

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 28<sup>th</sup> July 2015

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM PARLIAMENT OF MALAWI

**Hon. Speaker:** Hon. Members, I wish to introduce to you a delegation from the Parliament of Malawi. The delegation which is seated in the Speaker's Row comprises of Hon. (Dr.) Clement Chiwaya MP, who is also the Second Deputy Speaker, and Hon. Frank Mwenifumbo, MP. They are accompanied by Mr. Leonard Mengezi, Chief Public Relations Officer, Mr. Chikosa Matandara, Chief Audio Visual Officer; Mrs. Maleka Bambi, Secretary to the Second Deputy Speaker; and Mr. Daudih M. Mandla, Special Assistant to the Second Deputy Speaker.

The delegation is in the country to learn from – and share experiences with – Members of this House including the leadership, on House practice and procedure, the committee system, the operations of the office of the Deputy Speaker and management of constituency offices, among others. They have been with us since Thursday, 23<sup>rd</sup> July 2015 and are scheduled to complete their tour on Friday, 31<sup>st</sup> July 2015.

On my own behalf and that of hon. Members I wish to welcome them to the National Assembly and wish them fruitful engagements.

Thank you.

Those hon. Members coming in, please, make your way in quickly.

#### COMMONWEALTH PARLIAMENTARY ASSOCIATION AFRICA REGION CONFERENCES

Hon. Members, in the coming month of August, our Parliament will have the honour of hosting two important international conferences of the Commonwealth Parliamentary Association, Africa Region. The first one, the 6<sup>th</sup> Commonwealth Women Parliamentarians Conference will take place from 6<sup>th</sup> to 9<sup>th</sup> August 2015 while the second one, the 46<sup>th</sup> CPA Africa Region Conference is scheduled to take place from 9<sup>th</sup> to 15<sup>th</sup> August, 2015. Both of them will

be held at the Safari Park Hotel, Nairobi. It is my pleasure and honour to invite every one of you to the two conferences.

The women conference is expected to attract more than 100 participants from member countries, government officials, civil society and NGOs. Her Excellency the First Lady of the Republic of Kenya has been invited to officially open the conference on Friday, 7<sup>th</sup> August 2015. All Members, and especially women parliamentarians are invited to attend. In the following week, on Tuesday 11<sup>th</sup> August 2015, His Excellency the President of the Republic of Kenya will officially open the second conference where over 400 participants from Africa and beyond are expected to attend.

Hon. Members, the two conferences come at a time when the country is positioning itself as a preferred conference tourism destination. The conferences will, therefore, go a long way in enhancing that aspiration in addition to advancing the objectives of the commonwealth family of nations. I hope that every one of us will take an interest in the said events and endeavour to interact, network and share experiences with colleagues from other jurisdictions.

In order to enable Members to attend, I will be requesting the House Business Committee to consider allowing a short recess in the week of the main conference – that is between 10<sup>th</sup> and 14<sup>th</sup> August 2015.

Thank you.

Those hon. Members coming in, please make your way in quickly.

CONDUCT OF MEMBERS DURING QUESTION TIME SESSION  
OF THE COMMITTEE ON FINANCE, PLANNING AND TRADE

**Hon. Speaker:** Hon. Members, this communication relates to an issue raised on the Floor of the House on the conduct of Members during a previous Question Time session before the Departmental Committee on Finance, Planning and Trade on matters touching on the National Youth Service (NYS).

Hon. Members, you may recall that on Wednesday, 8<sup>th</sup> July 2015 during the morning sitting, the Member for Ugunja, Hon. Opiyo Wandayi, stood on a point of order and sought the guidance of the Speaker regarding an incident that occurred on Tuesday, 7<sup>th</sup> July 2015 during Question Time session of the Departmental Committee on Finance, Planning and Trade. On that day, Members will recall that the Cabinet Secretary for Devolution and Planning appeared before the said Committee to answer questions, including one whose notice had been given by Hon. Opiyo Wandayi, in line with our amended Standing Orders. It was claimed that during the particular sitting the proceedings of the Committee became disorderly, with some Members shouting down their colleagues and being generally disruptive in contravention of the provisions of Standing Order No.107.

It was also claimed that the conduct of some Members, part of whom used unparliamentarily language against their colleagues and witnesses, but whose names were not properly brought to the attention of the Speaker, may have amounted to abuse of the privilege of the House. The Member also sought to know whether the Question should be revisited due to the improper manner in which it was canvassed before the said Committee, and the fact that the rightful Committee for referral of the said Question ought to have been the Departmental Committee on Labour and Social Welfare.

Hon. Members, you will also recall that the Deputy Speaker requested me to issue a communication on the matter based on the fact that she attended the same sitting of the Departmental Committee on Finance, Planning and Trade in her capacity as the Member for Sotik Constituency. From the ensuing debate, I have deduced the following as issues requiring determination:

- (i) whether the proceeding of the Departmental Committee on Finance, Planning and Trade on that particular day were conducted in accordance with the requirements of our Standing Orders and parliamentary practice and if not, whether the Speaker should order a repeat of the particular Question Time before the same Committee or, indeed, before the Departmental Committee on Labour and Social Welfare;
- (ii) whether the conduct of Members present during the Committee sitting in question constituted a breach of privilege of the House; and,
- (iii) whether a matter before a Committee can be brought to the Floor of the House before the Committee formally tables its report.

Hon. Members, you will also recall that on 7<sup>th</sup> July 2015 I did make a communication from the Chair in which I settled the last part of the first question. In that communication, I observed that the particular Question was inadvertently placed before the Departmental Committee on Finance, Planning and Trade since the subject of the national youth service falls within the purview of the Departmental Committee on Labour and Social Welfare. I also did rule that the error did not invalidate the proceedings of the Departmental Committee on Finance, Planning and Trade as the fault was not on the part of either Committees.

Hon. Members, I have informally learnt that the conduct of business in the said sitting of the Departmental Committee on Finance, Planning and Trade had its fair share of challenges and difficulties. It is claimed, *inter alia*, that disorder was mainly attributable to Members themselves. It would not only be unfair to the witnesses but would also amount to a breach of our own Standing Orders and form ground for poor precedent if I were to order a repeat of the Question Time on the basis of such claims even if they were factual.

Regarding the claims of poor conduct of Members before the Committee on that day, I will revisit my observations made when I delivered the communication regarding claims of abuse of privilege of membership of the Public Accounts Committee (PAC) earlier in the year. At the outset, it is important to remind the House that the said communication followed a formal letter addressed to myself by the then chairperson of PAC. In that Communication, which I intend to uphold, I did observe that, and I quote:

“Hon. Members, that now brings me to the question of whether the Speaker or the House has jurisdiction on a matter that has been canvassed or, indeed settled, in a committee. Faced with a similar question, Speaker Statham of the New Zealand House of Representatives ruled in 1921 that: “The House has no cognisance of anything taking place before a committee unless it is reported by the committee through its chairperson, or the matter relates to a question of privilege.” Later in 1979, Speaker Harrison of the same House, upholding the ruling of his predecessor, observed: “The Speaker has no jurisdiction or authority, whatsoever to get involved in proceedings of a select committee unless approached by the chairperson following a resolution of the committee calling on the Speaker to adjudicate on any matter, or if the matter is one of the privilege of the House or personal privilege of a Member of that Committee.”

Hon. Members, I have not received any formal complaint from the Chairperson of the Departmental Committee on Finance, Planning and Trade. In the circumstances therefore, I do not find the claims made by the Hon. Member for Ugunja to constitute breach of privilege of the House.

Hon. Members, having said that, let me take this early opportunity to remind you that the requirement for Cabinet Secretaries (CS) to appear and answer Questions before Committees is informed by Article 153(3) of the Constitution, read together with the provisions of Article 95 (2) of the Constitution which reads:

“The National Assembly deliberates on and resolves issues of concern to the people.”

I have no doubt that the matters contained in the question raised by Hon. Opiyo Wandayi may have been of concern to the people of Ugunja Constituency. You will all agree with me that during the First and Second sessions of this Parliament we had quite some challenges settling on a pragmatic procedure for actualising these two provisions of our Constitution. The result is the ingenuity that is now practised every Tuesday where Members' Questions are answered by Cabinet Secretaries appearing before respective Committees of this House. It behoves upon all of us, irrespective of our political parties, to uphold and jealously safeguard this nascent procedure as opposed to making a mockery of it! When Members get involved in an exchange of words and shouting matches before witnesses, and in the full glare of the public and the media, it is the institution of Parliament that earns the embarrassment resulting therefrom. I, therefore, agree with your colleague, who, in that particular debate, alluded that even in instances where political expediency requires individual Members to take certain positions, deliberative skills and ingenuity are crucial to avoid creating the impression that you have abdicated the duties that you individually swore to discharge as Members of Parliament. I, therefore, rule that there is nothing to revisit in that matter.

