

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 30<sup>th</sup> July 2015

The House met at 9.30 a.m.

*[Hon. Deputy Speaker  
(Dr. Laboso) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** We do not have quorum. Ring the Quorum Bell.

*(The Quorum Bell was rung)*

We now have quorum. We can now proceed with our business.

### PAPERS LAID

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

**Hon. Deputy Speaker:** Order, Members! Those Members coming in, can you give us a few minutes to put the Question in the next Order and then you may proceed to get in?

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

The Report of the Auditor-General on the Financial Statements of the National Land Commission for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of Micro and Small Enterprise Authority for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Baringo South Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Baringo North Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Turkana West Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Turkana South Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Turkana North Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Lurambi Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Nambale Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate therein.

**Hon. Deputy Speaker:** Next Order!

## BILL

### *Second Reading*

#### THE COMPANIES BILL

**Hon. Deputy Speaker:** Hon. Members, this Bill had been debated and finalised. The only thing that remained was putting the Question.

*(Hon. Chepkong'a on 8.7.2015)*

*(Resumption of Debate interrupted on 29.7.2015)*

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

Next Order.

## MOTIONS

### RATIFICATION OF THREE EAST AFRICAN PROTOCOLS ON DEFENCE MATTERS

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on a Protocol, Pact and Agreement relating to Defence Affairs, laid on the Table of the House on Tuesday, 7<sup>th</sup> July, 2015; and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012 approves the ratification of:

- (i) The East African Community Protocol on Cooperation in Defence Affairs;
- (ii) The Mutual Defence Pact between the Republics of Kenya, Uganda and Rwanda; and,
- (iii) The Agreement on the Establishment of the Eastern African Standby Force.

*(Hon. Gethenji on 9.7.2015)*

*(Resumption of Debate interrupted on 9.7.2015)*

**Hon. Deputy Speaker:** This is resumption of debate. Was anybody on the Floor? If there was nobody then we can continue with the list before me. Hon. Daniel Maanzo is the first one on my list.

**Hon. Maanzo:** Thank you, Hon. Deputy Speaker for giving me an opportunity to contribute on the Motion. I rise to support this Motion on grounds that the main idea here is the protection of our territorial borders and co-operation of Eastern African countries and other countries on the issue of defence. There is also the defence pact between the Republics of Kenya, Uganda and Rwanda and the Agreement on the Establishment of the East African Standby Force.

Hon. Deputy Speaker, this force is not just to protect our borders; in the event that there is a conflict in any of the countries, it can go to that country to stop the conflict. Our country has in the past suffered when there was a conflict in the neighbourhood as we have had to host people from those countries. That is a requirement of international law. Hosting them has its own challenges even when it is within our country. This Protocol also calls on the international community to take care of these conflicts.

Hon. Deputy Speaker, it is a little difficult to educate and bring up people when they are in a situation where they have been resettled in another country and are in the state of refugees. Therefore, these are some of the things that this Protocol is going to take care of, and ensure that there is no conflict which will result in refugees and radicalization, among other things.

When you look at this particular pact, it does not offend our Constitution; it is firmly within the laws of the country, and even those of other countries in the region. Therefore, when an issue, policy, law or an operation is happening internationally and is not offending our Constitution, it is the only good thing to do to protect our own country and our neighbours.

I would also want to say that the Committee did a very good job. There was wide consultation with stakeholders. In addition to war and conflict, sometimes you can have emergencies such as an earthquake, a building which has collapsed or a terrorist attack. The standby force will have a method of coordination; they already know what to do; they can be the first ones to arrive to help save lives. There was a time a building collapsed here in Kenya and it took a team to fly from Israel, which is a few hours to get here to use their expertise on bombings and collapsed buildings and rescue lives. Due to time lag, some lives were lost. Therefore, if we have a standby force, which is within us

and can be coordinated by a common command, then it will make it much better for us to save lives, handle emergency situations and protect our countries for better prosperity.

As I conclude, the region is now highly inspired by President Obama's visit. Good standards and examples have been set; as an East African Country, we know that we can make it. One of the things you will need for prosperity is security and it is largely provided by defence forces. There is a common belief in the Ugandan President that number one priority is the army, and from there other things can be sorted out. If you travel to Uganda, you will see the sort of security mechanisms the army puts in place when working with its police force. It is the same experiences we will like to share to make our country better.

Thank you, Hon. Deputy Speaker.

I support.

**Hon. Deputy Speaker:** Hon. Julius Ndegwa.

**Hon. Ndegwa Kariuki:** Thank you, Hon. Deputy Speaker. I rise to support this Motion. It is a very important thing for the East Africa defence forces to join hands to enhance the security of the region. They can have a central command that will enhance and improve security within the region. The East African countries are within the same region and you can have wrongdoers, criminals or attackers take advantage of invading a certain country near the border, attack and get back to the other country. If we are not under the same command, the country that has been attacked has to seek authority from the other country to look for criminals.

I support and personally feel it is important for us to have a common defence force which will work harmoniously to enhance the security of citizens of the East African countries.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Justice Kemei.

**Hon. Kemei:** Thank you, Hon. Deputy Speaker, for giving me this opportunity.

I rise in support of the Protocol on Defence in the East African Region. The borders we have were colonial creations. The people of East Africa are one and the same. And, when we begin enhancing cooperation on various fronts starting with the defence front, economic front and cultural front, then we are truly getting back to the situation where the people of East Africa are one and the same.

When the Canadian Scholar Marshall McLuhan coined the word "global village" he was referring to the advancement in communication which will make the world one. When we begin cooperating in various fronts, we are moving to a situation where we are not only seeing ourselves in East Africa as one, but in East and Central Africa as one, Africa as one and indeed in the whole world as one people and one community.

The visit by President Obama has made the East African region a focal point when it comes to defence in the whole world. And, increasingly when we have a stand by force it will not only help defend the people of East Africa but it will also help the global world to defend itself against vices such as terrorism and poaching.

I rise to support.

Thank you, Hon. Deputy Speaker.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Deputy Speaker. I rise to support the Report of the Departmental Committee on Defence and Foreign Relations.

Hon. Deputy Speaker, as it has been said by my colleagues before me, the Committee has done a fairly commendable job in preparing this Report. As it stands now, the East African Community comprises of more than 200 million people. In my view, that is a big block in terms of its position not only in the African continent but also in the whole world. For a very long time, what has bogged down East Africa and African countries is the general feeling of helplessness. This is in more ways than one a contradiction. This is because if you look at what happens in our region our country included, a lot of times we engage with the outside world more or less as junior players. If we can establish and stamp the weight of our position in this region and Africa as a whole on the face of the word, we will be listened to. We have had many cases where the picture we project as Africans is that of helplessness, but I think this may not be the case. If you look at how we manage our affairs, there is still a lot that needs to be done. I would want to believe that we can afford to be more assertive if, as the East African community, we exist as a unit and in a way project the image of a united community.

I am sure my colleague, the Chairman of the Departmental Committee on Defence and Foreign Relations, will agree with me that our country still leads in terms of defence and security spending by far. In fact, I was looking at an analysis of the defence spending of East African countries since 2011 and the Kenyan defence budget is bigger than that of Tanzania, Rwanda and Burundi combined. Ironically, for a long time, which is partly due to our geographical location, we seem to be the most insecure country in East Africa. With this East African Community Protocol on Cooperation in Defence Matters, I believe East Africa will better her defence because there cannot be more legitimacy for a government to be in force than to provide security for its people. Any government that looks unable to provide security for her people puts its own legitimacy to question. People cannot even engage in economic activities if they do not feel secure. This Protocol is good. It has been said that it applies to human beings as it applies to countries. You may not have friends but it is a must that you have neighbours. If we can cooperate as East African neighbours, it will be easier than always running out to the west, which also has its own problems. Sometimes we tend to give the wrong impression that the west does not have problems. The west also has her own share of problems. East Africa can manage its own affairs, if we become more prudent in the way we manage our funds, for instance.

You have just seen that we tabled the annual report of the Auditor-General for 2013/2014 two days ago. Of course we are yet to look at that report in detail, but if what is appearing in the Press is true, then you ask yourself what could be achieved if we just reduced the wastage that is in public spending. This is not just for national governments alone. If you look at the wastage at the counties, then you ask yourself how much more can be achieved if there was more prudence.

The mutual defence pact between the republics of Kenya, Uganda and Rwanda is a good one, but I will hate a situation where it tends to perpetuate the notion that it is a coalition of the willing. You have heard this thing about the coalition of the willing, which excludes Tanzania and Burundi. If East Africa is to pull together, then we have to pull together as East Africa. When it appears that certain parts of East Africa are pulling in a different direction that is not good for the unity of East Africa. We even say that this co-operation needs to be extended to other areas.

As I speak here, I do so as a qualified professional in this area. One of the areas that have been very frustrating for us as engineers is that we have opened our markets freely to engineers from this region, but we have had very serious difficulties - my good friend, Hon. (Eng.) Mahamud, will bear witness - when a Kenyan engineer tries to set up camp in Tanzania, for instance; we are looked at very suspiciously. There is no question that we have tended to develop our professional base better than in the other regions. I would want a situation where if East Africa is to cooperate, let us carry this cooperation we are seeing in the areas of defence to trade and professional interchanges. For a long time, as engineers in East Africa, we have been trying to work on a mutual recognition agreement where as a registered engineer in Kenya, I do not need to seek registration in Tanzania, Uganda, Rwanda or Burundi to practise. It appears to be the spirit but is totally different when it comes to the practice. I think this is the real meaningful cooperation that we need because there are countries which can exist even without a defence force, because defence presupposes that you will have to confront antagonistic situations from the region or outside. It is possible, if we can have harmonious region where trade can be fostered, professionalism and exchanges at the intellectual level can be fostered; that would guarantee better prosperity for our people and we would not even need to get into these kinds of engagements.

Be that as it may, this is a good Report by the Committee which needs to be commended. Let us use such agreements to foster the oneness of East Africa, so that when an East African moves from Kenya to Tanzania, you feel at home in Kenya as much as you feel in Rwanda, Burundi and Uganda.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Katoo ole Metito.

**Hon. Katoo:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to support this very important Motion.

As a Member of the Committee, I want to say the following. First of all let me congratulate our defence forces for the good work they have been doing in trying to defend the territorial integrity, or the boundaries of this country. It is a good job and we pay tribute to those who have lost their lives in the line of duty. We know they have lost their lives on our behalf and for us, as a country. We must always be very grateful to them.

Coming from what my good friend, Hon. (Eng.) Gumbo, has just said and since this country is now more insecure than before because of several reasons, mostly because of having unstable neighbours, especially Somalia, it is good that we double our capacity in the Kenya Defence Forces (KDF) in terms of personnel and hardware and modernise them. The KDF were used as a force for peace keeping mostly by the United Nations (UN) in various countries, but things have changed. As much as we still have that role, we now have the other angle of struggling and stretching our resources in defending our boundaries. For that reason, we need to double our capacity in terms of personnel; we always recruit for the KDF. Maybe we should even undertake stimulus recruitment the way we have done with the National Police Service (NPS); we did a double intake. So I call upon the Government to consider that and this House will always be very ready to give both financial and legal support that may be required to increase the capacity of our defence forces. On personnel, I know the numbers and I am not going to say them. The

numbers need to be doubled and the hardware modernised as much as possible. With such pacts or protocols in terms of the cooperation of East Africa now, we even need to do more.

For the benefit of the country, this is not the first pact to be done globally. It may be the first one in our country but I just want to draw the attention of the Members that it has borrowed a lot from several examples in the world like the North Atlantic Treaty Organisation (NATO) Defence Pact. This comprises of 28 countries in North America and Europe. The purpose of it is to safeguard the freedom and security of its members through both political and military means. It also considers an armed attack against a member State as an attack against all member States of the North Atlantic Treaty Organisation (NATO); an attacker is liable to a collective security action.

Coming back to our continent, the Southern African Development Community (SADC) has a mutual defence pact developed in 2003 pursuant to the SADC Protocol on Defence, Politics and Security Co-operation. The SADC Protocol also considers that an armed attack against a member State is a threat to regional peace and security and can be subject to a collective action if approved by the SADC Summit.

The Mutual Defence Pact is modelled along the SADC Mutual Defence Pact. So, it is not the first one of its kind. This has been done before. It is important that we approve it. It has a framework for co-operation on several fronts. I am sure the Chairperson of the Committee highlighted this while moving the Motion. For clarity this pact calls for co-operation in military training, joint operation and technical co-operation. There is also co-operation in field visits and exchange of information, especially on intelligence. It also creates an institutional co-ordination mechanism for defence co-operation. Above all it proposes what is called Status of Forces Agreement (SFA), which is also provided for in Section 37(2) of the Kenya Defence Forces (KDF) Act.

