: Asante sana Naibu Spika wa Muda. Nasimama kumpongeza mwenzangu kiongozi wa waliowengi, ambaye amewakilisha sheria hii mpya ambayo itatuwezesha kugawa pesa kati ya Serikali Kuu na serikali za kaunti. Kifungu cha 213 cha Katiba kinaeleza juu ya ugawaji wa pesa, na kinazungumzia pesa ambazo si chini ya asilimia 15 ya mapato ya nchi; nina furaha kwamba ugawaji huu umetekeleza zaidi ya asilimia hiyo. Ukiangalia hesabu utaona kwamba kiwango cha pesa cha chini ambacho kimetolewa kwa serikali za kaunti ni zaidi ya asilimia 40.

Naibu Spika wa Muda, kumekuwa na kilio kila mahali kwamba tunataka kuona serikali za kaunti zikifanya kazi. Sasa ni wakati wa kazi na sio wakati wa kupiga domo, ama siasa; tunataka kazi ifanyike. Hiyo ndiyo maana ya ugatuzi; kupeleka maendeleo mashinani.

Naunga mkono. Asante sana.

The Temporary Deputy Speaker (Hon. Kajwang’): Alright. Member for Makueni.

Hon. Maanzo: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I would like to state that this Bill has implemented Article 204 of the Constitution on the Equalisation Fund. I believe that most Members of Parliament will agree with me that at least in every constituency in the country, there is an area which has been disadvantaged in one way or another as envisaged under Article 204. That notwithstanding, I think the Equalisation Fund is very good for the country as has been put in this Bill; it needs to be considered further, so that we have a law under which every constituency benefits from the Equalisation Fund. At a later stage, we will be able to concentrate on areas which are most disadvantaged.

I beg to support.

(Hon. (Eng.) Rege crossed the Floor without bowing at the Bar)

The Temporary Deputy Speaker (Hon. Kajwang’): Order. Member for Karachuonyo! Can you go back, do what you are supposed to do and cross the Floor?

(Hon. (Eng.) Rege bowed at the Bar and crossed the Floor)

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you! Now you look like this is your third term.

Hon. Chepkong’a: Hon. Temporary Deputy Speaker, may I take this opportunity to thank hon. Members for supporting this very important Bill. This puts to shame all those doubting Thomases who have doubted that the Jubilee Government is in support of devolution. This Division of Revenue Bill has allocated 43 per cent of national revenue to the counties. Our motto when we campaigned was “I believe in saying and doing,” which was translated into Kiswahili to say “*Naamini kusema na kutenda*”. This today confirms that slogan to be true. I know that this House has supported it unanimously. There has not been any reluctance at all. Those governors who have been thinking that hon. Members do not support devolution today can go to sleep knowing that hon. Members from all counties represented in the National Assembly support devolution to the letter. In fact, some people think that devolution is a favour, it is not a favour. It is contained in the Constitution.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. (Ms.) Amolo, are you on a point of order, or was that a slip of your thumb?

Hon. Chepkong’a: Hon. Temporary Deputy Speaker, she is my friend and so she has no issues with me.

The passage of this Division of Revenue Bill today is a confirmation that this National Assembly is totally committed to the development of this country without any discrimination. I would like to thank hon. Members for contributing very effectively to this Bill.

(Hon. Oyoo stood up in his place)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Oyoo, this is the National Assembly of Kenya; you do not have to grab the microphone; it will graciously be handed to you.

Hon. Oyoo: Hon. Temporary Deputy Speaker, thank you. Let me take this opportunity to thank the various hon. members who have had the opportunity to air their views on this very noble Bill. I want to congratulate them; debate has gone on well. My regret is that we are passing this noble Bill without urging the Government to reinforce the oversight departments. As you know, it is the second year of devolution and this Bill will go a long way to demonstrate the commitment of the Government to devolution, contrary to the doubting Thomases who said the Government was out to kill devolution and we were fighting it. Unfortunately, the Government’s biggest enemy is the governors.