I thank you.

*(Several hon. Members entered the Chamber)*

**Hon. Speaker:** Those of you who are making their way in, take your seats. Hon. Members, make your way in quickly and take seats. Hon. Member for Wajir, take your seat.

#### CONSIDERATION AND SCOPE OF PRESIDENTIAL RESERVATIONS

**Hon. Speaker:** Hon. Members, this is a rather lengthy Communication. What is important are the issues that it relates to. This Communication relates to the consideration and scope of presidential reservations pursuant to Article 115 of the Constitution on the referral of Bills to Parliament for reconsideration.

Hon. Members, you may recall that, on Thursday, 25<sup>th</sup> June, 2015, the Member for Rarieda, Hon. (Eng.) Nicholas Gumbo, rose on a point of order and sought guidance from the Speaker on the following matters relating to presidential referral of Bills to Parliament for reconsideration:

- (i) whether, in expressing his reservations and sending a Bill back to Parliament for reconsideration upon refusal to assent under Article 115 of

- the Constitution, the President can make specific proposals for amendment to the particular Bill;
- (ii) whether the specific proposals for amendment made by the President should go through the entire law-making process of consideration by the relevant committee, including pre-publication scrutiny, public hearings, and First, Second and Third Readings;
  - (iii) whether accepting of the text proposed by the President and which has not been subjected to the ordinary law-making process as outlined in (b) above should require a two-thirds majority; and,
  - (iv) whether, the House would be properly constituted if, at the time of putting the question on the President's reservations or recommendations, there are less than two-thirds of all the Members present in the House.

Hon. Members, the main substance of the concerns raised by the Member for Rarieda was that by making specific proposals for amendment to a Bill, the President was encroaching on the legislative mandate of the House and thereby contravening the principle of separation of powers. The matter was similarly canvassed by several other Members, who rose on points of order to make their contributions. I am, indeed, grateful to all those who spoke on that day and submitted their views on these very weighty matters.

You are aware that, on a number of occasions during the term of this 11<sup>th</sup> Parliament, the President has referred back Bills to this House for reconsideration with memoranda outlining his reservations on those Bills and giving his recommendations thereon. Whenever this happens, the recommendations contained in the memoranda are subjected to the Committee of the whole House for consideration and concurrence. It is this procedure, among other issues, which is now being contested by Hon. Gumbo and several others of his colleagues.

Hon. Members, I will address the matters raised by the Hon. Gumbo and canvassed by several other Members under the following four broad subjects. The first one is the form of presidential reservation to a Bill; the second one is the procedure for consideration of presidential reservations; the third subject is the voting threshold in consideration of presidential reservations; last is how presidential reservations relate to the principle of separation of powers.

I will begin with the first subject, which is the form of the President's reservations to a Bill. Hon. Members, in most jurisdictions, the legislative process provides for assent to Bills by the President as the head of the Executive arm of Government. Indeed, our own system, through the provisions of Article 115 of the Constitution, requires that all legislation by Parliament should be presented to the President for assent.

Allow me to visit some relevant jurisdiction. In the Constitution of the United States of America, Article I requires every Bill passed by the Congress of the United States to be presented to the President of the United States of America for his approval. When the President is presented with the Bill, he can either sign it into law, return the Bill to the originating House with his objections to the Bill - I put emphasis on the word "objections". Section 7 of the Article provides as follows:

"Every Bill which shall have passed the House of Representatives and the Senate shall, before it becomes a Law, be presented to the President of the United States: If he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the

objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law.”

Hon. Members, the United States experience is such that the veto power does not give the President the power to amend or alter the content of legislation, but rather the ability to accept or reject a Bill passed by Congress. The President returns the unsigned Bill to the originating House of Congress within a 10-day period, usually with a memorandum of disapproval or a “veto message.” In this case, the Congress can override a veto by passing the Bill by a two-thirds vote in both the House and the Senate. It is argued that this legislative override prevents the President from blocking a Bill when significant support for it exists. By practice, it can be observed that the two-third requirement is a high standard to meet and, therefore, broad support for Bill is needed to reach that threshold. Therefore, the President’s veto power in the legislative process is significant since the Congress rarely overrides vetoes. Indeed, statistics show that as at May 2015, out of 2,566 vetoes by various presidents of the USA, the Congress has only managed to override 110 of them.

Hon. Members, a study of yet another comparable legislative jurisdiction, which is that of the Philippines, offers a similar scenario with regard to presidential assent to Bills. Section 27 of Article VI of the 1987 Philippines Constitution provides as follows:

“Every Bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the House where it originated, which shall enter the objections at large in its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law.”

Further, in Philippines, the President is empowered to veto any particular item or items in an appropriation, revenue, or tariff Bill, but the veto does not affect the item or items to which he does not object.

Hon. Members, an important observation in the practices in the United States of America and Philippines is that the President only expresses reservations to a Bill and there is no constitutional requirement for the President to give specific recommendations on a Bill. Further, the power to veto the legislature is expressed in the same terms as it exists in Article 115 of our Constitution. The President’s participation in the law-making process can, therefore, be said to be a constitutional dispensation both in the United States and in the Philippines. The legislature, however, has the final say in both jurisdictions just as is the case in the Kenyan situation.

Hon. Members, the situation is, however, slightly different in India and South Africa where their constitutions bear greater semblance to the Kenyan context. For instance, in India, assent to Bills is governed by Article 111 of their Constitution which provides as follows:

“When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom: Provided that the President may, as

soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom”

This provision of the Constitution of India bears great semblance to the provisions of Section 46 of the Kenya Constitution that was repealed by the Constitution of Kenya, 2010; for clarity the said Section 46 of the former Constitution of Kenya provided in subsections (3) (4) and (5) as follows:

“(3) The President shall within twenty one days after the Bill has been presented to him for assent, signify to the Speaker that he assents to the Bill or refuses to assent to the Bill.

(4) Where the President refuses to assent to a Bill he shall within fourteen days of the said refusal submit a memorandum to the Speaker indicating the specific provisions of the Bill which in his opinion should be reconsidered by the National Assembly, including his recommendation for amendments.

(5) In reconsidering a Bill referred to it by the President, the National Assembly is expected to take into account the comments of the President and either (a) approve the recommendations proposed by the President with or without amendment and re-submit the Bill to the President for assent, or (b) refuse to accept the recommendations and approve the Bill in its original form by a resolution supported by a vote of not less than sixty-five per cent of all the members of the National Assembly excluding *ex-officio* Members, in which case the President shall assent to the Bill within fourteen days of the passing of the resolution.”

At this juncture hon. Members, it is important for me to observe that the practice of our successive Parliaments has in the past been largely informed by the provisions of Section 46 of the repealed Constitution. The point of order raised by Hon. Gumbo, therefore, gives this House an opportunity to examine its practice and see how this practice corresponds to the provisions of the new Constitution.

Hon. Members, the same Section 46 of the former Constitution was replaced by the current Article 115 of the Constitution which provides as follows, and I quote:

“(1) Within fourteen days after receipt of a Bill the President shall-

(a) assent to the Bill; or

(b) refer the Bill back to Parliament for reconsideration by Parliament noting any reservations by the President concerning the Bill.

(2) If the President refers a Bill back for reconsideration, Parliament may, following the appropriate procedures under this Part-

(a) amend the Bill in light of the President’s reservations; or

(b) pass the Bill a second time without amendment.

(3) If Parliament amends the Bill fully accommodating the President's reservations, the appropriate Speaker shall re-submit it to the President for assent.

(4) Parliament, after considering the President's reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President's reservations, by a vote supported-

(a) by two-thirds of members of the National Assembly; and,

(b) two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate.

(5) If Parliament has passed a Bill under Clause 4-

(a) the appropriate Speaker shall within seven days re-submit it to the President; and

(b) the President shall within seven days assent to the Bill.

(6) If the President does not assent to a Bill or refer it back within the period prescribed in Clause 1, or assent to it under (5) (b), the Bill shall be taken to have been assented to on the expiry of that period."

A comparison of the two provisions reveals that, whereas Section 46 of the repealed Constitution contained express provisions empowering the President to return a Bill back to the National Assembly by submitting a memorandum to the Speaker indicating the specific provisions of the Bill which in his opinion should be re-considered by the National Assembly, including his recommendation for amendments, Article 115 on the current Constitution omits this express requirement for submission of recommendations and empowers the President to refer the Bill back to Parliament for reconsideration by Parliament noting any reservations that the President has concerning the Bill.