One of the major provisions of this Protocol on Defence Co-operation is that member States will now have criminal jurisdiction against the East African Co-operation Forces in their region. This Protocol clearly spells out the process of settlement of claims against visiting forces as contained in Section 37(1)(d) of the KDF Act. So, it qualifies the Act. It also talks about tax exemption on visiting forces' salaries, which has been a very contentious issue. There is need for visiting forces to have their salaries exempted from taxation.

The establishment of this collective defence territory for East Africa was signed by Kenya, Uganda and Rwanda on 20<sup>th</sup> February 2014, but it is open for the signatures of the other East African countries. It is for the entire EAC member States. It provides framework for collective action against threats to national security of partner States. This will provide the synergy that is required in combating crime, especially terrorism, because unity is strength. If the five EAC member States come together in terms of defence, that synergy will contribute to the realisation of desired results in protecting the lives and property of our people.

The need for a collective action against aggressors will be determined by the Summit, which is convened by the chairperson. In case of any threat, the collective action taken will be reported to both the African Union (AU) and the UN Security Council. It will not be done through the rules of the jungle. This practical framework on common defence and joint operation provides a good procedure to undertake the operation.

Because my time is over, let me end by saying that the work of the National Assembly in approving all these defence instruments and the sending of our forces to wherever they will be required is still maintained.

**Hon. Deputy Speaker:** Hon. Wangamati.

**Hon. Wangamati:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this important Report that the Committee has brought before this House. I thank the Committee for the good work they have done in coming up with this detailed Report.

I am one of the people who worked in the East African Common Services Organisation (EACSO). It is a wonderful thing for all the three countries to come together. It is important because the world is becoming smaller. The coming together of the governments of East Africa gives an extra impetus to our people to enjoy, visit one another freely and explore development opportunities in the region. The coming together by these three States gives our people a bigger say in international business. It opens up opportunity for more work and therefore we shall have more employment opportunities in this country.

When East Africa was still one under the colonial government, we had one currency. It is not a new thing because our people will be more friendly and nobody from outside will subject us to division. Being a country which is a little industrialised than the others, we will benefit more through this set-up.

Hon. Deputy Speaker, I support this Report strongly. It has come at the right time when we need it. Even our people will pose a threat to other African States by supplying more to them.

I support this Report and I agree that our Government is doing a good thing by bringing us together.

Thank you, Hon. Deputy Speaker.

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker, for giving me the opportunity to also contribute to the Report of the Departmental Committee on Defence and Foreign Relations with regard to protocols, pacts and the agreement regarding our defence affairs in the region. I agree that unity is strength. Many security issues that we face as a country are not internal. Many of them come from external forces; therefore, we need cooperation with other partner States like our neighbours to ensure security in the region. We also need to work together in training and have joint operations just as it is with the Economic Community of West African States (ECOWAS). As a Community, we also need to work very closely to enhance our standing in the region in terms of our defence forces and also to show the world that East Africa is maturing into a serious region.

I am worried about a number of issues. We have talked about economic cooperation in this region, which is really taking shape at a very slow pace. I am also sure that when it comes to defence matters, we will move fast enough to realise or actualise those wishes that as a region we have expressed.

Secondly, not until partner States respect each other will we realise any meaningful progress in defence cooperation. I say this as one of the Members who represents a constituency bordering one of these states, namely Uganda. We have faced a lot of aggression from our partner state, our neighbour. I am not so sure if working jointly with them in defence and training together will not expose us, as a country, to them and



enable then to understand our military strength given that they have this appetite to continuously invade our country at will. It is not lost to this House that the location of Migingo Island and its administration are still contentious. The Government of Kenya has not shown interest and zeal to bring back this important economic island to our country.

Besides Migingo Island, the Uganda security personnel have been invading my constituency. They have been coming at will. They have been coming to Kiwa Island, Nyandiwa and all the way to Kinda. Just recently, there was an outcry as the Uganda police were harassing fishermen right inside the Kenyan territory. A committee of Parliament that is supposed to protect the interests of this country brings a report to the House asking us to cooperate with our partner states yet these partners are not friendly, have shown aggression and are determined to take part of our country. I do not know whether this defence cooperation is going to be useful to our people.

Therefore, as the MP for Suba, I would be reluctant to support this Motion until there is a commitment from Uganda and any other neighbouring country like Rwanda--- I see that Tanzania is not here; I am talking mostly about Uganda. They must show commitment and respect to this country. I would be reluctant to support this until that commitment is shown; I want to know that Uganda is not going to continue with its aggression against our land.

Thirdly, as we talk about nice things about cooperation, working together and desiring the region to move forward, as a region and as the African Continent, the leadership of this region must show commitment to democracy. We must talk about bad things that our neighbours are doing that are crippling or interfering with democratic gains in the region. We know what is happening in Burundi yet all African Heads of State are quiet. No one is taking a stand. No one is coming out forcefully to tell the President of Burundi that what he is doing is wrong. Why are you then calling for cooperation of our defence forces when there is no respect for democracy? The starting point and the bottom line should be democracy.

So, I am reluctant to support this Report because I do not see what we are going to realise out of it. We live with neighbours who are not friendly. They are aggressive and invade our country and then we want to start cooperating with them in defence matters. They will start learning our military hardware and software and understand us then they will be even more aggressive. I am opposing this Motion and asking the Committee first to do the right thing. Instead of wasting time sitting and debating on cooperation, - I see the Chairman is very alert - this Committee should tell this country when we are going to be sure that Migingo Island is in Kenya and that there is not going to be any more interference from Uganda. Unless you do that, do not expect any cooperation, or support, from the MP for Suba in this so called "cooperation". It is not going to help me and my constituents until Kenyan territory is respected and protected. The Committee to do that is the Departmental Committee on Defence and Foreign Relations. Avoid these side shows, get the Kenya territory protected. That is the cardinal responsibility of this Committee; it should not start thinking about Rwanda and Uganda.

**Hon. Gethenji:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Mbadi, let us hear a point of order from your colleague and Chair of the Departmental Committee on Defence and Foreign Relations.

**Hon Gethenji:** Hon. Deputy Speaker, my senior brother who has been in this Parliament longer than I have, should know and if he does not support, he is advised that he is not in order to level charges against a friendly neighbouring country on the Floor of this House without moving a substantive Motion. He knows the rules of this House and our Standing Orders. So, I would ask him to refrain from leveling such charges against a friendly neighbouring country on the Floor of this House in the guise of responding to this Motion. Let him follow the correct procedure and file a substantive Motion.

**Hon. Ng'ongo:** You know if the Chair was from Suba, he would be talking differently. He is talking like this because he comes from central Kenya. That is why he is calling---

**Hon. Deputy Speaker:** Order, Hon. Mbadi! The Hon. Chairman, if I heard him correctly, is not disputing or agreeing with what you are saying. He is only saying that if you really want this matter to be discussed, bring a substantive Motion on it. That is the only thing---

**Hon. Ng'ongo:** I have just said that Ugandan police come to my constituency every day, and it is his Committee that is supposed to protect this country. The Executive does not sit here.

**Hon. Deputy Speaker:** Then bring it up, Hon. Mbadi.

**Hon. Ng'ongo:** Instead of challenging me, he should have gone to the Executive as our representative, and as the Chair of the Committee to tell the Executive that---

**Hon. Deputy Speaker:** Have you brought the matter before the Committee? Let us not make allegations on---

**Hon. Ng'ongo:** This is a matter that has been discussed many times. The issue of Migingo Island is with the Committee. They have not done anything. Why do I come with another Motion? It is as if he does---

**Hon. Deputy Speaker:** Order! Even when you are doing very well, you always manage to raise temperatures. Really, Hon. Mbadi, you know the rules.

**Hon. Onyonka:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Richard Onyonka, what is your point of order?

**Hon. Onyonka:** Actually, Hon. Deputy Speaker, I have to apologise because I wanted it to be a point of information. I do not know whether Hon. Mbadi will allow me to inform him.

**Hon. Ng'ongo:** I agree. He has been assisting me.

**Hon. Onyonka:** On a point of information, Hon. Deputy Speaker. I have to apologise because I wanted it to be a point of information and I do not know whether Hon. Mbadi would allow me to inform him.

**Hon. Ng'ongo:** I agree. The Member has been an Assistant Minister.

**Hon. Onyonka:** On a point of information, Hon. Deputy Speaker. The Chairperson of the Committee on Defence and Foreign Relations has been wonderful not to indulge so much. We are on top of the Migingo issue as a Committee. The Government is also on top of it and I believe the Chairman has been very cautious not to give the details which would pre-empt an eventual conclusion which is soon going to be reached. I would want my Chairman to realize that, sometimes, issues on our neighbours are very sensitive. My chairman has been cautious not to discuss this. However, the Committee on Defence and Foreign Relations is on top of it.

**Hon. Deputy Speaker:** Okay. Order, Members!

**Hon. Ng'ongo:** Hon. Deputy Speaker, I want to thank Hon. Onyonka for giving me that information. It is timely information. I wish the Chair also gave me the information. If they are on top of it, that is fine. I am only worried about the time and I know Hon. Onyonka, having served as an Assistant Minister in a very relevant Ministry, will ensure that, that will be fast-tracked.

However, I just expressed my concern and I wish the Chairman will take it up seriously that the people in that region are suffering and they want some action to be taken quickly.

**Hon. Deputy Speaker:** Thank you, Hon. Mbadi. What is your point of order, Hon. Gumbo?

**Hon. (Eng.) Gumbo:** On a point of order, Hon. Deputy Speaker. My point of order follows from the comment by Hon. Onyonka. The issue of Migingo is very emotive for those of us who come from the Lake Region communities. Since he has confirmed that the Committee is on top of the matter, would I then be in order to ask the Chair of the Committee when this matter will be finalized? This matter has been pending for over five years now. When are we going to finalise this matter? Would I be in order to ask the Committee to confirm that to us?

**Hon. Deputy Speaker:** The Chair, I think you are obliged to answer that one. You need to give us some time-frame, at least, on when we can have the report on what is going on in your Committee on this matter.

**Hon. Gethenji:** Thank you, Hon. Deputy Speaker. I very much appreciate the sentiments and the feelings of my good brother, Hon. Mbadi, and the request from Eng. Gumbo. It is the responsibility of this House and every Member of this House to protect not only the Constitution, but also the people of this Republic. I want to assure Hon. Mbadi that we feel the pain of the people of Suba. The Committee on Defence and Foreign Relations will do everything in its power to ensure that, that does not continue and justice is served to the people of Kenya.

With regard to the report on Migingo, we have been inquiring into that matter substantively and extensively and we are going to present a report on the Floor of this House within the next one month. I am sure the findings therein will be helpful in bringing this matter to a conclusion.

**Hon. Deputy Speaker:** I think that is a satisfactory answer. Hon. Mohamed Maalim.

**Hon. (Eng.) Mahamud:** Thank you very much, Hon. Deputy Speaker for giving me this opportunity to contribute to this Report on the Ratification of the Three East African Protocols on Defence Matters presented by the Committee on Defence and Foreign relations.

We now live in a very competitive world and it is important that we take advantage and co-operate with our neighbours in our region on matters of defence which are important to us. Through this, we can share information and work on matters that are beneficial to our communities. It is true that Kenyan Defence Forces and Kenya defence matters are very advanced compared to similar matters in the region but, as a leader in the region, it is important that we co-operate with our neighbors so that security issues can be handled together.

One way of trying to reduce tension in the region is by co-operating in matters of security, so that we can know one another and we can forestall issues that can rise to become a threat to our people. The fact that we are in the East African Community, it is prudent for us to have a protocol on co-operation on defence matters which I am sure countries in the region have developed. It is only a must that, we, as a leading member of the Community, accede to it so that it becomes effective.

On the defence forces between us and the republics of Uganda and Rwanda, already those countries are good friends of this country. It is important that we take advantage within that co-operation. On the issue on the Eastern Africa Standby Force, we never had a situation where East Africa was threatened as a group. But it is important to have a standby force for future if anything comes up. A case in point today is that of Somalia where we have threats from the *Al Shabaab*. Quite a number of our member states from the region are in Somalia under the AMISOM Programme to deal with the menace of the *Al Shabaab*.

Having said that, our defence forces have the prestige of being a very well trained force but, sometimes when we see things happening, it is a bit worrying. From this Floor of the House, I will encourage our defence forces to be very professional, maintain the professionalism that they have been known for and keep their behaviour above board. There are certain things which are happening in the fight against terrorism that point to some behavior that is not intended and not well meant for our defence forces.

With those few remarks, I support the Report that the protocols be ratified by our country.