I would urge the Government to enhance the oversight authorities more. It should give more powers to the Ethics and Anti-Corruption Authority (EACC) to enable them to hire more staff and post them to various counties; this is because now the sharks of corruption are moving away from Nairobi to the counties. The governors are all the time cobbling up conspiracies for economic plunder. We would want the Government to ensure that there are in place serious mechanisms for control because devolution is meant to benefit Wanjiku and Onyango, but now it is only benefiting a few sharks. I want to take, for instance, my county. Two weeks ago I was attending a funeral---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Oyoo, although we appreciate your very lively discussion on this, this is the Third Reading. So, please just confine yourself to issues that arise out of the debate in the Chamber. Issues that arise in Muhoroni may be kept aside for another day or, perhaps, addressed at funerals.

Hon. Oyoo: Hon. Temporary Deputy Speaker, I just wanted to say that I was amazed when hon. Members of my county assembly came to defend their governor against accusations that he had not done much development; they said there were cumbersome procurement procedures. When I went across to another county; Nandi, who are my neighbours, the following day, I found the roads well murramed and procurement properly done. So, I do not know whether there are procurement inhibitions for some counties while others are burdened by them.

I also want to say that money has been given here for economic stimulus. The last phase of the economic stimulus was not done properly. I would rather the Government had a mechanism of checking who did not do his part, so that such people are made to account. People must deliver on the ground, otherwise I want to thank the Government and hope that devolution will be there to stay. There is a good demonstration and it should be supported.

The Temporary Deputy Speaker (Hon. Kajwang’): Are you done?

Hon. Oyoo: Yes, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): All right! Hon. Members, it has been a lively discussion; it has been a good debate and I will now put the Question.

(Question put and agreed to)

(The Bill was accordingly read the

Third Time and passed)

MOTION

DEPLOYMENT OF KDF TO SOUTH SUDAN

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, pursuant to Article 240(8)(a) of the Constitution and Section 18 of the Kenya Defence Forces Act (No. 25 of 2012), this House approves the deployment of the Kenya Defence Forces (KDF) in South Sudan for the purpose of regional peace support operations.

On the outset, I want to confirm that since 2011, we have had the KDF there, 690 in number. Following the current situation in South Sudan, the UN Security Council passed Resolution No.2132 of 2013; it was adopted by the same Council on 24th December, 2013. The UN Secretariat has requested an additional 310 troops for deployment alongside the existing Kenyan battalion, which is known as KENBATT 22 in South Sudan.

If you look at Article 240(8), this mandate belongs to both Houses; it talks of Parliament. Our colleagues in the Senate have already done their bit; they approved this Motion so that we send an extra 310 troops to South Sudan. The same Article, if it is read together with Section 32(6)(a) of the KDF Act, allows the National Security Council to deploy through Parliament national forces outside Kenya for both regional and international peace support operations.

On 25th February, 2014, the NSC met and considered the request and sought approval for this deployment through Parliament of which we are giving today. Kenya is a serious stakeholder in the economy and politics of South Sudan. The initiators and custodians of the Comprehensive Peace Agreement (CPA) are the Kenyan Government and the people of Kenya. We have a huge interest in the economy of South Sudan as a country. Again, there is a serious conflict going on in South Sudan, and in which, as a country and neighbour, we have a moral obligation to play our international and regional role.

Hon. Temporary Deputy Speaker, with that I want to tell my colleagues that this is a very important Motion under the Constitution. We need to have 310 KDF personnel to be deployed to boost the 690 currently under KENBATT 22. This deployment will be for an initial period of six months and is subject to renewal.

I want to confirm to this House that there is no financial implication for the Government of Kenya in this deployment. This is because the United Nations Mission in South Sudan (UNMISS) is funded by the United Nations (UN). So, there will be no financial obligations for our country. I am sure that will make many of us and the Budget and Appropriations Committee sleep well, knowing that UN operations are funded by that body.

Hon. Temporary Deputy Speaker, with those few remarks, I ask my able Deputy to second and ask the House to give the approval required under the Constitution.

Thank you.

Hon. (Dr.) Shaban: Thank you, hon. Temporary Deputy Speaker. I rise to second the Motion that has been moved by the Majority Leader. Kenya has been acting as a doctor for the problems which are in this region. Because we share a border with South Sudan, when there are problems in that country, we are the ones who carry the burden. Over the years, it has been in the public domain that Kenya has played a very big role in the peace agreement that was for the larger Sudan until we had the birth of South Sudan. The issue of the Ministry of Defence asking for our approval of the UN Security Resolution is in order.