However, hon. Members despite the lack of an express provision in Article 115 of the Constitution requiring the President to submit his recommendations on a Bill, the Constitution does not prohibit this practice either. Indeed, it is a cardinal principle of interpretation of law, that whatever is not prohibited by the Constitution or any other law is presumed to be allowed by the same. A keen reading of Article 115 reveals that the President in referring a Bill back to Parliament has a mandatory obligation to note his reservations but may choose to include or not to include specific recommendations on how to deal with the reservation.

Hon. Members, in light of this finding, the real issue for clarification is how to deal with a situation where the President expresses his reservations to a Bill and makes specific recommendations in that regard and the threshold of voting in such circumstances. To this extent, I must emphasise that where the President chooses to make specific recommendations to the House, the House is not bound to accept the specific recommendations in the forms submitted by the President. That is why the Constitution in Article 115 (2) contemplates that Parliament will put in place appropriate procedures for this kind of scenario. However, in the absence of such procedures in our Standing Orders I am convinced, pursuant to the discretion conferred upon me by Standing Order No.1 (2) that any committee or Member of the House is free to propose alternative amendments to the presidential recommendations so long as such amendments have the effect of fully accommodating the President's reservations - I put emphasis on the words "fully accommodating." The voting threshold for the passage of such alternative recommendations or proposals made by the President is a simple majority as contemplated in Article 121 of the Constitution. However, where a committee or a member of the House



proposes an alternative amendment that does not fully accommodate the reservations of the President, the provisions of Article 115 (4) of the Constitution will apply and the amendments will only be passed if supported by two thirds of the Members of the House.

Hon. Members, an issue arising consequential to the foregoing finding is the question of who determines whether or not an alternative amendment proposed by a committee or a Member has the effect of fully accommodating the President's reservations. The Kenyan Constitution is silent on this issue. In South Africa's legislative practice, this power is vested in the House in the first instance, in the presidency in the second instance and finally in the courts in the ultimate instance. It is also noteworthy that in South Africa, unlike in our case, the power of the President to express reservations to a Bill passed by Parliament is restricted only to the constitutionality of the Bill. The relevant provisions of the South African Constitution are in Article 79, which provides as follows, and I quote:

“(1) The President must either assent to or sign a Bill passed in terms of this chapter or, if the President has reservations about the constitutionality of the Bill, refer it back to the National Assembly for reconsideration.

(2) The joint rules and orders must provide for the procedure for the reconsideration of a Bill by the National Assembly and the participation of the National Council of Provinces in the process.

(3) The National Council of Provinces must participate in the reconsideration of a Bill that the President has referred back to the National Assembly if:-

- (a) the President's reservations about the constitutionality of the Bill relate to a procedural matter that involves the council, or
- (b) Section 74(1)(2) or (3)(b) or 76 was applicable in the passing of the Bill

(4) If, after reconsideration, a Bill fully accommodates the President's reservations, the President must assent to and sign the Bill; if not, the President must either-

- (a) assent to and sign the Bill; or
- (b) refer it to the Constitutional Court for a decision on its constitutionality.

(5) If the Constitutional Court decides that the Bill is constitutional, the President must assent to and sign it.

Hon. Members, it follows from the foregoing, therefore, that in the absence of a similar provision in our Constitution as to the avenue for determination of whether an alternative amendment passed by the House fully accommodates the reservation of the President in the manner contemplated under Article 115(4) of our Constitution, it is incumbent upon the Speaker to make this determination in the first instance pursuant to the Standing Order 1(2) and the President to make a similar determination upon return of the Bill to him for assent pursuant to Article 115(3). If the President feels that the alternative amendments made by the House does not fully accommodate his reservations, then he will refer the Bill back to the House and the provisions of Article 115(4) will apply where the House will require two-thirds majority to re-submit the Bill back to the President for assent, this time for a second round.

Hon. Members, having said that, you will recall that the House recently considered the President's reservations and recommendations on the Public Procurement and Asset Disposal Bill, 2015 and the Public Audit Bill, 2014. To the extent that the House has made a decision on the President's reservations to these two Bills, I do not intend to permit the House to re-open debate or revisit those decisions. It is for this reason that the membership of the National Assembly in the Joint Committee formed at the request of the Senate is required to convey to that Committee and uphold that decision of the House. I also remind the membership of the National Assembly in that Joint Committee that the Committee's period of consideration of the two items referred to it is not limitless, especially recalling that the two laws initially ought to have been passed by 27<sup>th</sup> August, 2015.

I will now focus on the second subject, which is the procedure for consideration of presidential reservations. In seeking to answer the question raised by Hon. Gumbo as to whether a reservation or recommendation by the President should be subjected to a process similar to that obtaining in the consideration of a Bill, one needs to be fully alive to the express provisions of the Constitution.

Firstly, the sequence of Part 4 of Chapter Eight of the Constitution of Kenya, which sets out the procedures for enacting legislation, is such that Article 115 of the Constitution appears after the sequence of events contemplated in Article 109 (Exercise of legislative powers), Article 110 (Bills concerning county governments), Article 111 (Special Bills concerning county governments), Article 112 (Ordinary Bills concerning county governments), Article 113 (Mediation Committees) and Article 114 (Money Bills). Indeed, that is why Article 115 on Presidential Assent and Referral is sequentially arranged to come before Article 116 which deals with coming into force of laws.

Secondly, the provisions of Article 115 seem to be self contained as regards the procedures to be adopted by Parliament in considering the President's reservations. To this extent, the provisions of Article 115(3) and (4) do not contemplate Parliament going back to the entire process of enactment, but only contemplates Parliament passing the Bill a second time. This second passage does not in any way negate the fact that the Bill was passed by the House a first time after going through the entire sequence that culminates in passage, namely publication, First Reading, Second Reading and Third Reading. The resubmission of a Bill by the President under Article 115 does not in any way negate these stages, unless the President decides to submit a totally new Bill outside the scope of what the House has passed, which would be uncharacteristic of the conventional legislative limits.

Thirdly, we must not lose sight of the fact that in whatever form the President expresses a reservation, he is seeking essentially an amendment to the Bill in question. He is merely seeking to avail himself of an opportunity similar to that enjoyed by the Members of this House, namely to participate in the law-making process as expressly contemplated by Article 115 of the Constitution. You are all aware that when Members are proposing amendments during the Committee Stage, those amendments are only considered during that stage, and are not subjected to other processes that a Bill goes through prior to that stage. Reservations or recommendations by the President should, therefore, not be treated differently and should only be considered at the Committee stage. This is, indeed, the practice in many comparable legislative jurisdictions within and outside the Commonwealth.

Having settled the second subject, let me now focus on the third item, which is the question of the voting threshold during consideration of presidential reservations. In doing so, I wish to draw the attention of the Members to the provisions of Article 121 of the Constitution. These provisions clearly indicate that for purposes of the National Assembly, the quorum required for transaction of any business in the House is 50 Members. Article 115(4)(a) on its part provides that for the House to override or amend reservations by the President, a vote to that effect must be supported by, at least, two-thirds of the Members of the House.

On the flip side, and in the absence of a similar provision giving a specific threshold, the House requires a simple majority to concur with those reservations or recommendations. A distinction needs to be made here between the threshold required in transacting business in the House and the one required in taking a decision on a particular matter or Motion. For purposes of the former, the requisite quorum is the one prescribed by Article 121, and for purposes of the latter a majority of the Members present and voting will suffice save for instances when a particular threshold is prescribed by the Constitution, as is the case in Article 115(4)(a).

Indeed, the requirement for specific thresholds to pass a certain decision is not unique to Article 115. For instance, there are three different thresholds essential in the deliberative process of removal of a Cabinet Secretary from office under Article 152(6) to (10). Members are at liberty to choose to be absent when the Question is being put if the intention is to cause the Motion to be defeated. The presence of a minimum of 50 Members in the House, therefore, suffices for purposes of considering a presidential memorandum, but when voting to override or vary the reservations, two-thirds majority of the Members must be present in the House so as to vote to override the reservation or to vary the reservation in a manner that has the effect of not fully agreeing with the President.

The absence of, at least, two-thirds majority at the time of putting the Question does not in any way imply that the House is improperly constituted. However, should the number of those present when voting amount to at least two-thirds, but after the results the number of those voting to negate the President's recommendation result in a majority, which is however less than the two-thirds, while those voting to agree with the President number less than a third of all the Members of the House, the Speaker is at liberty to direct that another vote be taken on another day pursuant to the provisions of the Standing Order No.62(2). The effect of that provision, which is seldom applied, is to give the House a second opportunity to attempt to raise the requisite constitutional threshold, but which should be applied very sparingly.