**Hon. Deputy Speaker:** Hon. Joseph Kiuna.

**Hon. J.K. Ng'ang'a:** Thank you, Hon. Deputy Speaker. I also rise to support this Motion. Being a Member of this Committee, we have been following this issue at length. Before we tabled this Motion, we had come to a conclusion that there is need for this Motion to be brought to this House. For a long time, East African countries have been treating each other with a lot of suspicion and threatening each other. If we want to have peace and to develop, we must march together as nations, so that we can outwit our enemies who are surrounding us.

For example, we are being threatened by some of our neighbouring countries. Unless we come together and join forces so that we can compact them, we shall not make headway. With the new technology, other nations or blocks in the world have merged their forces. I do not see any reason we in East Africa should be left behind. If we want to integrate economically, there is need for us to integrate militarily. This will lessen our work. With the new technology, we can learn a lot of things from each other. Nations, especially in West Africa and Europe, have formed their blocks and in case of any aggression in any of the nations, the others come together to defend it. This is the right time for us to do this.

As we ratify these protocols, there is need for us to look at the democracies within East Africa. We may think that we are doing the right thing, but if we are not going to move together as a block politically, we will reach a point where one of the states may think that they are more senior or superior than the other. As we integrate in terms of our defence forces, we need to move together politically. It pains a lot to find one of our neighbouring countries going back to turmoil because of greed. An example is Burundi.

The election they held was not as per the expectations of the majority of Burundians. So, it is very important for us as a nation to stand up and condemn it when we feel that any nation is going astray.

I support this Motion and urge all Members to look at it politically and not only on the side of defence. We cannot move on matters of defence if we are not going to move together politically.

Thank you, hon. Deputy Speaker. I support.

**Hon. Deputy Speaker:** Hon. Ali Wario.

**Hon. Wario:** Ahsante sana, Mhe. Naibu Spika kwa kunipa fursa hii. Hakuna taifa duniani ambalo litajigamba kujimudu kibiashara, kijamii na kiuchumi. Ndiposa mataifa duniani, ikiwemo Ushirikiano wa Nchi za Ulaya (European Union) wanatafuta ni vipi watashirikiana kuboresha hali ya maisha ya watu wanaoishi katika sehemu hizo. Ndiposa pia Jumuiya ya Afrika Mashariki (EAC) imeungana ili tufungue soko na tushirikiane kibiashara, kijamii na kisiasa. Leo, itifaki iliyowekwa mbele ya Bunge hili inatupatia ushirikiano wa kijeshi. Kwa nini wanajeshi washirikiane? Kuna masuala ya mafunzo ya kijeshi na kuna ushirikiano baina yao. Dunia ya leo inakumbwa na ugaidi. Tatizo la ugaidi si tatizo ambalo taifa moja linaweza kusimama na kutatua. Hivyo basi, ni lazima Afrika Mashariki ije pamoja. Ni lazima wanajeshi wa Afrika Mashariki waweke sahihi itifaki hii ili tuweze kupambana na kushinda adui anayekumba taifa la Kenya leo.

Mhe. Naibu Spika, nimesikia matatizo kama yale ya kisiwa cha Migingo. Hayo ni matatizo ya kawaida. Katika mwili wa mwanadamu, kuna ulimi na meno ambayo hushirikiana sana katika kufanya kazi. Hata hivyo, saa zingine viungo hivi hukwaruzana. Licha ya tatizo la kisiwa cha Migingo, Uganda inatoa biashara kubwa kwa taifa la Kenya. Kwa hivyo, ni vipi tutakuja pamoja tutatue matatizo haya yanayokumba Afrika Mashariki? Nimesimama kuunga mkono Hoja hii ili tushirikiane kijeshi, kisiasa na kibiashara katika eneo la Afrika Mashariki.

Ahsante, Mhe. Naibu Spika.

**Hon. Deputy Speaker:** Hon. Dalmas Otieno.

**Hon. Anyango:** Thank you, hon. Deputy Speaker for giving me this opportunity to make a contribution to this Motion. This is a major step towards what we hope for in the future; to have a federation in this particular region. As of now, we are all aware all over Africa that small states still run the risk of instability, sometimes contributed by individual personalities who feel they are more powerful than the institutions. It is time we made our people accept certain values that we should share regionally. Whenever we agree on such values, we should be ready to implement them. In the area of defence, certainly, we agree that we will have strong military forces that can be a source of stability and strength for our countries. We need those joint forces. Training and equipment is very expensive. There will be economies that will be achieved by working together in those defence areas. It is a major step and the signal it sends is stability in the region; stability in such a way that the personal ambition of Dalmas Otieno will not shake the region.

The temptation of individuals in any one country to drive the country the wrong direction will be reduced. Gone will be the temptation to escalate tribalism so that you think in terms of controlling a whole little state as an individual ethnic group, which is really evidence of leaders that cannot lead the whole country and so, they want to divide

it into small pieces which they can lead and introduce wrong values that actually contribute to instability in our respective nations. I support these recommendations by the Departmental Committee on Defence and Foreign Relations that this should be commenced. They should look forward to achieving the other objectives of the federation in the East African Region.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have Hon. Florence Kajuju.

**Hon. (Ms.) Kajuju:** Thank you, hon. Deputy Speaker. I stand to support this Motion by the Departmental Committee on Defence and Foreign Relations. I congratulate them for the work they have done.

I am the Chair of the Committee on Regional Integration. Mostly, we deal with issues of the East African Region and within Africa as a region. Within this East African Region, we have seen that our leaders have been very keen in ensuring that the integration process is quickened and much more that we deepen and widen the integration process. Much as we have been keen on doing this, we cannot really establish a regional trading bloc without peace and security. We know that there can never be any development without peace. We have been moving within the EAC to ensure that we have met the four pillars within the integration process. Among them are the Common Market, the Customs Union and the Monetary Union, which we ratified as a House last year in October. We are moving towards the fourth pillar, which is the political federation. We cannot attain the fourth pillar if we do not have peace and security within the EAC.

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

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

As a Committee, we have gone round the various EAC partner states. We have visited Tanzania and Uganda. We have looked at the various institutions that have been established by the EAC. We have the Civil Aviation Safety and Security Oversight Agency commonly known as CASSOA, the Inter-University Council of East Africa and the East African Court of Justice. Those institutions and many more, even the Lake Victoria Basin Authority, are shared within the EAC. However, we have seen that there has been lacking a common stand in as far as issues of defence, peace and security are concerned.

Madam Speaker, I believe that---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kajuju, you mean for all those years you have not known---- Well, proceed, Hon. Kajuju.

*(Laughter)*

**Hon. (Ms.) Kajuju:** Thank you, hon. Temporary Deputy Speaker. We need peace and security. We need a standby force and institutions that handle issues of security within

the EAC. Much as we have the other institutions that deal with trade, education and many other matters, this is the right time we should be putting in place those kind of institutions to take care of our security.

When we went to Uganda, one of the things that my Committee was impressed with is the fact that within the Ugandan border, there is clear security. They have deployed their defence forces to guard the boundaries between Uganda and Kenya. However, when you look at the Kenyan side, there has not been a clear guideline on how our security is supposed to protect our borders. Those are some of the things that our Attaché in Uganda raised with us as a Committee that, as a country, we need to define our security measures within the Kenya-Uganda border.

Those are some of the measures that the Committee has come up with to ensure that we have clear guidelines on issues of security.

Hon. Temporary Deputy Speaker, what we should know as a House is that those protocols that we are ratifying today do not interfere in any way with our sovereignty as a country. There will be total respect to the national laws of the respective countries. Any protocol that is signed must align itself within the respective national laws of each East African partner state. Therefore, there cannot be any inconsistencies and conflict between any protocol that we are ratifying as a country, or any other laws that exist within respective countries and within the Constitution.

The other thing that I wish to raise in support of these protocols that we are ratifying today is that when there is an alternative settlement of disputes, then any disputes that arise do not necessarily have to undergo the court process. We have the East African Court of Justice (EACJ). However, if there is a dispute between Uganda and Kenya, say, the issue raised by Hon. Mbadi regarding Migingo, we do not necessarily have to run to court. That is because it will be a security issue and, therefore, with the ratifying of these protocols, those kinds of disputes can easily be settled through the Alternative Dispute Resolution (ADR) mechanisms. I, therefore, support these protocols that have been brought by the Committee. I thank the Committee for finding it necessary to bring those issues before us today for ratification. This is because I believe that they have looked at each and every clause that was before them and found it fit. So, we can now quicken the process of integration within the East African Community.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We will have Member for Subukia.

**Hon. Gaichuhie:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice in support of the Motion. East Africa is integrating economically, especially in trade protocols. Having a protocol on co-operation in defence affairs will strengthen the security of this region. Since we share so much in common, when we share defence affairs, it is going to enhance security in the region. Kenya is advantaged compared to Uganda and Rwanda which are land-locked. Kenya has a navy and so if the other states co-operate, it will be of good use to the region.

Exchange of information is a good thing. We always say that information is power. In the protocol, I know there is something about exchange of information and this will also be of great help. The training of our forces jointly is also something good

because we can get ideas from all the other countries. It will be good to have a united force in place.

On the agreement of the establishment of the Eastern Africa Standby Force, it is a force that can help when we have problems in the region. We will not have to look for forces from each country because there will be a standby force which will have trained and worked together and will be able to tackle any regional issues. When we train our forces together, it can be cheaper and better because we shall have specialized training for all the forces that will also enhance security in the region.

The other issue is that the world is improving technologically. It has become a global village. When we have a trained force that is linked together, it will help since we will be able to tackle any regional issues together. The Member from Suba has said that Uganda should not be part of us, but I think we know that in our region, Kenya trades a lot with Uganda because it is a friendly nation. So, to have a joint force in place will be a good thing. In the Constitution they say all protocols should be ratified by Parliament. I, therefore, think that the Departmental Committee on Defence and Foreign Affairs has looked at the protocols and it has approved the ratification. So, I also want to support and say that we should fast-track the process of being a party to the East African protocols.

With those few remarks I want to support. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, I see the name of Hon. Gumbo on top of the list. I thought you just spoke!

**Hon. (Eng.) Gumbo:** I want to speak on another one.

**The Temporary Deputy Speaker** (Hon. Cheboi): On another one? Then, I will skip you and give the chance to Hon. Wangwe.

**Hon. Wangwe:** Thank you, Hon. Temporary Deputy Speaker for allowing me to contribute to this very important Motion. At the outset, I want to say that the East African Community Protocol on Co-operation in Defence Affairs; the Mutual Defence Pact between the Republic of Kenya, Uganda and Rwanda; and the Agreement on the Establishment of the Eastern Africa Standby Force is a very much welcome idea.

I remember attending a conference in Kampala last month; it was the Northern Corridor Summit. Kenya was a subject of discussion because it had delayed the ratification of those protocols and the mutual defence pact. I want to thank the Chairman of the relevant Departmental Committee for having brought this ratification on time. Now, Kenya will not be a subject of discussion in the next conference on the Northern Corridor.

I want to thank the Departmental Committee on Defence and Foreign Relations for considering it wise to bring these protocols on the Floor of this House. Having considered the issue, defence is one very important thing. These protocols emphasize one great idea that the defence forces should be able to share information across countries. Sharing information is very key. You could be a very strong force but you may not have intelligence information and that might lead to an ambush within your own territory.

Therefore, Kenya, being a hub of economic activities and being the big brother in EAC, is prone to attacks by all sorts of enemies. An enemy emanating, say, from Burundi, or Uganda would want to reach the destination of Kenya. Therefore, any slight information shared between the three countries is much welcome. The co-operation



includes efforts by all the EAC states. This means that Tanzania is included, but the pact restricts within the three countries. This pact is very important because it is going to guide Kenya, Uganda and Rwanda. Using the principle of the “coalition of the willing” Tanzania is allowed in the EAC Treaty. I, therefore, thank the Committee for thinking twice and now that they have brought it to us, we should proceed and ratify the pact.

Looking at the establishment of business, we have just had the Global Economic Summit (GES) here in Nairobi. No one would want to come to Kenya when security is in question. Therefore, registering this pact; ratifying the Protocol on Co-operation in Defence Affairs; and the establishment of a standby force will simply add to the gains of the GES that we have just had in the last one week. We will attract more investors into the country.

With regard to the standby force, all parts of the world, for instance the Middle East, the Far East, Americas and others have standby forces. You need not to be a war-monger to have a standby force. However, you need to be ready to protect your territory so that in the event of an attack, you are able to retaliate in equal or higher measure. Therefore, creation of a standby force is an idea that is long overdue and I support it. We welcome it so that tomorrow, Kenya and EAC will be a very secure place for business to thrive in.