So, I stand with my Leader of Majority Party and I would like all the Members to support this move since issues in Sudan and South Sudan have always been our concern. We can go that extra mile to make sure that peace is maintained in that region.

Thank you, hon. Temporary Deputy Speaker.

(Question proposed)

Hon. Dido: Thank you very much, hon. Temporary Deputy Speaker for identifying me. I rise to support this Motion. As a very experienced former military officer---

The Temporary Deputy Speaker (Hon. Kajwang’): As you are contributing, the Speaker will be very strict with relevance and repetition. Standing Order No.106 will be enforced in this House.

Carry on.

Hon. Dido: Thank you very much, hon. Temporary Deputy Speaker. Having been a peace keeper in three missions, I am very well aware of Kenya’s commitment to international obligation. I think Kenya has been one of the best and finest peacekeepers, or peace enforcers in this region. At one point, Kenya was the sixth largest troop contributing countries in the world. In Africa, Kenya is recognized as the best peacekeepers today. Our troops are spread all over the world in almost all continuing peace keeping operation. I agree that our troops can be deployed in South Sudan. They are already there. They have been there for almost seven missions now. This also shows that the Jubilee Government is living by the Constitution. It is asking this House whether it will agree to the deployment of our troops.

Hon. Temporary Deputy Speaker, we know of the efficiency of our troops and their reliability in keeping peace within the region; our troops are currently in Kismayu. We have put our men and women in the line of fire, so that this country is safe.

I beg to support.

Hon. Ng’ongo: Thank you, hon. Temporary Deputy Speaker. Article 240 found itself---

The Temporary Deputy Speaker (Hon. Kajwang’): Hold on, Member for Suba. What is out of order, Member for Kitutu Masaba?

Hon. Bosire: On a point of order, hon. Temporary Deputy Speaker. I was wondering whether the Member who has just sat down, who is my friend, is in order in a matter of this nature, which involves everybody, to continuously talk of the Jubilee Government? It is the entire House that will consider this matter after appreciating the importance of the whole issue.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Fortunately or unfortunately, it is water under the bridge. Yes, Member for Ainabkoi.

Hon. Ng’ongo: But I am on the Floor!

The Temporary Deputy Speaker (Hon. Kajwang’): Just hold on, Member for Suba.

Hon. Chepkong’a: On a point of order, hon. Temporary Deputy Speaker. Certainly, I sympathise with hon. Mbadi because he lost his manager yesterday, but for good reasons.

On a more concrete note, I rise on a point of order pursuant to Standing Order No.97(4) as read together with Standing Order No.83 on the limitation of time for speech by Members in this House. Noting the importance of this Motion, and also the interest that has been displayed by Members--- You can see the number of Members who have shown interest to speak. Would I be in order to request you to reduce contributing time to five minutes, so that you can allow as many of us as possible to contribute to this very important Motion?

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, I can say that it makes a lot of sense because we only have 30 minutes to transact this business. Since none of the Members has moved Procedural Motion to extend time, that is all that we have under our--- You are tied to the minutes that we have, one way or the other. It is your wish, hon. Members because the Speaker does not vote on these things. Do you want three, five or ten minutes?

Hon. Members: We want three minutes.

(Question, that contributing time be reduced, put and agreed to)

Hon. Ng’ongo: Thank you, hon. Temporary Deputy Speaker. I just want to give my contribution very fast. Article 240 found itself in the Constitution, bearing in mind that Members of the National Assembly and the Senate would be responsible enough to put the interests of the country before anything else.

Hon. Temporary Deputy Speaker, this is a requirement. If our country is threatened in any way, and if we feel we have an interest in a neighbouring country or in the region, we should get involved or have our troops sent to that country to bring peace for the benefit of not only that country, but also for our country. Therefore, I find this Motion worth supporting; both the Jubilee side and the CORD Coalition side should support it, so that we can have our troops in Sudan to help our brothers there to maintain peace.

Hon. Temporary Deputy Speaker, my only plea is that this time the South Sudanese should find peace. They should respect this country and our nationals, so that we are not again subjected to what we saw in South Sudan immediately they got peace. Even after this country played a very critical role--- Actually, we played role number one in brokering peace for that country. That is a concern and I think we should send a clear message once peace is restored in that country.

With those few remarks, I support the Motion.

Hon. (Eng.) Mahamud: Thank you very much, hon. Temporary Deputy Speaker for giving me this opportunity.