Hon. Members, this now brings me to the fourth and final issue, which is consideration of presidential reservations as relates to the principle of separation of powers. Members are aware that in most jurisdictions, the legislative process provides for assent to Bills by the President as the head of the Executive arm of Government. Our own system, through the provisions of Article 115 of the Constitution, requires that all legislation by Parliament should be presented to the President for assent. Different reasons have been advanced on the need for a presidential assent given the principle of separation of powers between the arms of Government. These reasons include the need to prevent hasty and ill-considered legislation by Parliament and legislation which may be unconstitutional.

In its basic form, the concept of separation of powers divides the institutions of government into three branches, the Legislature, the Executive and the Judiciary. The Legislature makes laws, the Executive puts the laws into operation and the Judiciary interprets those laws.

The powers and functions of each are separate and carried out by separate personnel. No single agency is able to exercise complete authority, each being interdependent on the other. The doctrine enables the three branches to act as checks and balances on each other. Each branch's interdependence helps keep the others from exceeding their power, thus ensuring the rule of law and protecting individual rights.

The doctrine of separation of powers presupposes the following forms of separation---

Order, Members! I have to interrupt this Communication because some of you came in late, but now I can give you one minute to walk in and take your seats.

*(Applause)*

*(Hon. Members walked into the Chamber)*

Can those who are making their way in do so quickly? Take your seats. Hon. Kaluma, you can sit there. You do not have to walk all the way here. Even those people there are your colleagues. You will go to your seat once I am done. Hon. Members who are making their way in are likely to remain standing for a long time. You can sit near there. Sit somewhere. We cannot wait for you to walk all the way here. You can sit somewhere there. Take a seat somewhere. I am sure most of you do not have seats marked for your occupation other than the leadership. I will continue with the communication.

The doctrine of separation of powers presupposes the following forms of separation:-

- (a) a separation of institutions, and
- (b) a separation of functions, where each institution exercises the function for which it was designed.

In reality, however, these are not mutually exclusive options. Any system of separation of powers must involve at least a measure of both. In their book, *Constitutional and Administrative Law*, O. Hood Phillips and Paul Jackson state as follows:

“A complete separation of powers, in the sense of a distribution of the three functions of government among three independent sets of organs with no overlapping or co-ordination would, (even if theoretically possible) bring Government to a standstill. What the doctrine must be taken to advocate is the prevention of tyranny by the conferment of too much power on any one person or body, and the check of one power by the other.”

Separation of powers seeks to achieve the following objectives:-

- (a) Prevention of abuse of public power through concentration of power.

In *Federalist No.47*, James Madison stated as follows:

“The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few or many and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.”

Power thus divided should prevent absolutism, (as in monarchies or dictatorships, where all branches are concentrated in a single authority) or corruption arising from opportunities that unchecked power offers.

(b) Enhancing efficiency of government. Separation of powers in this respect recognises that each of the branches is peculiarly well-equipped to exercise the particular functions assigned to it.

In the Constitution of Kenya, 2010, the concept of separation of powers is given effect and is apparent in the way the various functions of Government have been apportioned among the three branches of Government. However, as indicated above, separation of powers does not connote complete independence of one branch from the other. There is no better way to illustrate instances where the powers of one branch overlap with the powers of the other than in the appointment of various State officers under the current Constitution. Under Article 130 of the Constitution, the national Executive consists of the President, the Deputy President and the Cabinet. Article 132(2) provides for the appointment of various State officers by the President with the approval of the National Assembly. By taking part in the appointment process, the National Assembly, which is the legislative arm of Government, is taking part in what is clearly a function of the Executive arm of Government.

In view of the foregoing, it is apparent that, by sending a Bill back to Parliament with its reservations for reconsideration pursuant to Article 115 of the Constitution, the President cannot be deemed to contravene the doctrine of separation of powers as no branch of Government is completely independent of the other. He is merely exercising the limited legislative function conferred on his office under Article 115 of the Constitution relating to the process of assent.

As I conclude, I wish to observe that by making this considered communication, I am conscious that my findings will have implication on the manner in which the National Assembly relates with the presidency, the Office of the Attorney-General and the Senate on the expected form and content of the President's reservations on a Bill, and the procedure for considering those reservations under Article 115 of the Constitution. The summary of my findings is as follows:-

- (1) That, in submitting his reservations on a Bill to the House, the President is not prohibited from including his preferred text of the particular clause, section, subsection or paragraph of a Bill;
- (2) That, just like amendments to Bills, the text proposed by the President to a Bill need not be subjected to the other stages subjected to a Bill upon publication - that is publication, First Reading, Second Reading and Third Reading;
- (3) That, any committee or Member of this House is free to propose further amendments to the presidential recommendations, so long as such amendments have the effect of fully accommodating the President's reservations; the voting threshold for the passage of such amendment or, indeed the proposals made by the President is a simple majority as contemplated by Article 121 of the Constitution. Any other proposed amendment that does not fully accommodate the reservations, or a total override of the President's reservation, including his proposed text, would attract the two-thirds threshold requirement;
- (4) That, pursuant to the provisions of Standing Order 1(2), the determination of whether a proposed amendment by a Member or a committee to the President's reservation would have the effect of "fully accommodating" those reservations shall be made by the Speaker on a case by case basis.

(5) That, the absence of at least two-thirds majority at the time of putting the Question does not in any way imply that the House is improperly constituted. The House is hereby accordingly guided.  
Next Order!

### MESSAGES

**Hon. Speaker:** Hon. Members, Standing Order No. 41(4) relating to messages from the Senate provides that if a message is received from the Senate at a time when the House is in session, the Speaker shall report the message to the House at the first convenient opportunity after its receipt and in any event not later than the next sitting day. In this regard, I wish to report that I have received two messages from the Senate, vide letters dated 14<sup>th</sup> July 2015.

#### PARLIAMENTARY SERVICE (AMENDMENT) BILL/ NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL

The first message is that the Parliamentary Service (Amendment) Bill (Senate Bill No.21 of 2014) and the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014) were published in the Kenya Gazette Supplement Nos. 79 and 104 of 30<sup>th</sup> May 2014, and 2<sup>nd</sup> July 2014, respectively as Bills originating in the Senate. The Parliamentary Service (Amendment) Bill was passed by the Senate on Wednesday, 8<sup>th</sup> July 2015 with amendments, and the National Government Coordination (Amendment) Bill 2014 was passed by the Senate on Wednesday, 8<sup>th</sup> 2015 without amendments and in the form attached hereto. In accordance with the provisions of Article 110 of the Constitution, the Senate now seeks concurrence of the National Assembly on the said Bills.

I am aware that the Clerk has circulated the Bills in accordance with our Standing Orders. However, before the Bills are read the First Time, I hereby refer them to the Budget and Appropriations Committee for consideration and recommendation in accordance with the provisions of Article 114 of the Constitution. Thereafter necessary directions regarding First Reading of the said Bills will be given, taking into consideration the recommendations of the Budget and Appropriations Committee.

#### THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL

Hon. Members, the second message reads as follows:-

“The National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) as published in the Kenya Gazette Supplement No.160 of 15<sup>th</sup> November 2013 passed by the National Assembly on 12<sup>th</sup> November 2014, was passed by the Senate on Wednesday, 8<sup>th</sup> July 2015 with amendments and in the form attached hereto. The Senate now seeks concurrence of the National Assembly on the amendments to the Bill.”

Hon. Members, again, in accordance with the provisions of Standing Order No.145, the Clerk has circulated the amendments to all hon. Members. In this regard, the amendments are hereby committed to the Departmental Committee on Environment and Natural Resources for

consideration. The Committee is expected to submit its report to the House within 21 days to enable the House Business Committee prioritize consideration of the said amendments.

ESTABLISHMENT OF JOINT PARLIAMENTARY COMMITTEE  
ON CATERING AND HEALTH CLUB SERVICES

Hon. Members, I would like to convey a message from the Senate in respect of a resolution on the establishment of a Joint Parliamentary Committee on Catering and Health Club Services. The Message states as follows:-

“Pursuant to the resolution of the Parliamentary Service Commission (PSC) during its 211<sup>th</sup> Meeting held on 15<sup>th</sup> June 2015 to reconstitute the National Assembly Catering and Health Club Committee into a Joint Parliamentary Committee on Catering and Health Club Services, and further pursuant to Article 124(2) of the Constitution, Standing Order No. 216(3) of the Senate and Rule No. 9(1) (c) of the House of Parliament Joint Sittings Rules, on Tuesday, 7<sup>th</sup> July 2015 the Senate resolved to establish the Joint Parliamentary Committee on Catering and Health Club Services. The Senate also seeks to inform the National Assembly that it has nominated one of its Members to the proposed Joint Committee.”