You realize that the world is under threat from terrorism. Terrorists would want to come into the country through all means, be it water, air or land. So, the establishment of a standby force is not only to face external aggression from terrorism, but also internal aggression. Today, Burundi is not in a very stable state. If you have a standby force, no country would want to have such a mess. No country would want to attract such kind of instability. Therefore, in the event a person makes a mistake in terms of leadership - politically or economically - then there will be a standby force which will be ready to take control of the country.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. I see the Member for Ganze is top on the list, but I realise that I have not given the other side of the House an opportunity. So, you will be next. Let us give the opportunity to Hon. Onyonka and then we come back.

**Hon. Onyonka:** Ahsante, Mheshimiwa Naibu Spika wa Muda. Kwanza, ningependa kusema kuwa ni heshima kubwa sana kujadili hapa hii Hoja ambayo ni muhimu sana kwa nchi yetu ya Kenya. Ukiangalia, pengine wengine wetu hatujaliangalia hili jambo vilivyo kwa sababu hatujaelewa kuwa mjadala huu uko kwa hii nyumba yetu ya Bunge kwa sababu ya Katiba yetu, ambayo ilisema kuwa jambo lolote ambalo ni la ulinzi ama mkataba wowote ambao Serikali itakuwa imetia sahihi lazima ujadiliwe hapa na viongozi wa wananchi wa Kenya. Ningependa kuunga mkono Hoja hii ya Kamati ya Ulinzi na Mashauri ya Nchi za Kigeni. Mimi ni mmoja wa Kamati hiyo. Ningependa kutoa heshima zangu kwa Mwenyekiti wangu, Mheshimiwa Gethenji. Pia ningependa kutoa shukrani zangu kwa Waziri Amina na Katibu Mkuu wake, Dr. Kibicho. Tena ningependa pia kutoa shukrani zangu kwa wale maofisa katika idara ya ulinzi katika nchi yetu na Serikali ya Kenya ambao walijihusisha na kujadiliana na kuyaangalia masuala nyeti ambayo yangetusumbua na kuhakikisha kuwa hii Hoja imeletwa hapa Bungeni. Nina uhakika kuwa Wabunge wataipitisha Hoja hii kwa sababu haina tashwishi kabisa.

Ukiangalia Hoja hii, mkataba huu ukitiwa sahihi, nchi za Africa Mashariki zote zitakuwa zinaungana na kufanya kazi pamoja. Zitapashana habari kuhusu mambo ya ujasusi. Ikiwa kutakuwa na msiba ama shida yoyote - hata kama kutakuwa na ugonjwa kama vile *Ebola* - nchi zote za Afrika Mashariki zitakuja pamoja na tutaungana na kujaribu kutatua shida hiyo.

Jambo lingine ningependa kusema ni hili: Ukiangalia Jumuiya ya Afrika Mashariki, tangu 1962 hadi 1963 wakati nchi za Afrika Mashariki zilikuwa zinapata uongozi kutoka kwa wakoloni, tumekuwa tukisema ingekuwa vizuri sisi tuwe na eneo moja la kiuchumi. Tutakuwa na ushirikiano katika mambo ya ulinzi kwa sababu sisi ni Waafrika kutoka eneo la Afrika Mashariki na sisi ni kitu kimoja. Imefikia kiwango cha lazima tuanze kufanya kazi pamoja, tuheshimiane na tuangalie maneno ya mipaka yetu ili tusiwe na tashwishi kabisa. Kama kuna shida ambayo inatokea, lazima tuwe na njia ambazo sisi wenyewe tunazungumzia masuala hayo. Lazima tukubaliane kuwa lazima tuyazungumzie, tuwe na amani ili tujaribu kuendeleza eneo letu kiuchumi na tuhakikishe kuwa wananchi wetu ndio wanafaidika. Nawasihi ndugu zangu hapa Bungeni kwa kupitisha Hoja hii kwa sababu jeshi hilo litakuwa la dharura. Kabla hilo jeshi la dharura halijaenda kuvamia nchi yoyote, kikao kitakuwa kimesimamiwa kule Jumuiya ya Afrika, kule Ethiopia na watajadiliana vile jambo hilo litatuliwa.

Jambo la pili ni kuhakikisha kwamba kila nchi itakuwa imetoa msimamo wake. Hili ni jambo lazima likubalike katika nchi zote ambazo zimehusika. Tukubali Mkataba huu ili kuhakikisha kuwa tumesuluhisha shida iliyoko. Nina uhakika kuwa wakati ambao Rwanda ilikuwa na shida zake, kama tungekuwa na jeshi la dharura, lingekuwa limeenda Rwanda na yale mauaji ambayo yalifanyika yangesimamishwa. Kwa hivyo, ningependa kuwasili ndugu zangu kuwa tupitische Hoja hii kwa sababu ni nzuri.

Kumalizia, ningependa kusema kuwa nilisikia ndugu yangu mmoja akizungumza na kusema kuwa pengine hii Hoja isipitishwe kwa sababu nchi kama Burundi wakati huu ina shida na tuna shida yetu na Uganda kuhusu Migingo. Ningependa kumwambia ndugu yangu Mwenyekiti wa chama changu cha Orange Democratic Movement (ODM) kuwa shida ambayo iliyoko Burundi kama kungekuwa na mkataba kama huu, Rais wa Burundi angefikiria mara mbili kabla yeye kuamua kuwa angependa kupigwe kura ama la. Angekuwa anaangalia sheria vile iko na angekuwa anawauliza marais wengine: “Mnaona aje na nifanye vipi?” Kwa hivyo, mimi naonelea tukiwa na huu Mkataba ni vizuri.

Kuhusu eneo la Migingo, Mwenyekiti wa Kamati ya Ulinzi na Mashauri ya Nji za Kigeni amesema kuwa hili ni jambo ambalo Rais wa Kenya, Uhuru Kenyatta, Mawaziri wale wanahusika na Kamati ya Ulinzi na Mashauri ya Nchi za Kigeni wamekuwa wakilijadili. Hivi karibuni, tutakuwa na suluhu ili tujaribu tusiwe na hii shida. Sisi kama viongozi na wananchi wa Afrika Mashariki ni lazima tuendeele kuishi pamoja, tupendane na tuheshimiane.

Kwa hayo mengi, ningependa kusema kuwa mimi naunga mkono Hoja hii. Ni nzuri na itafanya Kenya iendeele kama nchi ambayo ni ya heshima na sheria. Ahsante, Mheshimiwa Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Cheboi): That was very good Kiswahili. I hope Hon. Shehe is going to follow suit. I am going to specifically give those people who are going to speak good Kiswahili. So, Hon. Mishi, be prepared.

**Hon. Shehe:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. Unfortunately, I will speak English although Kiswahili is my favourite. I support this noble idea on the East African Community Protocol on Cooperation in Defence Matters. My observation is that we have come to realise that we do not have to live thinking that either the other people are doing better or the opposite because we share common borders. We have so many similarities in several issues. Having a common standby defence force somewhere is going to help in several issues, noting that there are even other tribes that are found on either side of both countries or maybe in all countries of East Africa. We tend to have similar issues that affect us on day to day basis.

I now come to a point whereby we find that there are some criminals who steal money and run away to neighbouring countries and hide there. This could be one way of trying to trace them and bring them to book so that we can protect our economy in either way. On poaching, this could be one way of curbing this crime that has been escalating in some of our neighbouring countries. It also depends on how those other member states are going to take this issue. I imagine that it is worth putting it across. I support and urge all my friends to support this idea and sail it through. Thank you.

**The Temporary Deputy Speaker (Hon. Cheboi):** Very well. Hebu na tumsikie Mjumbe wa Mombasa, Mishi.

**Hon. (Ms.) Khamisi:** Ahsante sana, Mheshimiwa Naibu Spika wa Muda. Mimi pia nasimama kuunga mkono Hoja hii ambayo imekuja katika Bunge letu la Taifa. Kwanza, Mkataba huu unataka kuweka kidete ushirikiano wetu wa kijeshi wa mataifa matano ambayo yako katika Jumuiya ya Afrika Mashariki. Huu Mkataba hautakiuka Katiba yetu ya Kenya. Haswa, tukiangalia Kifungu 241(3), tunaona kuwa hautakiuka sheria yetu ambayo ni “sheria mama”. Pia, Mkataba huu ambayo tunataka kuipitisha kuhusu ushirikiano wa kijeshi umeangalia Kifungu 125 katika ile Mikataba ya Afrika Mashariki ambayo kwa Kiingereza tunasema *Treaty for the Establishment of the East African Community*.

Tukiangalia nchi yetu ya Kenya, tumekumbwa na mambo ya usalama ambayo yametupatia shida sana. Vile vile, tukiangalia majirani wetu kama Rwanda na Burundi, wamekuwa na shida sana ya kiusalama na hata wamekumbwa na mambo ya kivita katika nchi zao. Imekuwa ni mpaka Umoja wa Mataifa (UN) ujitokeza na kutuita sisi kama nchi jirani ili tuwasaidia ndugu zetu kama hao.

Lakini iwapo jambo kama hili litatimia kama ambavyo limepangwa katika mkataba kama huu, sisi wenyewe tutaona kuwa kuna haja ya kusaidiana ama kuwasaidia majirani wetu. Mkataba huu unazungumzia mambo ya ushirikiano na kuwa na taaluma zaidi ya mambo ya kijeshi. Tunajua kuwa kila nchi iko na mbinu zake na pengine mbinu za kijeshi zinaweza kuwa sawa. Lakini kuna mbinu zingine ambazo tunaweza kubadilishana katika nchi zetu hizi tano ili tuweze kuwaboresha wanajeshi wetu.

Mkataba huu pia umezungumzia kuwa wanajeshi wetu wanaweza kutembeleana, kupatiana motisha zaidi na kuinuana juu zaidi katika mambo ya kijeshi. Jambo hili litatupa nguvu sisi kama nchi tano za Afrika Mashariki. Pia, tukishirikiana na tuwe na nguvu za kijeshi, nchi zingine ambazo pengine zingetaka kutuletea matatizo au kutufanyia uvamizi, zitaogopa kwani zitajua sasa si kidole kimoja ambacho kinavunja chawa, bali vimekuwa vidole vitano ambavyo vimeshirikiana.

Jambo la usalama ni muhimu sana. Hapa Kenya, bali na kuwa na mambo ya usalama, tumekuwa na utesi mdogo mdogo, kwa mfano, katika mipaka yetu. Mpaka wetu na Uganda pale Malaba, pale Busia and mpaka wetu na Tanzania pale Horohoro, kumekuwa na matatizo madogo madogo. Watu wamekuwa wakitumia njia za kando kuingia Uganda na Tanzania. Hayo ni mambo ambayo yamekuwa yakileta tetesi. Tunapokuwa na mkataba na ushirikiana kama huu, mambo kama hayo hayatakuwa maswala nyeti ama maswala magumu. Yatakuwa ni maswala ambayo yanaweza kurekebisha kwa pamoja. Katika Mkataba kama huu, kutakuwa na kamati ya pamoja ambayo italeti maofisa kutoka nchi zetu tano ambazo ziko katika Jumuiya ya Nchi za Afrika Mashariki. Kwa Kiingereza, kamati hiyo tunaita *the Liaison Standing Committee*. Kamati kama hiyo itakuwa inaangazia na inawaleta maofisa wetu wa kijeshi pamoja na pia kuweka ushirikiano wa kuboresha mambo yetu ya kijeshi ili nchi zetu hizi tano ziweze kuwa huru kutokana na mambo ya uvamizi.

Ningetaka kuwaambia Waheshimiwa wenzangu walioko katika Bunge hili kuwa ndugu zetu kutoka Rwanda walipatwa na shida kubwa sana ya mauwaji ambayo tunaita *genocide*. Iwapo tungekuwa na ushirikiano kama huu wa kidete, pengine maafa kama yale yangepungua. Yangekuwa machache. Hakungekuwa na haja ya kuanza mikataba mingine, kusema ni lazima tuwe na stakabadhi fulani, tupatiwe ruhusa na nchi fulani na zile sheria nyingi sana ambazo ziko katika mambo ya kitaifa ya usalama. Tungeingia pale kwa haraka na kuwasaidia ndugu zetu. Tuliwasaidia wakati ule, lakini hatukuwa na makubaliano kama haya ambayo kwa lugha ya Kiingereza wamesema ni *mutual benefits* kutoka kwa majeshi yetu. Hii ni kusema kuwa sote tutakuwa katika hali ya usawa katika ushirikiano wetu. Hakutakuwa na nchi ambayo itakuwa mbele zaidi au nchi ambayo itakuwa nyuma zaidi katika ushirikiano wetu. Tunajua kuwa mambo ya usalama ni muhimu sana. Sisi, haswa Wakenya, tumekumbwa na changamoto nyingi sana. Wale maadui wetu na magaidi wanapojua ya kwamba sasa kuna ushirikiano wa kidete ambao umewekwa baina ya nchi hizi tano, wataogopa. Watajua kuwa mambo yamepamba moto, hizi nchi zimesimama pamoja na zinashirikiana pamoja. Hivyo basi, watatuwachia uhuru wetu katika mambo ya usalama.