Let me also join my colleagues in supporting this very important Motion. It is a constitutional requirement that we in this House approve the deployment of our forces abroad. Our forces have done a tremendous job over the years in various peacekeeping missions. In this particular one, which is now South Sudan, we have played an important role in the past. It is only fair that we try to sustain peace in that country. Our only hope is that our forces will maintain the reputation they have had over the years; Kenya Defence Forces should maintain the reputation they have had over the years.

Hon. Temporary Deputy Speaker, while on this one, the Mover has said that they will be there for six months; it is important that we keep our timelines because we know that we are in Somalia as well. It is important that whatever deployment we undertake, we follow procedure. The procedure we used when we went to Somalia was, I think, a mess. It was the first time we sent our troops to go and fight in a foreign country. But peacekeeping mission is a role we have played very well. I think we will confine ourselves to peace missions; I hope this particular mission will achieve the purpose for which it is meant. This is because they are supposed to play a protection role not actually a peace-making role, the way we are trying to do in Somalia.

Hon. Temporary Deputy Speaker, while we are on this one, I think our security forces must secure our own country as they secure our neighbouring countries. I think the security of our people is paramount. As we try to help our neighbours and brothers to keep peace in their country, it is important that we seriously guard our own security, and be able to deal with the enemies across the board. I am saying this because having been in Somalia, I think our enemies have increased. It is time as a country we really paused and asked whether it is worth being in Somalia any more.

Thank you; I support the peacekeeping mission in Sudan.

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I have been waiting for this opportunity since 2.30 p.m.

Hon. Temporary Deputy Speaker, I support the Motion that we send our troops to our neighbouring country, so that we can have peace. It is said that you can choose your friends but you cannot choose your neighbours. If you get hostile neighbours, you should endeavour to assist them to, at least, settle down. When your neighbour's house is burning, yours might catch fire also, or the debris might land on your house. Therefore, I really support the move to take our troops to these countries. As one of our hon. Members said, they are beneficiaries of our hospitality, efforts and capabilities. Once we restore peace, let them not start fighting us or bringing problems to us, as the *Al Shabaab* are doing.

We want peace in Somalia and we want them to live well, but they come here to destroy us and mess us around. Even the South Sudan should also respect our gesture. When they have peace, we go there to do trade or other things; let them also welcome us as we are trying to assist them.

Finally, when we are recruiting our officers for such missions, I would like to request that it is uniformly done across the country, and not picking a few people. If we are taking 1,000 or 500 troops, let us look at all corners of this country so that, at least, all the officers who are in the armed forces can benefit from exposure.

Hon. Katoo: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity.

South Sudan is the youngest country in the world. Kenya is a member of East African Community (EAC), Inter-Governmental Authority on Development (IGAD), African Union (AU) and United Nations (UN). With all those obligations, we are bound to assist our neighbours when they are in problems. They are in a crisis at the moment. Over one million are at risk of famine; over five million people need aid and they cannot get that aid if we do not have peace keepers in that country.

Hon. Speaker, already there are 8,000 UN peacekeepers on the ground. There have also been some peace efforts; there was a peace agreement signed in January in Ethiopia, but it is in tatters. I think both Kiir and Machar have been gorilla commanders in the past, between 1983 and 2005, when that country was in civil war. They just got independence in 2011. That is about three years ago; therefore, as good neighbours we must assist them. As we support the deployment of our forces to that country, we should also encourage our defence forces to carry our flag high and maintain the highest discipline as hon. Members have said. That will put this country in good standing in the world.

Hon. Temporary Deputy Speaker, one very important point is the economy of that country. Ninety five per cent of that economy in South Sudan depends on oil. As we speak now, the majority of the oil wells have already been shut down. Therefore, we should not really sit and watch the economy of that country go down the drain. We have to do something; we have to approve this Motion as a House for that country to move forward.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Hon. Member for Tetu, I understand you are the Chair of the relevant Committee.

Hon. Gethenji: Indeed, I am hon. Temporary Deputy Speaker. Thank you for giving me the opportunity.

As I rise to support this Motion, we wonder, as the Departmental Committee on Defence and Foreign Relations, why the Clerk of the National Assembly did not see it fit to have this memorandum brought to our Committee in order for us to move it on the Floor of the House.