Hon. Members, as you may be aware, this House is already on a Motion of the same nature. You will also recall that on 9<sup>th</sup> July 2015, debate on the Motion was adjourned pursuant to Standing Order No. 96, to allow for further consultations. This message from the Senate is therefore in compliance with the provisions of the Joint Rule No. 9 (2) of the Standing Orders, which require establishment of a Joint Committee to be by way of resolutions made by both Houses, and that the resolution be communicated to the other House by way of a message. This is, therefore, for the information of the National Assembly.

*(Hon. Ababu walked into the chamber  
while the Speaker was on his feet)*

Hon. Namwamba, you cannot be walking when I am on my feet! Go back!

**Hon. Members:** Forgive him, Hon. Speaker.

**Hon. Speaker:** Hon. Namwamba, you will remain upstanding as I communicate this Petition to the House.

Hon. Members, Hon. Ababu is knowledgeable about the rules of the House. So, he will remain upstanding.

## PETITIONS

### LEGISLATION ON REGISTRATION OF PROPERTIES

**Hon. Speaker:** Hon. Members, Standing Order No. 225(2) (b) requires that the Speaker reports to the House any petition other than those presented through hon. Members.

I wish to convey to the House that my office is in receipt of a petition from one Gitonga Watanga, a Kenya citizen, regarding enactment of a legislation to provide for registration of property in Kenya. The petitioner prays that the National Assembly, through the Departmental

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Committee on Justice and Legal Affairs, initiates the process of enacting legislation in regard to registration of properties and amend the relevant sections of the law to provide for a mandatory requirement for registration of properties by the owners, and for establishment of a property registry in the Office of the Attorney-General to ensure that all property transactions undertaken by banks bear the names of the buyers and sellers, as account holders. Pursuant to the provisions of Standing Order No. 227, the petition stands committed to the Departmental Committee on Justice and Legal Affairs.

#### LEGISLATION ON DEVELOPMENT OF KISWAHILI

**Hon. Speaker:** Hon. Members, the second petition is in the same terms of Standing Order No. 225(2) (b).

I wish to present this petition, which is signed by Maj. (Rtd.) Kiprono Rop, a resident of Bomet County, regarding enactment of a legislation to provide for the development of Kiswahili as a national language in Kenya. The petitioner prays that the National Assembly, through the Departmental Committee on Labour and Social Welfare, initiates the process of amending the Constitution and other relevant laws, to develop Kiswahili as a national language, and establishes a framework for Kiswahili exchange programme for teachers, pupils and students in both primary and secondary schools.

The petition is, similarly, under Standing Order No. 227, committed to the Departmental Committee on Labour and Social Welfare for consideration.

I thank you.

Hon. Ababu Namwamba may take his seat.

#### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Tuesday, 28<sup>th</sup> July 2015:-

The Report of the Auditor-General and the summary on the appropriation accounts and the fund accounts of the Republic of Kenya for the year 2013/2014.

The Public Finance Management (Affirmative Action Social Development Fund) (Amendment) Regulations, 2015.

The Regulations of Wages (Agricultural Industry) Amendment Order, 2015, The Regulations of Wages (General) (Amendment) Order, 2015. Legal Notice No. 104 of 22<sup>nd</sup> July 2015 on the Income Tax Act, Cap 470.

The Constituencies Development Fund Board Report on project approvals and disbursement status June 2015, including restrictions on constituency accounts.

The Annual Report and Financial Statements of the Bondo University College for the year ended 30<sup>th</sup> June 2012 and the certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Postal Corporation of Kenya for the year ended 30<sup>th</sup> June 2013 and the certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the National Communications Secretariat for the year ended 30<sup>th</sup> June 2013.



The Annual Report and Financial Statements of the Communications Commission of Kenya for the year ended 30<sup>th</sup> June 2013 and the certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Pest Control Products Board for the year ended 30<sup>th</sup> June 2014 and the certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Rongo University College for the year ended 30<sup>th</sup> June 2014 and the certificate of the Auditor-General therein.

**Hon. Speaker:** Hon. Were, the Chairman of the Departmental Committee and Social Welfare. Where is Hon. Were?

Let us move to the next Order.

**NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO. 33(1)**

**PRESIDENT BARACK OBAMA'S VISIT TO KENYA**

**Hon. A.B. Duale:** Hon. Speaker, pursuant to Standing Order No. 33, I seek leave of the House for the purpose of discussing the first ever and historic visit by President Barack Hussein Obama, son of this country and the President of the United States of America (USA), to Kenya and the outcome of the Sixth Global Entrepreneurship Summit (GES) and the bilateral talks between the Government of the USA and that of Kenya.

*(Applause)*

Hon. Speaker, between 24<sup>th</sup> and 26<sup>th</sup> July 2015, entrepreneurs from all over the world converged in Nairobi for the Sixth GES, which was officially opened by President Obama. He also gave various addresses touching on various issues of national concern like security, corruption, strengthening devolution, improving healthcare and broadening involvement of women and young people in leadership and entrepreneurship.

I, therefore, move that this House adjourns to appreciate President Obama for the historic visit, the Government and the People of the USA for their commitment to broaden the Kenya-USA relationship and entrepreneurs and investors for exuding confidence to invest in Kenya.

**Hon. Speaker:** Do you have the support?

**Hon. A.B. Duale:** *Si msimame bwana ili mnipatie support?*

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

**Hon. Speaker:** I see you have the support.

**Hon. Members:** Yes.

*(Loud consultations)*

**Hon. Speaker:** Very well. Just to announce to the House, I had earlier on received and approved a similar request from Hon. Ken Obura. I think it is in the same terms as the one the Leader of the Majority Party has moved. Hon. Ken Obura is aware of the Standing Orders and

the Constitution about priority in speaking. So just like a Private Member's Motion is overtaken by a Party sponsored Motion, Hon. Ken Obura, has to cede ground to the Leader of the Majority Party. Nevertheless, I think it is fair to recognise his effort in that direction and I am sure he will get an opportunity to make his contribution, because I have seen the House is in the mood of debating this matter.

Now that it is almost 4.00 p.m., I direct that the House should consider its business up to 5.00 p.m. so that it can then debate this issue for one hour and a half from 5.00 p.m. to 6.30 p.m.

It is so ordered.

Next Order.

## STATEMENTS

**Hon. Baiya:** Thank you, Hon. Speaker, for giving me the opportunity to make the Statement I am about to make on behalf of the Constitutional Implementation Oversight Committee (CIOC).

I rise under Standing Order No. 43(2) to seek leave to raise a matter of national importance with regard to implementation of the Constitution. You will note that CIOC is mandated to, among other things, oversee the implementation of the Constitution and in particular pass legislation required pursuant to Article 261(1) of the Fifth Schedule of the Constitution. To this effect, the Committee has had a series of round-table meetings with various stakeholders, specifically the Office of the Attorney-General (AG), the Commission for the Implementation of the Constitution (CIC) and the relevant Ministries. In most of all the meetings, the CIOC has had the relevant Cabinet Secretaries (CS) under whose mandate the required legislation fall, and who have also given undertakings before the Committee to have the Bills prepared for tabling before Parliament to enable this august House to enact laws within the period specified under the Fifth Schedule of the Constitution.

During the 15<sup>th</sup> meeting of the Committee held on 10<sup>th</sup> July 2015, the CIOC met with various CSs, the Office of the AG, the CIC and the Kenya Law Reform Commission (KLRC) with a view to reviewing the status of Bills which are required to be enacted by 27<sup>th</sup> August 2015, which is exactly 30 days from today. The following Ministries were represented:- Ministry of Environment and Natural Resources, the Ministry of Lands, Housing and Urban Development, the Ministry of Energy and Petroleum, the National Treasury, the Ministry of Agriculture, Livestock and Fisheries, and the Ministry of Devolution and Planning.

In that meeting it was agreed that the various CSs under whose mandate the following Bills fall were to forward the Bills to Parliament on or before today, Tuesday 28<sup>th</sup> July 2015.