Ninaunga mkono. Pia, nawaomba ndugu zangu, Wabunge walioko hapa, hili si jambo la mzaha ama mchezo. Najua tulikuwa na shida ya mambo ya Migingo lakini, katika kulitatua jambo hilo, hii ndio itakuwa njia ya kuleta suluhu. Hatutakuwa na utesi tena. Mazungumzo yatakuwa kwa kirefu, kwa makubaliano na kila mmoja katika nchi zetu tano atafaidika. Hapo basi suluhu itapatikana na tutakuwa na makubaliano mazuri. Naunga mkono na nawaomba wenzangu tuiunge mkono Hoja hii kwa sababu ni Hoja ambayo inaleta makubaliano ya kuweka nchi zetu sambamba katika mambo ya usalama na mambo ya vita.

**The Temporary Deputy Speaker (Hon. Cheboi):** Let us have the Member for Muhoroni.

**Hon. Oyoo:** Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this very well-conceived Motion. For purposes of harmony in the structures of our defence forces and mutual co-operation for the East African states, this Motion has come at a very good time. My fear is that we have a lot of differences in our political ideologies, but the East African countries have tried to harmonise their ideological concepts, so that they are almost reading from the same page.

If this concept is conceived and signed, it will go a long way to give the East African states an opportunity to enhance their defensive mechanism, so that, should there be any problem like what we are seeing in Burundi today, the first step would be for the East African countries to summon Heads of State or government in place to try to find solutions rather than crying out to the big brothers as is the case today.

We will have an opportunity to forge common ways. I am sure our security apparatus, namely, the police and the intelligence services already have on board certain mechanisms of bringing their heads together with a view to curbing prevalent criminal activities which have been going on. I know that the heads of the criminal investigation departments in the East African states have a common agreement. They often meet in different countries. I know that the intelligence services also have the same, but this will make it formal and will go a long way to curb the rampant insecurity challenges that we have around. More so, it could be one way of making the African states speak with one voice and get respect from other countries. We have those arrangements in West African countries and even in Asia. It is unfortunate that it has taken too long for us in East Africa to implement this noble and most worthy concept.

I want to take this opportunity to thank the Chairman of the Departmental Committee on Defence and Foreign Relations for making sure that those protocols see the light of the day and that, this Motion is well prepared and brought before this House. I take this opportunity to plead with the Members of this House to give total support to this concept. This is something that will go a long in deepening our co-operation.

Our expectations are normally very high. People think that immediately a protocol is signed, they will see the results. It takes some little time, but it is a good step forward towards the resolution of our many criminal conflicts. Our Government should take this seriously. People who always take the lead like Kenya should take the lead in perfecting the concept and making sure that it sees the light of day.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Ordinarily, I would not give an opportunity to Members who have just come in when we are at the tail end. But, I realize Hon. Wamalwa was here a little earlier and, therefore, he will be the last one to speak on this particular one.

I can see Hon. Kipchoim and also Hon. Wamunyinyi. The difficulty with me giving Members who have just come in is the very high likelihood of them repeating what the rest of the membership has spoken. I always prefer when I give Members who have been listening to the others so that they can contribute differently. But, for today, I am going to give a chance to these last three members. Hon. Wamwalwa, Hon. Grace Kipchoim and, lastly, Hon. Wamunyinyi. Be brief I am sure you may not know what the other members have spoken. I do not want any repetition and will be very strict on it. So, let us have Hon. Wamalwa.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity, I will be very brief. These treaties have been long overdue and we know very well that they can only be effective when they are ratified by Parliament. I sit in the Committee of Defence and Foreign Relations and when you look at the member countries, you will realize that they have already done it. Actually, Kenya is the last one and so, mine is to request the Hon. Members to move with speed so that we do this

ratification as quickly as possible. One critical and important issue is on military training. When training is done jointly, we will tend to enjoy the economies of scale. It is going to come with a lot of benefits. Again, when you look at exemption of tax on the visiting forces, those forces need to be motivated. They are putting their lives at stake and it is, indeed, critical that when it comes to their salaries, the issues of exemption of tax should be implemented.

Another critical issue is when you look at aspects of technical co-operation. Once we do it together, there will be technological transfer and in the process, we are going to enhance issues of security. Again, once we have this cluster, it implies that if any one of our members is attacked, then all of us are at risk and that is why it is critical for the issues of technical co-operation to be put together so that, in terms of improving technology, it can be something that will help all the members who are in the cluster. Mine is to request members to move with speed so that we can do the ratification as I mentioned earlier. That is because Kenya is left behind.

Thank you, Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Baringo South.

**Hon. (Ms.) Kipchoim:** Thank you, Hon. Temporary Deputy Speaker. I stand to support the Committee Report because these treaties are long overdue as said by the Hon. Member. When we do the ratification, it is going to cement our relationship with our member countries and also assist in the employment of our youth. Our membership and support in the EAC will help our youth to travel and move around easily. The mutual defence pact between the Republic of Kenya, Uganda and Rwanda will help us to become one nation. Our movements will be eased and our businesses will thrive. The agreement establishing the Eastern Africa Standby Force is important because we are affected by insecurity issues. We should bear in mind that we are a nation facing issues of insecurity in our counties and sub-counties. In the places where there is insecurity, they have not developed even after 52 years of Independence. They are still struggling with insecurity. I want to support the Committee and ask all the Members of Parliament to support and hasten it so that it can enrich our goal towards attaining Vision 2030.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Thank you, very much, Hon. Temporary Deputy Speaker, for giving me the chance to add my voice to this important Report. First of all, I am a Member of the Defence and Foreign Relations Committee and, therefore, I am part and parcel of the Report and I own it. My not having been here was due to the decision of having sittings on Thursday mornings and also the Committee sittings on Thursday morning. So, we were having our Committee meeting where we decided to re-organize the programme of meetings so that we do not sit on Thursdays until the House recesses.

At the outset, I support the Report and without risking repeating what the other Members have said, I want to stress one important ingredient in this Report. The establishment of the Eastern Africa Standby Force considering the conflicts in our region is important. It is to ensure that there is a force on standby for prompt response. For instance, for purposes of peace-keeping, if we had an active Eastern Africa Standby Force, it would not have been difficult to put together a force to deploy in Somalia and

other countries where there is conflict. The conflict in South Sudan for instance requires deployment of a peace-keeping force.

The role of Parliament in this is merely to ratify so that we comply with the requirement of our Constitution. Therefore, let us support the Report and I appeal to Members since the debate is coming to an end, to pass and support it, so that we can move on to implement the protocols. One other thing I wanted to mention - and which is important for us as Kenyans - is that in the current era, it is not possible for any country or nation to live in isolation. We must work together and there has to be co-operation. The issues that we are working on together jointly are having a common market, opening up borders and issues that affect the people of the region. It is, therefore, important that we legalize and put in place laws that would allow these processes to be effectively implemented. Therefore, what we are doing is to ensure that we stick to the correct position and we are on the right track to move forward as envisaged in the spirit of the community in East Africa.

With those few remarks, I support the Report and thank you very much for the chance to speak.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We will have the Mover responding.

**Hon. Gethenji:** Thank you, Hon. Temporary Deputy Speaker. I am, indeed, rather humbled by the unanimous support of the Report and Motion by our Committee. This is a testament to the hard work and diligence of the Members of the Defence and Foreign Relations Committee. I would like to thank them once again for the time and effort and, indeed, the secretariat for the good work in preparing the final draft of the Report for presentation to this House.

What we are witnessing is what many observers have been saying over the years, Africa is, indeed, rising. The rise of Africa is driven by the engines of growth in its regional sub-blocks and in the Eastern Africa region, the rise is driven by the cohesion and togetherness of the East African Community, the member states, the friendly and progressive nature of the leadership and their people.

East Africa's positioning on the Continent and Kenya's positioning in the East African Community (EAC) has been observed. Kenya is the largest economy in the East African region and with this Protocol in place it absolutely gives confidence to investors and people from around the world that this region is taking matters of security seriously and is looking forward to protecting their people and the investments of anybody who wishes to come and participate in this region.

The visit by the President of the United States of America (USA) to Kenya was a very powerful milestone and signal to the world at large and a particularly positive affirmation to corporate America that Kenya, as the anchor of EAC and one of the anchor states in Africa at large, is open for business. This is not accidental. It is an affirmation of the observance of Kenya and East Africa and the actions that we are taking collectively. This particular Protocol and those steps that we are taking in creating an Eastern Africa Standby Force and a Mutual Defence Pact are part of that observation. Those are the types of mechanisms that are put in place in more developed economies and regions in the world where capital tends to flow. If we continue in this manner and give confidence to the world that this region is able and willing to defend itself, its neighbours; is able to

protect one another and ensure that we maintain the stability that we require for growing economies, then capital will tend to flow towards this region. This is what we must continually encourage and achieve for Kenya and for our neighbours.

In fact, you will see another area which is often overlooked. If you look at other Mutual Defence Pacts between countries such as the North Atlantic Treaty Organization (NATO), it is a huge employer within its member-states. For us, the creation of the Eastern Africa Standby Force in a country which is looking to employ and increase employment opportunities for young Kenyans, it will be a step in the right direction. Not everybody can find a position in the Kenya Defence Forces (KDF).

We wish to say that this Agreement has the potential to transform the entire region beyond what we have seen in Asia and the Middle East because the confidence that is developed in the East African region coming together will certainly encourage a large influx of capital. We would wish to see on the back of the Global Entrepreneurship Summit, the East African region attract the attention of the world and allow the world global capital markets to direct more and more resources towards this region for our benefit and for our development.

I wish to thank all the Members who have spoken here today and previously when we first raised this Motion for their positive contributions and for their attention to the details of the Report. Once again, I thank the Members of the Committee and the secretariat.

I beg to move.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. For obvious reasons I will not put the Question. We will quickly proceed to the next Order and then, at the right time, we will put the Question.

ADOPTION OF REPORT ON RATIFICATION OF  
BILATERAL AIR SERVICES AGREEMENTS

**The Temporary Deputy Speaker** (Hon. Cheboi): Is the Chairperson of the Departmental Committee on Transport, Public Works and Housing in the House? I see you Hon. Maalim.

Proceed.

**Hon. (Eng.) Mahamud:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Bilateral Air Services agreements between the Government of the Republic of Kenya and the Governments of the Republics of Ghana and Niger, laid on the Table of the House on Thursday, 18<sup>th</sup> June 2015 and, pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Bilateral Air Services agreements between the Government of the Republic of Kenya and the Governments of the Republics of Ghana and Niger.

In moving this Motion, I would like to state that the Committee had three meetings during which the representatives of the Ministry of Transport and Infrastructure



appeared before it and considered the agreements. In considering the Bilateral Services Agreements, the Committee was guided by the provisions of the Treaty Making and Ratification Act No.45 of 2012. The Ministry of Transport and Infrastructure normally negotiates and reviews all the air services agreements between Kenya and other states to facilitate designation of scheduled airlines to offer international air transport services within their territories and beyond.

The agreements were negotiated in line with the Integrated National Transport Policy which indicates that Kenya is keen to liberalize new and existing agreements on the basis of the Yamoussoukro Decision for states within Africa and equal opportunity and representative for other states. The agreements enable airlines to expand their existing route networks by directly operating to other markets. In addition, where airlines are unable to offer services, the agreements allow them to enter into commercial agreements, especially co-sharing agreements, which allow airlines to grow the demand in other markets by putting their code on other carriers.

In order to operationalize the agreements, it is normal practice for the two parties to sign a Memorandum of Understanding (MOU) that gives force to the agreements as they wait for the formal signing by the Cabinet Secretaries of ministries in charge of civil aviation. The Bilateral Air Services Agreement between Kenya and Ghana was negotiated and initialed on 31<sup>st</sup> May 2006. In order to operationalise the agreement, the delegation signed an MOU that gave force to the agreement while waiting for formal signing by the ministries in charge of civil aviation. This Agreement is modelled on the International Civil Aviation Organization (ICAO) Template Agreement and is based on the Yamoussoukro Decision. The Agreement is liberal and enables airlines to operate within the two states without restrictions.

Currently, Kenya operates seven weekly flights to Accra, Ghana and is keen to increase those to 14. In order to meet the increased demand for services, the airline is changing the equipment used for the sector to a larger aircraft. There is no Ghanaian airline operating on the route but in future, they hope to have on.