Having said that I support the deployment of troops to South Sudan, under the UN mission. The UN mission has been in the news since---

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Hold on hon. Gethenji! On first comment you made, my understanding is that as the Chair of the Departmental Committee, you only answer to things which have been requested in the House, or which have been given to your docket through the Speaker’s Office. Issues such as the one we are considering--- It was perfectly in order for the Leader of Majority of Party to present it.

Hon. Gethenji: Whereas it is in order, hon. Temporary Deputy Speaker, certainly we---

The Temporary Deputy Speaker (Hon. Kajwang’): Not unless you think of yourself as a Cabinet Secretary.

Hon. Gethenji: No comment.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you; proceed.

Hon. Gethenji: Hon. Temporary Deputy Speaker, I was saying that the UN mission in South Sudan was formed on 8th July 2011 through a UN resolution of 1996. There are several countries around the world which are supporting the UN mission in South Sudan. Forty one countries have provided troops for this important mission. Kenya, as you all know, has been one of the countries respected around the world for providing first class troops from the KDF for peacekeeping missions in many countries around the world, and Sudan is not an exception.

As was said by the Leader of Majority Party, Kenyan troops are 690 in number and we wish to push this number by a resolution of the National Security Council by 310 to total 1000 troops. The United Nations had requested Kenya to provide 1000 fresh troops. This, of course, is a tall order for Kenya to meet on its own. We have several other commitments in the region; therefore, a decision was made to provide an additional 310 troops to make a total of 1000 Kenyan troops in South Sudan.

Hon. Temporary Deputy Speaker, as we support our neighbour and our good friend, the Republic of the Government of South Sudan we would wish our activities in the region, and in particular in South Sudan, to be recognised and supported. We should go to the United Nations (UN) to ask for additional support for the mission in Somalia; the European Union (EU) should also support our activities there. We continue to play a leading role in the region in stabilising the region and creating a conducive environment.

Hon. Temporary Deputy Speaker (Hon. Kajwang’): Member for Kwanza.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I want to reluctantly support this Motion, because of what has happened. I was talking to the envoy to Sudan and I was told that the mistake we made when we helped South Sudan gain independence was that we did not move there quickly enough. We did not have any particular plan. Of course, I support that we send the 310 troops, but after we have stabilised that country Kenyans should be able to move in fast enough and have a specific role to play. I am told at the moment that the Egyptians and South Africans moved there after we helped South Sudan gain independence. Ugandans, our neighbours, are more free there than Kenyans. You have, of course, seen in the past many Kenyans being killed there. We have lost businesses there and, therefore, I think we just have to bring some order to that country. However, at the same time we should come up with a specific programme once we liberate South Sudan.

I am saying this because I know for sure the businesses that are being run in South Sudan. Oil is being exploited by people from South Africa and Egypt when actually we did most of the work to have this country liberated and have independence. Therefore, I say that once we get there we should be able to have a specific programme for us to be able to enjoy benefits. Of course, I wish our boys who are going there well. They are going to gain financially; they will come home with dollars; they will be able to do one or two things for our country. Therefore, I support because I know we are going to have financial gain in terms of rewards for our boys. Of course, I am proud because our troops have been out there and I think they are the darling of the world. No wonder, as one Member said, we must be proud as a country for deploying our peace keeping troops in other countries in Europe, West Africa and the rest.

I support the Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kandara.

Hon. (Ms.) Wahome: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. I want to join my colleagues in supporting the deployment of the Kenya Defence Forces troops in that region. We have seen people dying in numbers and it is sad that a country which is very young, and which we thought would stabilise after a very long civil strife, is now going the wrong route.

Hon. Temporary Deputy Speaker, as a country, we are obviously concerned and that is why Members of this National Assembly are ready and willing to support the deployment. As that happens, I think we want to applaud our troops and call upon them to ensure the star of this country shines, and they live up to their training. We have seen them excel or come up very well, previously in other regions. So, we want to remind them to stick to their training skills and be able to make this country proud of their job; we believe they are going there to complete a job.

Hon. Temporary Deputy Speaker, I think, as a country, we must engage vigorously in long lasting peace in that country. We know that the solution is a negotiated agreement and peace for this country, because troops cannot be the end result or solution for this country. I think we also need to call upon the leaders in this country to embrace peace because we have seen them going the wrong route. Voices have been raised in this country and we have a duty, as a good neighbour, to assist in maintaining peace.