The Bills are:

- (i) The Protection of Traditional Knowledge and Traditional Cultural Expressions Bill, 2015;
- (ii) The Agreements on National Resources Bill, 2015;
- (iii) The Forest Bill, 2015;
- (iv) The Community Land Bill, 2015;
- (v) The Physical Planning Bill, 2015;
- (vi) The Minimum and Maximum Land Holding Acreage Bill, 2015;
- (vii) The Investigation and Historical Land Injustices Bill, 2015;

- (viii) The Land Use Bill, 2015;
- (ix) The Evictions Bill, 2015;
- (x) The Energy Bill, 2015;
- (xi) The Petroleum Exploration and Production Bill, 2015;
- (xii) The Representation of Marginalised Groups Bill, 2015;
- (xiii) The Two-Third Gender Principle Bill, 2015;
- (xiv) The Seeds and Plant Varieties (Amendment) Bill, 2015;
- (xv) The Organisation and Administration of Appeal Bill, 2015;
- (xvi) The Small Claims Court Bill, 2015; and
- (xvii) The Contempt of Court Bill, 2015.

Further, the Committee agreed that the Attorney-General, together with the Ministry of Interior and Co-ordination of National Government, were to come up with a report on compliance with Clause 17 of the Sixth Schedule to the Constitution of Kenya 2010, with regard to restructuring of the Provincial Administration, on or before Tuesday, 28th July 2015, which is today.

The Committee had a meeting today to get a status update on the said Bills as agreed. The Committee observed that in most of the meetings with the Cabinet Secretaries (CSs), undertakings have been given none of which has been honoured to-date. Indeed, as I stand here today, none of the above 17 pieces of legislation have been forwarded to Parliament, as earlier committed to by the respective CSs and the Office of the AG.

Noting that the constitutional timeline of 27th August 2015 is fast approaching, the Committee observed that it has become a tradition for the Executive, in full knowledge of the constitutional deadlines and in disregard of the Constitution, to delay preparation of legislation and thereafter seek extension of timelines from Parliament. As a Committee, we agreed that no extension of any timeline shall be permitted this time round.

Hon. Speaker, as you are aware, Article 261(7) of the Constitution provides that if Parliament fails to enact legislation as required by the Constitution, the President shall, on the advice of the Chief Justice, dissolve Parliament. Members will agree with the Committee that the responsibility of enacting legislation and, therefore, ensuring implementation of the Constitution lies squarely on Parliament.

Aware that the lackluster attitude of the CSs may not only plunge this country into a constitutional crisis, but also see Parliament blamed for matters that are not within its own control, the Committee seeks the indulgence of this House on this matter. Indeed, as a Committee, and as the Members of the House would agree, this House will not want to go down in history as having failed in the implementation of the Constitution. This is why we are bringing this matter to the attention of the National Assembly with a view to seeing why we may not meet some of the deadlines of 27<sup>th</sup> of August.

Thank you, Hon. Speaker.

**Hon. Speaker:** That is a very important matter. The country needs to know that there are so many Bills which have constitutional deadlines – a total of 17 – but they are not even in the House. However, everybody out there will want to blame the National Assembly as having not passed them. The people who are mandated to develop them are taking their sweet time. Today is 28<sup>th</sup> July 2015 and we are expected to pass that which has not even been brought to us before 27<sup>th</sup>

August 2015. There may be some assumption somewhere that the National Assembly works miracles. I can see the Leader of the Minority Party agreeing that we are not miracle workers.

Hon. Njoroge Baiya, this is an important matter that your Committee has brought.

Hon. Duale.

**Hon. A.B. Duale:** Hon. Speaker, so far we only have five Bills, some of which are at the Government Printer, including the ones which are on the Order Paper today:

- (i) the Access to Justice Legal Aid Bill, 2015;
- (ii) the Judiciary Fund Bill, 2015;
- (iii) the Magistrates' Court Bill, 2015,
- (iv) the Two-Third Gender Rule Bill, 2015; and,
- (v) the Controller of Budget Bill, 2015.

I am sure the Executive, the Commission for the Implementation of the Constitution (CIC) headed by Mr. Nyachae, the Kenya Law Reform Commission (KLRC) and the AG cannot expect this House to give them extension of time every now and then. I will ask the Chairperson of the CIOC to call a meeting of all these stakeholders before Parliament decides on the extension of time, so that he makes it very clear in the presence of the media that they have failed in as far as the processing of the Bills requiring enactment by 27<sup>th</sup> August, 2015 is concerned.

It is good that the AG, the CSs concerned, Mr. Nyachae and the KLRC are there so that the country knows that it is not the National Assembly that has failed. Mr. Nyachae should be there; he should not send his Vice-Chairperson. It is those institutions that have failed in the implementation of the Constitution.

The Chairperson of the Departmental Committee on Energy, Communication and Information is here and he was asking me where the Energy Bill is. We have Community Lands Bill, which the Chairperson of the Departmental Committee on Lands was asking me about. We have the Irrigation Bill and irrigation policy under the Ministry of Agriculture, Livestock and Fisheries.

All the Chairpersons of Committees and members of the CIOC, under the able leadership of Hon. Baiya, should have a meeting here this week and then everybody carries his luggage and cross, so that people know who is failing in the implementation of the Constitution. There is a perception that Parliament and legislators are to blame. This is a culture where Bills are brought in the last minute. Some of these Bills are very important. For example, the Community Lands Bill, the Investigation and Historical Land Injustices Bill, the Judicial Service Commission (Amendment) Bill, regulations to be anchored under the Agriculture and Livestock Research Act, the Protection of the Ownership of Indigenous Seeds Bill and the Energy Bill are Bills that are so important to the people of Kenya and to the economy. We cannot just rush them like that.

However, the people who have been given these powers must take a certain liability. So, Chairperson, we ask you to call that meeting. All our Committee Chairpersons and the leadership of the National Assembly should be present, so that we can say it is the AG's office, the Executive, the CIC or the KLRC that has failed. Each group will speak and say who has delayed the Bills.

**Hon. Speaker:** Very well. There is no debate on this, Hon. Members. This was merely for the information of the House. We have a fairly robust system of informing the country. Hon. Njoroge Baiya, you must carry this list with you everywhere you walk so that anybody asking

about what Parliament is doing, you can always slap them with a copy of it, so that they know so much is expected of us, yet so much is not being brought to us.

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

**Hon. Speaker:** Hon. Gumbo, what is it?

**Hon. (Eng.) Gumbo:** Hon. Speaker, I thank you very much. I wish to thank the Leader of the Majority Party for finally tabling the Auditor-General's report of the accounts for the 2013/2014 Financial Year.

As provided for under Article 229(4) of the Constitution, these accounts were supposed to have been here by December last year or early January this year, but they have been delayed. It means we are seven months late. As you realise from Article 229(8) we, as the Public Accounts Committee (PAC), are required after receiving this report, to debate and consider the report and take appropriate action. The import of this is that, so that we are able to tackle as much of the programme as possible, my Committee will be requesting you to allow us to occasionally be sitting when the House is in session. But most importantly, if you recall from last year, you will note that we had created an opportunity for the Auditor-General to explain to the people of Kenya the performance of the appropriations of this House for the accounts of the previous years.

I wrote to you requesting you to kindly allocate time as quickly as is possible for you, so that the Auditor-General can explain to these representatives of the people of Kenya the highlights of the 2013/2014 audited accounts. This will help us not only to assess the performance of the appropriations that we have made but also help us as a way of prioritising.

Our Committee sat this morning and kindly asked me to request you if you could allow the Auditor-General to have a session with this House on Wednesday 12<sup>th</sup> so that he could take Members who are the representatives of the people of Kenya through these audited accounts and point out the highlights; the areas of performance which this House perhaps needs to take action.

I would be most obliged if you could allow our Committee so that we are able to proceed as fast as possible, but most importantly, to let the public know how their money has been put to use by those whom they have entrusted to use their money on their behalf.

Thank you, Hon. Speaker.

**Hon. Speaker:** First of all, I will begin with your last request which I will unfortunately decline. Just before coming to the House, I had an occasion to complain to the Auditor-General that what purports to be the audit report for the 2012/2013 Financial Year is liberally out there in the media and yet nothing had been tabled before the House. Those reports are supposed to be submitted to Parliament in terms of Article 229 that you have read out. I have had occasion to ask him whether he tabled the report before the Media Council. Why did he table the report and which law was he following? Those reports have just been tabled today. So it looks like he already wanted to give highlights out there. So what other highlights is he going to give?

Procedurally, the Auditor-General should appear before the PAC and not before the plenary of Parliament since we have already dealt with that issue and we do not want anybody to come here. Let him appear before the PAC.