The Bilateral Air Services Agreement between Kenya and Niger was negotiated and initialed on 9<sup>th</sup> May 2013. In order to operationalise the agreement, the delegation signed an MOU that gave force to the agreement while waiting for the formal signing of the agreement. The agreement is also modelled on the ICAO Template Agreement and is based on the same Yamoussoukro Decision. This agreement is as liberal as the other one. Ratification and implementation of those agreements will help the country in achieving the following:-

Bilateral Air Service Agreements are useful in that they are used by states to enable scheduled air carriers operate between two or more states. In summary some of the benefits include as follows:-

- (i) Allow scheduled air carriers to fly between territories, namely between Kenya and other states hence leading to construction of required infrastructure and facilities such as airports that create employment.
- (ii) Facilitation of trade between states, that is, easing of movement of persons and goods between Kenya and those states. More than 80 per cent of tourists normally use air transport.

(iii) That creates cooperation agreements between state competition authorities hence facilitating joint assessment of alliances between Kenya and other states e.g. alliance between Kenya Airways and other airlines.

(iv) It also creates market access on flights between Kenya and other states thus creating a level playing field between Kenya and other states.

In conclusion, it will be in Kenya's interest to ratify the said bilateral airline services which will benefit the country.

I beg to move this Motion and request Hon. Wangwe to second.

**The Temporary Deputy Speaker** (Hon. Cheboi): Before Hon. Wangwe seconds, I would like to recognise in the Public Gallery the presence of Munga Primary School pupils from Buuri Constituency, Meru County; The Golden Learners Academy, Machakos County and

The Worker Academy, Kiambu County. I can see the Member for Kiambu County is in the House. I would also like to recognise St. Mary's Primary School, Nairobi County.

On the Speaker's Gallery, we have Chuka Girls' High School, Chuka/Igambang'ombe Constituency, Tharaka Nithi County. They should all feel welcomed to the august House.

Hon. Wangwe, you can proceed to second.

**Hon. Wangwe:** Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion on the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of Bilateral Air Services Agreements between the Republic of Kenya and the Republics of Ghana and Niger.

From the outset, I want to say this is a very important Bilateral Agreement abbreviated "BASA" whose intention is to allow international commercial air transport services between the two territories. Before an airline can operate any international service to another country, the Government must negotiate a treaty level agreement on the destination of the country. Why should we ratify this agreement? The importance that this agreement brings to the people of Kenya and the people of Ghana and Niger is immense; we need to sign, ratify and approve the existence of this agreement according to the International Civil Aviation Authority (ICAO).

Kenya is a signatory to the ICAO that is based in Canada. It regulates all aviation operations in the world, and Kenya being a member, it is important that we ratify any bilateral air service agreement we enter into between countries on the basis of the ICAO agreement.

Hon. Temporary Deputy Speaker, I would like to request my colleagues to support this Motion on the basis that, should we ratify the BASA, the countries involved be it Kenya, Ghana and Niger will have immense benefits which will lead to the construction of various infrastructural facilities such as the airport.

On the rehabilitation of the Jomo Kenyatta International Airport (JKIA), we have just launched the green field terminal whose magnitude is twice the capacity of the current terminal. It is important that, as a Government, we further enforce and make sure that the airport we are building shall have equivalent market to ferry passengers to and from our airport. We should also create more space so that the incoming flights from outside the country are accommodated in our new bigger airport.

It is, therefore, important that the bilateral air service agreement between Kenya-Ghana and Kenya-Niger, considering the capacity we have at the JKIA, Kisumu International Airport and Moi International Airport shall accommodate more incoming flights and outgoing flights.

The ratification of this agreement shall give the State enabled movement of passengers between the two countries. Ghana and Kenya are world-apart but this can be reduced by aviation movement. Therefore, should we embrace the concept of signing the BASA, it will ease the movement of persons between the two countries. The signing of the BASA upon our ratification will create competition within the authorities of the two states. We have seen KLM partnering with Kenya Airways. We also want to see an impressive partnering of Kenya Airways with local airlines of the states that are signing the BASA.

We read in the newspapers today that Kenya Airways posted Kshs29 billion loss but it will be able to secure Kshs20 billion loan. That is a big boost. That means that the cooperation between Kenya Airways and KLM of Netherlands is bearing fruits. If we support the ratification of the BASA, we will be moving in the right direction.

Hon. Temporary Deputy Speaker, the signing of BASA will create a level playing field between Kenya and other airline carriers. Once we sign, it takes cognizance of picking passengers and landing in various airports between Kenya and Ghana and between Kenya and Niger. This will be a very good move that will enhance our business. Finally, considering the Global Entrepreneurship Summit (GES) that was opened by the President of the United States of America, the other day, we have a big potential of our country supporting itself further as an economic hub of this region. Therefore, with the support of small and micro enterprises, we are going to manufacture many small items and we need to create market. We need to transport the items we are going to produce using our cottage industries and the resources that have come in to the various markets. This is preparing in advance that once we have enough items manufactured in Kenya, we should export them to foreign markets.

With those many remarks, I support.

I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I see we only have one interest. We will, therefore, give Hon. (Eng.) Gumbo the opportunity. Hon. (Eng.) Mahamud should be prepared to respond.

Yes, the Member for Rarieda!

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion by the Departmental Committee on Transport, Public Works and Housing. As we ratify and recognize the place of air transport in our lives today, I think we should ratify many more of these agreements not just with countries in West Africa but even in the southern part of Africa.

As we ratify this agreement, the concern for us, as an African country, has to be the fact that it still remains unfortunate that for one to travel to northern Africa countries and some western Africa countries, we still need to go through Europe. I have never seen

the logic and it does not make sense to me. In the end, there is an intermediary who benefits in between. I want to believe that we can transfer that benefit to Africa by instituting as many direct flights as possible.

A more important question for us today is that Kenya has four international Airports, namely the JKIA, Kisumu International Airport, Eldoret International Airport and Moi International Airport in Mombasa.

For those of us who come from the western side of the country, one of the biggest agonies is when you want to travel to Uganda by air. You will have to travel to Kisumu, Nairobi then to Uganda. Honestly, it is one of those contradictions that do not make sense at all.

Hon. Temporary Deputy Speaker, even as we brazenly blaze a trail in looking for new markets in West Africa, South Africa, North Africa and the rest of Africa in general, let us make regular flights in the region easy. I do not at all see why we cannot have regular flights from Kisumu to Eldoret or to Entebbe. It will really ease transport, open and hasten the economy between Kenya and Uganda which is one of our great trading partners.

I have never understood why no one has ever thought of these direct flights between Kisumu and Entebbe. It has been mooted many times before but somehow, every time we are expectant that it is going to happen it does not take off. This is something that the Departmental Committee on Transport, Public Works and Housing in consultation with the relevant departments of Government should really consider.

Sometimes it is very agonising because if you take a boat ride from some parts of Lake Victoria, you will see Jinja on the other side but to get to the same Jinja, you have to come to Nairobi. It is like going to Mombasa through Nakuru. It does not make sense to me. It is one of these things that we need to look at so that we can hasten commercial activities between Kenya and Uganda.

Otherwise, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. This may be the last one now. I can see a few Members who were not in have indicated their interest. The decision I had made is not empty. I would not like Members to walk in, find debate on, they are not sure what the rest of the membership has said and, therefore, they repeat themselves. I will give three Members whom I expect to be very brief a chance. I will start with the Member for Kiambu County since I realise that we have students from Kiambu. I will also give Hon. Njuki the chance since there are students from Chuka/Igambang'ombe. Lastly, I will give the opportunity to Hon. Baiya because there are students from Kiambu. Let us have the Member for Kiambu. Can we give her the microphone?

**Hon. (Ms.) Gathecha:** Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to the Committee's Motion. I would like to recognise the students who are here from Kiambu County. As you know, this is the bedroom for Nairobi and we are proud when we have our students here.

I support this Motion. It is important that, as a country, that is looking to promote interregional trade that we allow more trade to take place between our states within Africa. If we are going to promote more economic growth and create opportunities for our citizens especially traders majority of who are women, we should ensure that we move from one area to the other.

It is a shame that in order for us to travel from East to West, we are required to travel to the United Kingdom to take a connection flight. If this Protocol is ratified and we have bilateral air service agreements, someone can leave Nairobi for Ghana, do business and come back the same day or the following day. This will mean that we will have more movement of goods between us within our continent and this will lead to double-digit economic growth. The reason we have enhanced trade between Kenya and Uganda, which is our biggest trade partner in Africa, is because of the ability to trade between the two countries. The bilateral trade agreement will not only ensure that lives of women and the youth in these two countries are enhanced but will also ensure that our standards of living are improved.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): That was very good. Let us have the Member for Chuka/Igambang'ombe.

**Hon. Njuki:** Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this Motion. It is good for you to make it clear that you do not give opportunity to Members to speak when they have visitors from their constituencies. I hope that is not the procedure. However, I appreciate the opportunity to contribute. I need to air my sentiments by supporting this bilateral agreement.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, the Member for Chuka/Igambang'ombe, you know you are one of the few Members who are very active in this House. I am giving you a chance because you are the one who has been on the queue but, since students from Chuka Girls High School from your constituency are here, I think it is prudent for the Hon. Temporary Deputy Speaker to recognise them and give you an opportunity as you always get.

**Hon. Njuki:** Thank you, Hon. Temporary Deputy Speaker, for recognising the wonderful and beautiful girls from our constituency and county.

I want to take this opportunity to appreciate that air transport has become one of the safest modes of transport in the world. If you look at what is happening in the world today in terms of entrepreneurship, you will find that the trade between countries is dependent on how fast goods can arrive in their destinations. You will be surprised that most West African countries including Ghana rely very much on products from Europe which is nearer compared to East Africa. You will also be surprised that KQ leaves Nairobi with an empty "belly" while carrying passengers but there are eggs and chicken from France being sold in the market of Ghana. That is a very serious omission. It means that our business people, farmers and those who do very basic business like flowers should start thinking about air transport as a mode of getting goods to their markets rather than thinking of shipment all the time. That will reduce the time of doing good business.

I want to hail what Hon. (Eng.) Gumbo has said about the state of air transport in the country. As much as we want to rely on the few international airports that we have; that is Moi, Jomo Kenyatta, Eldoret and Kisumu international airports, there is need to establish good and reliable airstrips and airports around the country. We should probably have, at least, an airport in every county so that if I want to export my produce from Tharaka Nithi County, I do not need to go all the way to Nairobi then reroute it to Uganda. It should even be possible for us to transport our *miraa* directly to Somalia without passing through Nairobi.

As much as we are committed to this bilateral agreement, there is need for us to clean up our house so that we do not have an agreement that gives us a leverage that we cannot utilise locally because we are not prepared.

With those few remarks, I support this Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, Hon. Baiya.

**Hon. Baiya:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this very important Motion. I also take this opportunity to welcome the young students from Kiambu County. This is an important Motion arising from the procedure established under the new Constitution where Parliament has an opportunity to ratify the respective international agreements entered into by the Government. This agreement relating to arrangement to facilitate air transport between Kenya, Ghana and Niger is a very welcome initiative. On airlines services, we know that it is Kenya that is likely to benefit more at the end of the day. It is going to possibly facilitate penetration of Kenya Airways and other airlines that are operating in Kenya into those countries.

These bilateral agreements are helping the African Continent to tap into the potential that exists with regard to development of air transport infrastructure in the continent. As has been remarked by previous speaker, there is no way the African continent can speak about development without exploiting the resources within the region and the opportunity for inter-state trade. This is what will ultimately generate jobs and industries, stimulate commerce and get the people of Africa to interact in terms of trade, politically and economically. So, it is the right thing to do. We not only expect this kind of arrangement to take place between Ghana and Niger, but between all potentially prosperous economic regions of Africa. In this regard, Kenya ought to take the lead by ensuring that they look to countries and regions which have potential for enhanced trade and business.

It is true that trade and infrastructure go hand in hand. It is always the case that the development of infrastructure subsequently attracts business. In the initial phase as you develop the infrastructure, questions may be raised with regard to viability of the investments constituted by the infrastructure, but in the long-run we have not seen situations where we have developed infrastructure in regions that have great economic potential and the infrastructure investment does not justify itself. So, it is very important we encourage the Government to move in this direction and identify all the regions that have economic potential to generate trade opportunities. This is how we will improve on the viability of some of the existing Kenya Airways (KQ) routes, which at times look like they do not attract sufficient business and trade. However, it is because we have not generated sufficient business and traffic because of the inadequacy of the transport network.

If we draw comparison from other regions that have developed their air services infrastructure, such as Europe and other developed regions, we see how intense the transport network is. It does not mean that is how it has always been. It has been developed over time and has become what it is after many years of a lot of investment. So, this kind of bilateral arrangement ought to be the way to go with a view to seeing that Africa develops the infrastructure from air, railway, road, sea and ocean transport. These

are the means of communication that will ensure that there is enhanced trade among the African people, before we even think about trading with other overseas regions whose cost of transport is even higher compared with our immediate neighbours.