Hon. Temporary Deputy Speaker, I want to say that we want to remind them that this country has actually given more than its share in terms of supporting the region. We have seen, sometimes, our country suffering for doing a good job. Other neighbours must see Kenya as a leading partner in maintaining peace in the entire region.

With those remarks, I support this Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Hamisi.

Hon. Gimose: Thank you, hon. Temporary Deputy Speaker. I want to support this Motion by saying the security of the people of Sudan is not for an individual or a faction. It is the security of an entire nation and that is children, women and men of Sudan. I want to say our forces will contribute extensively to the stability of that country.

The Temporary Deputy Speaker (Hon. Kajwang’); Hold on Member for Hamisi. Member for Karachuonyo, is something out of order?

Hon. (Eng.) Rege: On a point of information, hon. Temporary Deputy Speaker. I would like to inform the Member for Hamisi that this is not Sudan. It is South Sudan; this should come out in the HANSARD. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Hamisi, just press the intervention button.

Hon. Gimose: I am sorry for that; thank you for the information.

I want to say that our troops will go a long way in supporting that country to attain peace. I want to commend the Leader of Majority Party and the Government of the Republic of Kenya for accepting to send our troops to that country. I want to say that if that country is destabilized, the way it is happening now, the ripple effect will affect our nation; therefore, it is imperative that we send our troops there.

I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you.

Yes, Member for Roysambu.

Hon. Ndirangu: Thank you, hon. Temporary Deputy Speaker for allowing me a chance to contribute to this very important Motion. In the past, our gallant soldiers have kept peace in Yugoslavia, Sierra Leone, Liberia and even in Somalia. However, as we send our troops to South Sudan it is important that our Government seriously considers setting aside some funds to help the businessmen and women who lost their millions of shillings during disturbances in South Sudan.

We thank the Government for the quick evacuation of the Kenyans who were affected in South Sudan. We also appreciate that our compatriots lost billions of shillings. Our co-operation with South Sudan---

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Roysambu, why do you not leave the issue of compensation for another day? Why do you not restrict yourself to the issue of deploying troops in South Sudan?

Hon. Ndirangu: Hon. Temporary Deputy Speaker, I appreciate our Commander in Chief’s request to allow him to send our gallant soldiers to South Sudan and have a strong force.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kajiado Central.

Hon. (Maj-Gen.) Nkaissey: Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Hold on. I understand that you are a general, but just hold on. I can see that your leader, the Chief Whip, is on a point of order.

Hon. Mungaro: On a point of order, hon. Temporary Deputy Speaker. While I support the deployment of the military to South Sudan, I do not want them to forget that we also have our borders to secure. In this House, we have only one general and he has not been given an opportunity to say something.

The Temporary Deputy Speaker (Hon. Kajwang’): He is the only retired general in the National Assembly.

Hon. (Maj-Gen.) Nkaissey: Hon. Temporary Deputy Speaker, I think our Chief Whip has a point. As the custodian of the Comprehensive Peace Agreement (CPA) for South Sudan, we have no choice but to maintain peace in South Sudan. The deployment of our troops in foreign countries is based on the law, both the Kenya Defence Forces Act, Section 18 and Article 240(8)(a) of the Constitution; it is important that we send our troops to South Sudan. The situation there is terrible at the moment. The best troops in peace keeping are in our country. This is our neighbour and, therefore, deploying our troops as required by this Motion is very commendable. I support that we allow our troops to go there. Some contingents are already on the ground and so it is just about increasing our support so as to enforce peace.

I support.

Hon. Muluvi: Hon. Temporary Deputy Speaker, I thank you for giving me this opportunity. I also stand to support the deployment of our forces in South Sudan.

The Temporary Deputy Speaker (Hon. Kajwang’): I understand that you are also a retired Major.

Hon. Muluvi: Yes, hon. Temporary Deputy Speaker. Thank you for giving me this opportunity to support the deployment of Kenyan troops to South Sudan. I support this for various reasons. One, Kenya is a major player in the regional economy; as long as

South Sudan is not stable, that directly affects Kenya as a country. Even when we look back, diplomatic initiatives in this country to stabilize South Sudan started over 15 years ago.