On the day you set to receive testimony from him, you can then seek leave to sit in the Chamber if the desire is to have every Member present, but you should be the one to chair that Session as the Chair of the PAC. I am not going to pronounce myself on the Chair here about

your earlier request because again, there are certain timelines that Parliament is given upon receipt of the reports from the Auditor-General to consider those reports and debate.

Your request about additional sittings is, indeed, a very legitimate one and we will be looking at it. Do it in the normal way. I am sure you know. I can tell you that it will be considered very favorably because it is a legitimate one. We would like you to really give us this report because there is already--- If you decide to have a sitting with the Auditor-General even before you begin doing anything else, that again is within your power as a Committee to make a determination.

Inform us in the normal way so that we can decide and make the necessary communication when your Committee is sitting to receive the Auditor-General's highlights. We want to do away with the aimlessness. I do not want to chair something that will look like a *kamukunji*. It will not be right.

As the Chair of the Committee, let us know the date when you want him to appear before your Committee so that you can interrogate or he can then give you the highlights which may help your Committee in interrogating the report in greater detail.

Next Order.

## BILLS

### *First Reading*

#### THE LEGAL AID BILL

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

### *Second Reading*

#### THE COMPANIES BILL

*(Hon. Chepkong'a on 8.7.2015)*

*(Resumption of Debate interrupted on 9.7.2015)*

**Hon. Speaker:** Who was on the Floor? It was Hon. Agostino Neto. How much time does he have?

Hon. Members, I am informed that the House resolved that every Member contributing to this Bill speaks for a maximum of 45 minutes. It is not to say that every Member will have 45 minutes. I know several of us speak for five minutes and we are satisfied. I know there is a reason even for that, but I also want to announce that the following Members have so far contributed. They are Hon. Chepkong'a who moved the Bill, Hon. Adan Duale, Hon. Tom Kajwang', Hon. Jessica Mbalu, Hon. Benson Mutura, Hon. Timothy Wanyonyi, Hon. Millie Odhiambo, Hon. Patrick Musimba and Hon. Agostino Neto who has a balance of 38 minutes.

Hon. Agostino Neto, you have a balance of 38 minutes.

Proceed.

**Hon. Oyugi:** Thank you, Hon. Speaker. I will try to speak slightly over five minutes given the fact that like all loving Kenyans, I engaged in the cheering of Air Force One and I have consequently lost my voice.

As I was speaking to this particular Bill, I said when I started that it makes radical shift on how company law in Kenya is going to be managed. Several clauses of this Bill especially Clause 128 gives provisions to the fact that directors of companies can only be natural persons.

Clause 134 of the Bill makes sure that acts of directors are going to be binding on them even though the directors are disqualified to be in office. That is an interesting provision because ordinarily directors in the previous regime ought not to be binding to the company if at all they were so disqualified.

*[Hon. Speaker left the Chair]*

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

Hon. Temporary Deputy Speaker, Clause 134 makes sure that the acts of the director are binding but then there looks like an interesting rider in Clause 225 which presupposes the fact that if at all a director makes any act which prejudices the company, the said director is going to be surcharged to the extent of the mistakes or the decisions he made or took whereas he was so disqualified.

Clause 135 of the Bill also makes it very interesting; the fact that directors are not going to be all-towering on the various companies; that all the things that directors do will be subject to scrutiny by various members of the company.

The most interesting clause in this particular Bill is Clause 404, which provides for the alteration and consolidation of share capital. By special resolution dissolution of the members of the company, you are able to consolidate the share capital. But this particular consolidation is subject to the agreement by the creditors. However, the Bill provides that the courts can affirm the consolidation. It is allowed that there will be conversion of companies from private to public and public to private companies. This conversion is possible with the cancellation of shares. For example, if a public company cancels or reduces its shares, it is allowed to move from the regime of being a public company to a private company. The only condition that is required for this cancellation is that you need to lodge that with the Company Registrar, at least, one month after the conversion to show that since you have cancelled your shares, you want thereby to convert from being a public company to a private company.

One of the best safeguards is the fact that subsidiary companies, whether private or public, are prohibited from financial assistance either directly or indirectly for purposes of acquisition of companies. If at all there is a company that is being acquired, if you are a subsidiary company, whether private or public, you are not allowed to give funds for that particular acquisition. This protects the various companies that are being acquired. The interest of a private or public company, therefore, cannot be buttressed in the acquisition because the subsidiary company will be free and fairly autonomous.

Clause 496 talks about allocation of share certificates. In the current regime, before this Bill is passed, it is not clear how share certificates are allocated. But this Bill proposes that within two months of a company giving registrations, there should be a share certificate allocation within two months and proof of a share certificate. A share certificate will be proof enough that, at least, you own shares in that particular company.

There is a proposal to create transparency in companies where companies have been given powers and the members of the public can require the members of the company to provide information on how the companies are being run. If any member of the public is interested in, for example, knowing a person's interest in a company, he or she can make this inquiry and find out anyone with interest in the company. This is akin to opening the veil in the companies and it makes it free and fair for the members of the public to know what is going on in the companies and what the various companies are engaging in.

Clause 583 creates the Capital Markets Authority and gives it a chance and power to be in charge of what I call takeover office. Before this particular provision under Clause 583, there is no clear method of takeovers. The Capital Markets Authority is being given power to be in charge of takeovers under this new legislation. It is further given power and authority to make rules in terms of how takeovers can happen and what is an illegality in case takeovers do not happen in a particular way. This is going to strengthen the regime of companies and make them autonomous. The Authority has also been given power to give directions in terms of how takeover rules can happen.

Another important provision is the duty of all companies to keep a record of its accounts. The records of accounts of various companies should be kept in specific registered offices of the companies, so that if I am a member of the company, I would walk freely and easily into the company to inspect the books of accounts. This then presupposes the fact that the acts of the companies will be transparent because the books of accounts will always be free and easily available for members to inspect.

Under Clause 628, the law requires that the books of accounts that have been kept by the company should disclose as much as possible the last three months transactions of the company. This will make it safe for most members of the company to know the dealings and the transactions of various companies, so that it is not possible for companies to operate years on end without members really knowing what happens.

This also gives the company leeway to determine its financial year. Right now, most companies have been relying on the financial year of the Government, which has always been 30<sup>th</sup> June to 1<sup>st</sup> July. Now, the companies are being given leeway to start having their own financial years in manners that, for example, will be starting from the date in which the companies have started transactions.

There is also the provision under Clause 705 for the compulsory filing in of returns. It is made mandatory that all companies must file annual returns. The manner and order in which the annual returns are anticipated is clearly stipulated in the law. It makes it an offence not to file annual financial returns. Of course, you also appreciate that in the last regime, it was agreed that financial returns ought to be filed, but the particular provision under Clause 708 makes specific provisions in terms of how, the manner and form in which members of the various companies can file returns.



One of the most important clauses in this Bill is Clause 781, which gives the members of the companies power to apply to court if they think, for example, that the directors are being oppressive or if the company is being run in a manner that is being prejudicial to the reasons for which the company was created.

This particular provision under Clause 781 presupposes that you are not going to let your company go under, be misused or let the directors be oppressive. You already have powers in hand well in advance for the courts to give you direction in terms of how you think the company should be progressive.

Another important provision is the power of the courts to appoint inspectors to look at the conduct of the companies. Most of our companies have gone under simply because they have been run differently. Often times, until the companies have gone under, is when you have the PIC.

Under Clause 787, the courts are allowed to appoint inspectors. Those inspectors are allowed to investigate into the affairs and the conduct of the companies. This is going to ensure that it is not going to be at the tail end of the investigation or until the company has had fraud committed on its part by the various directors for investigations to be conducted. It is also agreed that if, for example, a company is engaging in a wrongful conduct or has been fraudulently formed or formed for unlawful purposes, you can seek court orders to use the inspectors to investigate the conduct.

The last clause I would like to talk about is Clause 895 of the Bill. The clause says that there is a provision on how dissolution of companies is going to happen. The Registrar is required to give notification to the various companies that he seeks to dissolve. If there is no response from the various companies within one month of the Registrar writing to them, a second letter is anticipated from the Registrar of Companies. If that gets no further response, then the Registrar is given authority and power to write the company stands so dissolved.

This Bill, as it stands, creates a different regime. If it is passed and becomes law, it is going to radically change the shift in how companies are run in Kenya. It speaks to the fact that you are able to convert the various companies from private to public and you can also have a conversion from public to private company. It also speaks to the fact that it is possible to have only natural persons as members or directors of companies. It also speaks to the fact that directors can now be held liable for acts that they do with regard to the companies and can be surcharged.