With those remarks, Hon. Temporary Deputy Speaker, I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Before I give the opportunity to the Mover to reply, I would like to recognise students from Sally Ann Academy in Litein, Bureti Constituency of Kericho County who are seated in the Public Gallery. Incidentally, it is the school where the son and daughter of the Member for Bureti go. They should feel welcome in the National Assembly.

Thank you very much.

I can see two Members who have just logged in their cards, but I am not going to give them an opportunity because of the principle which I had indicated earlier. I will give the Mover this opportunity to respond.

**Hon. (Eng.) Mahamud:** Hon. Temporary Deputy Speaker, thank you very much. I will be very brief. Let me thank the Members who have contributed to this Motion for their contribution. I also request the support of those who did not get a chance to speak. Indeed, the ratification of these Protocols will show that Kenya is committed to air services agreements within the region, especially by abiding by the multi-sectoral decisions of the African states in particular to help us move goods and services within our region.

With those few remarks, I beg to reply. I request the Members to approve the ratification when the Question is put.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): As it is obvious, I am not going to put the Question because of the numbers. Therefore, we will move on to the next Order.

#### ADOPTION OF REPORT ON AIRCRAFT HIRE FOR DP

**The Temporary Deputy Speaker** (Hon. Cheboi): This Motion will be moved by the Chairperson of the Public Accounts Committee. Hon. Wambugu, if you will be ready for this Motion I will give you the first shot.

Proceed, the Chairperson of the Committee.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker.

I beg to move the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee on the Hire of an Aircraft for the Deputy President for a Tour of Four African Nations in May, 2013, laid on the Table of the House on Wednesday, 23<sup>rd</sup> April 2014.

Hon. Temporary Deputy Speaker, on 21<sup>st</sup> May, 2013, Hon. David Ouma Ochieng', the Member of Parliament for Ugenya Constituency, sought a statement from the Leader of the Majority Party on several issues arising from the hire of a jet for the Deputy President's tour of four African nations namely, Gabon, Ghana, Congo Brazzaville and Nigeria, between 16<sup>th</sup> to 19<sup>th</sup> May, 2013. The issues of concern as raised by Hon. David Ochieng' were as follows:-

- (i) The purpose of the tour.
- (ii) The benefits of the tour to the country and the Kenyan public at large.
- (iii) The number of Government officials who accompanied the Deputy President, their identities and positions.
- (iv) The criteria used by the Office of the Deputy President in determining the Members of the National Assembly who accompanied him namely, Hon. Yusuf Chanzu and Hon. Alice Ng'ang'a.
- (v) Whether the Speaker sanctioned the travel of the two Members of the National Assembly.
- (vi) The procurement process for the hire of the aircraft.
- (vii) The Government policy on air travel by the Deputy President.
- (viii) The cost of the tour for both the Deputy President and his entourage.

The Leader of the Majority Party issued a statement in the House on 22<sup>nd</sup> May, 2013 and from the ensuing debate, the Hon. Speaker directed that the matter be referred to PAC for an in-depth investigation and subsequent report to be given back to the House. The Committee made a request for a special audit vide a letter dated 24<sup>th</sup> May, 2013. The Auditor-General completed the special audit on 25<sup>th</sup> September, 2013. It was subsequently tabled in the House by the Leader of the Majority Party on 3<sup>rd</sup> October, 2013. The Committee held a total of 11 sittings in the investigation of this matter and tabled its Report on the Floor of the House on 23<sup>rd</sup> April, 2014.

I wish to express my deep gratitude to the leadership of the House for finally bringing this matter to the House. The Committee has on several occasions expressed concern at the delay in allocating time for the Report to be debated before the House. From the evidence and sworn testimonies, the Committee made the following findings and conclusions, *inter alia*:

- (i) The Deputy President undertook the tour on behalf of the President of the Republic of Kenya in his official capacity as the President's Principal Assistant as provided for under Article 147 of the Constitution.
- (ii) The President verbally instructed the Deputy President to take the tour. This, in the view of the Committee, was contrary to Article 135 of the Constitution, which requires the President to convey all decisions he makes in respect of performance of any of his functions of State in writing.
- (iii) The purpose of the trip to the said four countries was ostensibly for the Deputy President to seek their backing for Kenya's agenda at the African Union (AU) Summit of Heads of State that was scheduled on 26<sup>th</sup> and 27<sup>th</sup> May, 2013 in Addis Ababa, Ethiopia.
- (iv) It is difficult to conclusively determine the ultimate beneficial value of the tour to the Kenyan taxpayer since there is no evidence indicating how exactly the four African countries he visited lobbied for Kenya's case at the Addis Ababa Summit. A



conclusive cost-benefit analysis should have been conducted and tabled before this House so that the people of Kenya are informed accordingly.

- (v) The accompanying delegation was a 13-person strong team and consisted of eight members of staff from the Deputy President's office led by the Chief of Staff, one officer from the Ministry of Foreign Affairs, two Members of the National Assembly and two Senators.

The criteria and rationale for selecting this travelling party is unclear and their specific roles and value to the trip is not manifest. None of the members of this delegation appear to be a specialist, expert or leader in any of the thematic areas that the Deputy President was ostensibly lobbying the regional support for. In any case, there is accordingly no apparent logic in how the delegation was picked.

Hon. Temporary Deputy Speaker, the Committee holds the view and strongly advises that selection of delegations for State assignments should be influenced and determined by relevance and definitive value to the purpose of the assignment. This will forestall any possibility of unnecessary misapplication of taxpayers' money and exclude joyriders and busybodies from such trips.

The trip was arranged in great hurry occasioning gross breaches of procedures and regulations. It is clear that the Government policy on travel by senior officials is archaic and not tailored to this kind of emergency-style trips. Clear procedures to handle such situations should be developed both for now and the future.

The Committee nonetheless strongly holds the view that pressure of time and haste must never be used as an excuse for breaching Government financial and procurement procedures and regulations. Procurement and financial rules, regulations and practices sufficiently provide for how to intervene in such circumstances.

The President was apparently scheduled to undertake this trip but subsequently he delegated this responsibility to his Principal Assistant, the Deputy President quite late in the day which seems to be the reason for the hurried nature for the preparation for the trip but if this, indeed, was the case, the question then must be asked; why did the Deputy President work with the arrangements that had already been made for the President? It appears rather contradictory to the Committee that arrangements for the Deputy President's trip seemed to imply that the Government had not been aware of this trip at all.

The total cost for the trip is recorded as being Kshs21,167,579.20 consisting of Kshs18,564,000 for hire of the aircraft and Kshs2,603,579.20 for accommodation. If this is, indeed, the real cost, it would be comparable to the cost of previous trips in comparable circumstances by Government VIPs doing similar work. The stated sum is, however, not inclusive of the *per diem* paid by Parliament to the four Members who were part of the delegation and, of course, which is a draw on public funds.

Government procurement regulations, procedures and practices were breached in the process of hiring the aircraft. There was no inspection and acceptance committee established for the procurement and so the aircraft was not inspected as required. It is the

view of the Committee that this was reckless and exposed the Deputy President and the rest of the delegation to potential risk which could have been avoided.

The supplier, the EADC Limited quoted to supply a Global Express 6000 Aircraft but instead delivered a Challenger 850. This variation was irregular and illegal. At the time of initiating the procurement, the Office of the Deputy President was “exchequered” for this expenditure. This occasioned desperate efforts to shift funds from the vote heads and seek extra Exchequer releases from the Treasury. It is a breach of Government financial regulations to initiate procurement in the absence of Exchequer provisions. No contract was signed between the Office of the Deputy President and the supplier, EADC Limited, for the aircraft hire.

An incomplete Local Purchase Order (LPO) was irregularly issued to initiate payment to the supplier and four Local Service Orders (LSOs) and one LPO leaves mysteriously disappeared under suspicious circumstances raising fears of intended fraud. There appears to have been deliberate attempts to exploit the haste with which this trip was arranged and use it as a cover up to defraud the Government and the taxpayer. The highly suspicious disappearance of the LSOs and LPO leaves coupled with the failure by the Office of the Deputy President to institute any investigations into this matter and the subsequent hurry to transfer two officers directly involved in the procurement of the aircraft hire all point to an attempted fraud and a deliberate subsequent effort aimed at a cover up.

There seems to have been an attempt to unduly influence the Office of the Deputy President into entering a long-term contract with the EADC Limited and/or Vista Jet for the supply of aircraft services for some indeterminate length of time. It appears these efforts were abandoned when the matter attracted media spotlight and public attention and scrutiny.

There is no evidence to indicate that the Deputy President was directly involved in either the organisation of the tour or the procurement process for the hire of the aircraft.

As I conclude, the Committee notes with grave concern the apparent widespread financial and procurement malpractices in Government fueled by what bears the hallmark of a culture of impunity that routinely condones breaches of procurement procedures and financial regulations. The Cabinet Secretary, National Treasury must take urgent remedial steps and submit a comprehensive report to the National Assembly within six months from the date thereof to rectify such anomalies.

The Committee finds Mrs. Marianne Kitany, Chief of Staff in the Office of the Deputy President, culpable for dereliction of duty, negligence and inertia. She failed and/or refused to institute investigations into the case of missing LSOs and LPO and/ or to take any steps to hold accountable those suspected of criminal acts. Instead she had them hurriedly transferred to other Ministries in the midst of the audit into this matter.

The Committee also finds that Mr. Abdul Mwasera, Secretary of Administration; Mr. Evans Nyachio, Senior Assistant Director of Supply Chain Management; Mr. Simon Okoth, Supply Chain Management Officer and Mr. Paul Kamau, Senior Financial Officer as well as EADC Limited culpable on varying grounds for breaches of procurement laws, regulations and related malpractices.

Hon. Temporary Deputy Speaker, the Committee, therefore, recommends that the Ethics and Anti-Corruption Commission should investigate Mrs. Marianne Kitany, Mr. Abdul Mwasera, Mr. Evans Nyachio, Mr. Simon Okoth, Mr. Paul Kamau and EADC Limited for breach of Government financial laws, procurement taxation regulations and procedures with a view of having them prosecuted.

The Committee further strongly recommends that the President, as the ultimate custodian of the Constitution, should at all times respect all its provisions including requirements for written instructions in respect to all decisions of his official functions as is required by Article 135 of the Constitution. This, indeed, is a matter that is worthy to note because as provided for in our Constitution, the President is the head of the Executive. We want to draw a parallel where the Speaker of the House would disregard the express provisions requiring him to act within the ambits of the provisions of Parliament.

Most importantly, we have also just recently tabled a Report on the Judiciary where the Chief Justice seemed to have disregarded clear provisions of the Constitution. It is common knowledge that this disregard of clear provisions of Articles in our Constitution amounts to overthrowing the Constitution.

The Committee lauds the practice of whistle-blowing and recommends strong deliberate Government measures to motivate and encourage support and protect whistle-blowers. If the war on corruption has to be won, we must, in addition to offering protection, design appropriate incentive schemes for whistle-blowers in our country.

The Committee particularly commends the *Daily Nation* and the media in general for bravery and gallantly blowing the whistle on the missing LSOs and LPOs among other issues which exposed this matter. This public spirit and endeavor is highly encouraged. The Committee also urges whistle-blowers to be forth-coming in sharing information with the investigative institutions such as Parliament and the Ethics and Anti-Corruption Commission to assist in getting to the root causes of matters such as this, especially when they are of great public interest.

I beg to move that this House adopts the PAC Report on the hire of an aircraft for the Deputy President for a tour of four African nations. As I move, I want to clarify that when this Report was done, I was not a Member of this Committee, but in the community where I come from, it is said that when it rains, it falls on anybody who is exposed to the rain. So, it happens that it has been brought to the House at a time when I am the Chair. I have moved it to the best of my ability. I call upon Hon. Dr. Eseli Simiyu to second the Motion.

I beg to move.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Proceed, the Member for Tongaren.

**Hon. (Dr.) Simiyu:** Thank you, Hon. Temporary Deputy Speaker. I wish to thank the Chairman of the PAC for moving the Report. Apart from him, I was also not a Member of the Committee. However, that goes to show that this Report has been delayed in coming to the Floor of the House. The House Business Committee (HBC) should endeavor to do a better job in future. That just raised suspicions of what could be in the Report and the Members will say, yet when you read the Report, I would call it one of the mildest investigative reports ever tabled in this House. Although it raised a lot of political

temperatures, if you go through it, you will realise that there is really nothing new. In fact, you will find that His Excellency the Deputy President is exonerated completely from any association. All he did was that he needed to travel, he tasked the officers to get him a way to travel, he travelled and accomplished what he went to accomplish. So, the Report was raising political temperatures for no reason. The fact that the House Business Committee kept it away from the Order Paper for too long raised public interest for no good reasons.