The Kenya Defence Forces, including those currently deployed in Somalia, did a wonderful job during their campaigns there. I have very strong faith in the leadership of the Kenya Defence Forces, and I believe that when they are deployed in South Sudan, they will do the same. I support the Motion.

Hon. Bosire: Thank you, hon. Temporary Deputy Speaker. Mine will be very brief. Notwithstanding the costs and consequences this country has faced when giving the same services to our neighbour, namely Somalia, deployment of our men and women to South Sudan is a noble mission; it is important to achieve comprehensive peace in the region and create an enabling environment to do business there.

In view of that, hon. Temporary Deputy Speaker, I support

Hon. ole Kenta: Thank you, hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Kajwang’): Hold on Member for Narok North.

The Member for Kwanza, I hope that you are really on a point of order because you have spoken. I hope you are not raising a point of order that will deny other people their very precious minute---

Hon. F.K Wanyonyi: On a point of clarification, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): You know that a clarification is not a point of order.

Hon. F.K Wanyonyi: Hon. Temporary Deputy Speaker, I may have used a different word---

The Temporary Deputy Speaker (Hon. Kajwang’): I will allow you to raise it.

Hon. F.K. Wanyonyi: Remarks by the Leader of Majority Party were that the 310 troops were sent to South Sudan, and I support this wholeheartedly. Did he say that 690 troops are already there? If they are already there, who gave the permission for those troops to go there? Now they want to use us as a rubberstamp and send more troops there! I want to get that clarification.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Narok North, can you continue?

Hon. ole Kenta: Hon. Temporary Deputy Speaker, I also wish to support the Motion. I believe that Kenya has a duty and responsibility to take care of South Sudan, considering the fact that we actually “midwived” its independence. The most important thing is that the leaders of South Sudan should realize that the fate of their people lies with themselves. The solution to their problems cannot be with peacekeepers or other nations, it is with them. I would like to tell the leaders of South Sudan that the suffering of their people is caused by their greed for power. Much as we would like to support them, without them thinking about their people--- They saw what happened in Bentu where hundreds of innocent and helpless children and women were killed. These were people who did not bear any arms to hurt anybody. This is something they should do. Whoever is in power must always ensure that they share resources, because failure to do that is the cause of problems in Africa. You can see what is happening in Nigeria and

Central African Republic. I believe that unless they sort out their problems, however much we try, we will not assist them.

The other thing I would like to say is that Kenyans have suffered a lot in the hands of South Sudanese. We supported them but when they got independence, they even took the wealth of our people and chased them out of their businesses. Once this help is given, we will want to look at them in their eyes and tell them that we have assisted them all along and they should take care of our people.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): The last on this list will be the Member for Karachuonyo.

Hon. (Eng.) Rege: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to join my colleagues in supporting this Motion. In 2006, I had the opportunity to personally contribute to the well-being of the young country, South Sudan, by writing for them their Telecommunication Act. Therefore, when a need like this one arises---

Hon. Waweru: On a point of order, hon. Temporary Deputy Speaker. We only have three minutes. Probably, we should get the Mover to reply.

The Temporary Deputy Speaker (Hon. Kajwang’): Let the Member for Karachuonyo finish his minutes.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, therefore, when an important issue such as this arises--- I support this wholeheartedly; that is the deployment of 310 KDF to supplement the 690 troops in South Sudan, and bring peace to that country, and also prevent killings of the South Sudanese, as is happening right now.

Kenyans are doing business in South Sudan. This is in the banking sector, hotel sector and many other commercial areas. Therefore, we must contribute wholeheartedly and effectively. Kenya should contribute towards supporting the running of South Sudan Government in whatever area where it will request support. I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Hon. Members, this is a truly patriotic Motion, and I can see many of you want to debate it. I have 15 requests and I can see hon. Members looking at the Chair, but the Chair has no power to increase the time that God has provided. End time has to remain 6.30 p.m. Debate on this Motion will resume tomorrow. I, therefore, order that it appears on tomorrow’s order of business, so that we can debate it and if possible, put the Question. Those who have shown interest to debate this Motion come and debate it tomorrow.

ADJOURNMENT

Hon. Members, we have come to the end of today’s Sitting. Therefore, the House stands adjourned until Thursday, 24th April, 2014, at 2.30 p.m.

The House rose at 6.30 p.m.