It is clear that at the time the process was undertaken, the new administration was hardly a month in office, and perhaps in their celebratory mood and probably some hubris also, they might have done some things that might not have been particularly above board. However, that should not be an excuse enough to delay such an innocuous Report coming to the Floor of the House.

This Report basically shows that we need to be more careful in what we do in our undertakings. One very important part of this Report is the fact that even when procuring the aircraft, they did not take the safety of that delegation which included the Deputy President into account. This is the case and yet the Deputy President is a critical part of the administration of this country. They did not consider safety but rather whether the aircraft had the capacity to carry 14 people. That is a very dangerous way of carrying out national duties especially when you are intending to carry, by air, such high ranking members of the Government to various countries in Africa.

The other thing that the Report has unveiled is that there were some missing LPOs. The LPO that was used to transact this transaction was also suspect in the sense that it was not fully signed by the time the payments were made. Then there were some LPOs that were missing and nobody seems to know where they are. The best thing that this Report has done is to unearth such things. With the recommendations and if the officers who are found to be culpable are investigated, probably the mystery of the missing LPOs and LSOs will be unveiled especially at this time when all the citizenry of Kenya have accepted that we all need to fight corruption. So, in a situation like that, unearthing the missing LPOs and what they could have been used for would be very critical.

Finally, because I do not want to take too long, as I said earlier on, this Report is much innocuous than what it had been made to look like. It is unfortunate that while the Chief of Staff in the Office of the Deputy President has been asked to step aside, this Report goes on to suggest that she needs to be investigated to see what her role was in all this.

The officers who were involved in this transaction were transferred from the Ministry even before the Special Audit Report was carried out. That raises suspicion because you do not transfer officers who could be culpable before the Auditor-General finishes the audit. So, that raises some questions.

However, the most critical issue that it raises which is important, and I say this at the risk of repeating myself, the new administration, in their sense of hubris were not following certain things which are critical to the Constitution. So, His Excellency the Deputy President probably failed to give his instructions in writing. Where the Constitution states that you should give instructions in writing, there must be a reason for it. That is why such things can arise. I believe after that, His Excellency the Deputy

President has been giving instructions in writing because if not, then it will raise a lot of queries as to why we have that particular provision in the Constitution. It was put there for a reason - so that people do not do wrong things and then say that they were under instructions from a higher office and yet there is nothing in writing. So, we were trying to remove the notion that this is an order from above by mouth and not in writing. That is what the Constitution was trying to remove.

It is good that this particular Report has pointed that out. I am sure that all those who will receive such instructions will always insist on them being in written form, so that they cannot be held accountable later on for sins that they might not have committed. With those few remarks, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Cheboi): I see very limited interest. I will, therefore, proceed and give the chance to the Member for Muhoroni.

**Hon. Oyoo:** Thank you very much, Hon. Temporary Deputy Speaker for seeing me. I had initially intended to second the Motion after I was requested by my good friend, Hon. Gumbo. Fortunately, a Member of the Committee came and overstepped me.

This Report has elicited a lot of anxiety and made Members impute several motives. Finally, the House Business Committee has found it wise to bring this matter before the House. I implore upon Members to take their good time, read the Report and make very rational deliberations during the debate. Whoever is found culpable should be taken to court and action should be taken against him or her such that there should be a stop of political debates. Impunity has gone too far in spoiling the fabric of this country.

I thank His Excellency the President because I sit in the committee where we have twice shot down his appointments. He has never come back to force them down our throats. So, the question that the Deputy President (DP) was involved with this or anything touching on him should never bully anybody and stop him from making his mind about this issue known. We are trying to fight impunity. This is something that has spoilt the fabric of this country and it must go.

I was privileged to be in a committee which you, Hon. Temporary Deputy Speaker, very ably chaired. That is when we were discussing the brouhaha about the former PAC. We were discussing the Chairman of the Committee after allegations and counter allegations from his Members. I remember this was one of the reasons that were touted here and there, as having been the reason why some people wanted to see the Chairman out or the Chairman thought that he was being hounded out of office to save this. I invite those who are suspicious or those who made those allegations that these could have been the reasons, to wake up to the occasion and come and let us know. I believe that the Members of this House and even the members of the public in this country did not have suspicions for nothing. Members of the Committee who for any reason were not able to advance them in the Committee stage---

I sit in these committees and some of them are gatekeepers to certain bigwigs or organisations. This matter has now come to the Floor of the House and they should feel free to come and express whatever argument they had that they were not able to advance in the Committee.

Otherwise, I take this opportunity to thank the Committee for having given--- We are not very satisfied. We expected much bigger and more credible things than what we have read. However, Members should express their feelings freely.

Thank you very much for giving me the opportunity.

**The Temporary Deputy Speaker** (Hon. Cheboi): I give the chance to Hon. Nakara, the Member for Turkana Central.

**Hon. Nakara:** Mhe. Naibu Spika wa Muda, ninashukuru kwa kunipatia nafasi hii. Nitachangia Hoja hii kwa ufupi. Kwanza, ningependa kuishukuru Kamati ya Mhe. Gumbo kwa kuleta Ripoti hii wakati huu. Imechukua muda sana. Ningependa kusema kwamba ni lazima tutunze na tutumie rasilimali ya Kenya vizuri. Hilo ni jambo ambalo linajulikana na kila mtu katika nchi hii. Mmoja wa wananchi ambaye anaweka mkazo katika kutunza rasilimali ya nchi hii ni Naibu wa Rais. Kila mara akitumia chochote katika nchi hii anakitumia kwa njia iliyo safi na kwa njia ya heshima.

Jambo hili lilileta joto jingi katika nchi hii ya Kenya kisiasa kwa sababu lilichukua mkondo ambao haukuwa unatajikana. Sababu ni kwamba tumekuwa na tabia au mazoea kwamba jambo fulani likitendeka, tunalichukua na kulifanya kuwa la kisiasa. Kabla hata jambo hili halijachunguzwa na Kamati ya Bunge, tayari lilikuwa limeenea kwamba Naibu wa Rais alitumia rasilimali vibaya, na kwamba alibeba abiria wengi. Jambo hili pia liliharibu heshima ya ofisi hiyo na pia familia kwa jumla.

Jambo la kwanza ni kwamba waliokuwa kwenye ndege hiyo walikuwa Waheshimiwa katika Bunge hili. Mimi pia nilikuwa mmoja wao. Tulienda kuiwakilisha Kenya katika mikutano. Tulipoenda Kinshasa, tuliiwakilisha Kenya. Tulipeana hoja zetu na tukapendekeza mambo mazuri. Tulioka mahali hapo na tukaenda Nigeria ambako tuliiwakilisha Kenya katika sherehe iliyokuwa huko. Naibu wa Rais alipata nafasi ya kutangaza nchi huko na hata kuwaambia wawekezaji waje upande huu. Hiyo yote inachangia faida katika nchi hii.

Wakati tunaleta jambo kama hili mbele ya wananchi lazima kuwe na ukweli na mambo yawe yamethibitishwa. Lazima tuheshimu ofisi na hata jina la mtu. Tunapochukua kila jambo katika hali ya kisiasa tunaharibu sifa ya Bunge hili na pia, tunaharibu heshima ya ofisi kwa sababu ofisi iliyoko sasa haiko mikononi mwa mtu fulani. Utafika wakati ambapo wananchi wataingia ndani.

Nikimalizia, jambo lingine ni kwamba wakati tunafanya uchunguzi, lazima tujue kiini cha jambo hilo na tujue kama safari hiyo ina faida katika nchi au la. Tunaishukuru kamati inayochunguza matumizi ya pesa za umma ambayo inaongozwa na Mhe. Gumbo kwa sababu sasa imeweka wazi Ripoti hii na iko mbele yetu. Tunaomba siku nyingine tusitangulie kuharibu jina la mtu ama kuharibu ofisi ya mtu kabla hatujafanya uchunguzi.

Kwa hayo, ninaunga mkono Ripoti hii. Asante.

**The Temporary Deputy Speaker** (Hon. Cheboi): I see the last person interested is the Member for Ruiru. Therefore, Hon. Gumbo, you should be prepared to reply.

**Hon. (Ms.) Gathogo:** Asante, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii. Nami pia ninataka kuchangia. Ninamshukuru Mheshimiwa kwa kuleta Ripoti hii Bungeni. Kama vile Mheshimiwa mwenzangu amesema, tumezoea kuangalia kitu kwa njia moja na sio kwa njia nyingine. Tunaangalia nani tutamchafulia jina na nani ataanguka katika njia ile ambayo anapitia lakini hatuanguka tumefaidika namna gani. Wakati mambo haya yalitokea hapa Bungeni na hata nchini mwetu, hata waheshimiwa

wenzangu wengi waliharibiwa jina. Katika maeneo yao ya uwakilishi Bungeni wanaitwa watu wa *massage*. Jambo hili ni mbaya kwani Mheshimiwa akitoka hapa aende ng'ambo kama ametumwa na Bunge, haendi kusimamia mambo yake bali anaenda kuwakilisha wananchi wa Kenya na haswa anawakilisha eneo lake la uwakilishi Bungeni. Kwa hivyo hatutaki kuwafinyilia sana wale ambao waliongea na wakachafua sana majina ya wengine. Tugesema waombe msamaha kwa kuleta kibonzo ambacho kilikuwa kimechorwa watu ambao ni marafiki zetu.

Naibu wa Rais amekuwa akifanya kazi nzuri. Wakati unafanya kazi nzuri, hukosi watu ambao watapigana na vile unasema na kufanya. Ukweli ni kwamba Naibu wa Rais alisafiri kwa ndege. Sio eti angeenda kwa matatu ndio watu waseme hajatumia pesa. Sijui kama watu walikuwa wanataka aende kwa matatu ama kwa meli. Yalikuwa mambo ya kushinda yakiandikwa katika magazeti kwa sababu alitumia ndege na alikuwa Naibu wa Rais.

Mimi ninaomba tuungane pamoja na tusimame na viongozi wetu ndipo wakati wanapofanya jambo tusiharakishe kuwaharibia jina. Ni muhimu kufuatilia kujua mbona mambo hayo yalitendeka yalivyotendeka, au ni kwa nini pesa fulani ilitumika. Tunakubali kuwa pesa inaweza kutumika, lakini lazima kuwe na sababu. Kama pesa zimetumika kwa njia nzuri, kwa nini tupigane?

Mhe. Naibu Spika wa Muda, ninaunga mkono na ninaomba tuendele kutafuta ukweli kuhusu mambo yote ambayo yanatendeka katika nchi yetu bila kupigana au kudharauliana. Tukifanya hivyo, tutakuwa tunasaidia wananchi kijumla.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, I see we have 10 minutes left. We can now call upon the Mover to respond.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker. First of all, let me start by thanking all the Hon. Members who have contributed to this Motion seconded by Hon. (Dr.) Eseli Simiyu. They include Hon. (Dr.) Onyango K'Oyoo who incidentally is my Member of Parliament with another arrangement; Hon. Lodepe Nakara, my good friend; and Hon. Esther Gathogo my good friend.

Hon. Temporary Deputy Speaker, what this Report highlights is that sometimes Kenya, as a country, tends to feed so much on rumours. This Report also highlights the fact that we need to respect the institutions that we have and give them space to work. As has been said by both Hon. (Dr.) Eseli and Hon. (Dr.) Onyango K'Oyoo, the contents of these reports need not to have generated the kind of public interest that it has generated. In fact, it is said that it was one of the reasons for the disbandment of the Public Accounts Committee (PAC). Looking at what we have tabled here, this is one of the most humble reports. It does not even touch on the person of the Deputy President who, indeed, was performing a State function.

What we are saying in the Report is, even when we are doing functions such as this, please, let us be a country that observes the rule of law and fidelity to the law so that at all times we do not take advantage of situations as they come up, so that we circumvent clear provisions of the law. Otherwise, I am happy that finally we have debated this Report. It has taken long. I could also just request that as we debate this Report we note that most reports by PAC are on issues that are of great public concern. We recently tabled a Report of the Judicial Service Commission (JSC). I would request the House Business Committee to also give priority to it so that we can debate and get over with it.

Thank you.

I beg to move.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Hon. Members, you will realise that we are not going to put the Question on that. I can see that we have a few minutes. I do not know if we still have the Chair of the Departmental Committee on Transport, Public Works and Housing. He has actually stepped out. I do not know whether there is any other Order.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, time being 12.55 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.55 p.m.