**The Temporary Deputy Speaker** (Hon. Kajwang'): What happened? Check your intervention button.

**Hon. Oyugi:** Hon. Temporary Deputy Speaker, taking away the microphone interfered with my thought process. With that, I would like to support.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Let us have the Member for Kajiado South Constituency who is also the Majority Whip.

**Hon. Katoo:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute on this very important but very voluminous Bill. It has 1,000 clauses. Nevertheless, I start by supporting it and say that it seeks to consolidate the law relating to incorporation, registration, operations and management of companies as well as the normal or routine activities of companies.

Most importantly, it introduces the aspect of regulating operations of foreign companies in the country while they are carrying out their businesses here. The Bill also aims at modernising Kenya's business sector and making it easy for local and foreign entities to invest in this country. Without anticipating debate of the Adjournment Motion coming soon after this, I know the main aim will be how to make doing business in this country easier and make it competitive, global, innovative and value added in respect to the just ended Global Entrepreneurship Summit (GES) that was held in this country just a few days ago.

This Bill also aims at developing a modern company law in order to support a competitive economy in a very comprehensive form taking into account current trends of globalisation and regional integration with a particular focus on regional economic blocs we have nowadays like the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), the Southern African Development Community (SADC), the African Union (AU) and also the global world.

Every country tries to have her own laws that are competitive and simplified in order to make the country very important globally in terms of doing business. This Bill may not be very perfect. However, with amendments that Members individually or through the Committee will propose at a later stage, we can make it a very comprehensive Bill, as I have said, takes into account current trends of globalisation and regional integration in the ways of doing business.

It further intends to reflect on the prevailing circumstances of carrying out business in a modern economy. This includes the modern patterns of regulation and ownership. The proposed Bill has many clauses that talk about regulation in terms of auditing and ownership and in terms of both foreign and local representation in the foreign companies. Above all, it talks about regulation of our privately or publicly owned local companies in a very transparent and accountable manner.

The old law which this proposed Bill tries to modernise provided that a company should have a minimum of two members before incorporation. However, this proposed Bill allows for what is called one member companies.

Section 4 (1) of the Companies Act Cap 486 of the Laws of Kenya requires that public and private companies can be formed when there is a minimum of seven persons and two persons respectively. However, this proposed Bill talks about two people for public companies and one person for a private company. Therefore, it allows the one member companies as a way of simplifying how to do business in terms of formation. This is because what has been a headache in investment in this country is that it takes a lot of time to form companies or business entities. The time it takes for approval is too long. There are very many stages that one needs to go through. That is the bureaucracy that this proposed Bill is trying to minimise or reduce and make it more competitive.

Normally when you are forming companies for business purposes, there are very many documents that are required but the most important one is the Memorandum of Understanding and Articles of Association. The constitution of companies which is the Memorandum and Articles of Association provides the manner in which it should be governed.

Part III which is under Clause 22 provides the procedure to enable a company amend its articles easily. The part also gives the Cabinet Secretary power to prescribe model Articles of Association. As I have said earlier on, all this is designed to make registration of companies cheaper and easier. Any proposed Bill or article close here should actually make the running of

companies transparent and open. It should also try to make it cheaper, simple and easier to operate.

In my view, one of the biggest changes in this law is Clause 316 that provides that every company should have a website. We are in a technological era and information is power. Businesses will always aim at having power and not just money power. Without information, you cannot really achieve that goal of having the profit power. Therefore, in this new law, every company under Clause 316 will be required to have a website.

Clause 316(2) provides for the information that can be posted on that website. It should be for public awareness and educating the public about what kind of activities or services a business or a company provides. This includes the information that is required like company communication and notices. When most of these companies have annual general meetings, they give very short notices. You understand what is called “organisational politics”. This is where when there are changes or when the change of directors is due, the members of such companies get very short notices. However, with the website where you are supposed to post all the information, nothing will be done in a shrewd or in a secret way. There should be notices in that website.

There should also be resolutions of all meetings that are held, either board meetings or annual general meetings. There should also be information like audited reports because it is a requirement that every company should have audited reports and those audited reports should be on the website so that members of those companies can scrutinise them. Any other communication that is relevant to members of those companies should be posted there.

This law has considered the technological changes in the business environment in a manner in which company information can be disseminated. Companies operate within a business environment. The business environment can be categorized into two forms; the internal and the external environments.

The internal environment is where companies may be in a position to control or regulate. There is no business company that controls the external environment. The external environment is the other world. Therefore, as a company, you must be ready to adapt to those changes and come up with capabilities and competencies that make you competitive and enable you to move along with those changes within the external environment. Those technological changes will go a long way to help.

I want to appreciate Clause 316(2) that has recognized the electronic way of disseminating information. It now allows for posting in a company’s website.

Part Four, Clause 34(v) is on Directors that they can be sued, or their liabilities--- This brings a new point that if the Directors are acting in good faith, they would not be held liable. Normally, if you are held liable, at times you are constrained in terms of what actions you can take or not take as a director of a company. If this Bill becomes law, Directors will now have that leeway of doing company transactions, especially in terms of financial borrowing. This is for as long as the action or inaction of the Director is in good faith. It also explains the procedures of determining what can be taken as action in good faith or inaction in good faith. As a Director you will not be liable to that.

Under the same part, Clause 42(1) provides that the company - this is also very important - should have a common seal. This common seal which is the official seal of the company---

Currently, the way it is - I am not talking of the official seal of the company within Kenya - will now allow companies to have the official seal for use outside Kenya.

Currently, what you have to specify if you are operating outside Kenya is the location, address, the street and country where you operate from. But now with the official seal that can be allowed to be used outside the country for authentication of its own document; when a company is executing any transaction that is very important and it is in line of promoting regional business integration.

If you have a company which operates within five states in East Africa, then you have an official seal that you can use outside Kenya. This is the same seal that you can use in all the five countries for authentication of business documents. That promotes regional business integration and it is in line with the aim of the East African States of eventually having borderless business transactions. I think that is very welcome.

For local business, if you look from Clause 69 to Clause 91, you will find that they provide that a company can convert itself. This means that a company can convert itself from a public company into an unlimited private company with a share capital. It can as well convert itself from a private limited company into a non-limited company. There are about five ways in which a company could convert itself.

The procedure of doing so is quite elaborate from Clause 69 to Clause 91. Most important is the fact that this provision will enable a company to alter its status by converting itself from one company to another. Therefore, if you are doing this business but at some point you find that it is no longer viable or profitable you can change into another type of a company. This will allow local companies to be very versatile and conform to what the market has to offer at a particular time.

Companies are for business and business is for profit making. They are seasonal. You will find that at one time this season is viable but the next one is not. That changeability of company status is very welcome.

If you go through from Clause 122 to Clause 213, you will realise that the Bill has comprehensively detailed the duties of Directors. Most of those duties are currently deemed implied. Here, this Bill puts them explicitly in terms of the general duties of the Directors under the common law and rules or equitable principles. Specific duties are provided under Part 9 of this Bill. This clearly explains how Directors can be said to have conflict of interest, which persons constitute a conflict of interest, or persons who constitute a family of a Director and cannot, therefore, do business in that company.

The appointment and removal of Directors have been put clearly under that Clause. It also gives the leeway for Directors who have been removed through what can be perceived as mischievous circumstances to appeal against that removal or seek legal redress.

In the last term of Parliament when we had the grand coalition Government, I witnessed very many changes of the boards done by Ministers. You would find those Directors moving to court saying that they have been removed unfairly or unprocedurally and the court would reinstate them. This time appointment, removal and seeking legal redress are very clear in the law. It also specifies the age of who can be and who cannot be a Director. The qualifications and duties of Directors will now be very clear.

Part 12 of the Bill, that is from Clause 244 to Clause 254, deals with Company Secretaries. Company Secretaries are the face of companies. The Bill is clear on their

qualifications and how they should be appointed. However, my interest is that it has now made it mandatory that every public company will have, at least, one Company Secretary.

Clause 244 says that a private company will not require a Secretary but it will be required to have one. The Bill now puts a condition that if the company has paid up capital of Kshs5 million or more, it would require a Company Secretary. Therefore, if you do not have that, you will not need to have a Company Secretary. Any person from the public who wants to communicate to the company can just write directly to the director or to the company itself. It is upon the company to identify who should be the recipient of correspondences.

This provision ensures that a single member company, because as I said earlier on that this proposed Bill is now allowing for single member companies to be formed, with only one director or small companies will not be burdened with the cost of hiring a Company Secretary. We understand that company secretaries are highly qualified and very expensive. So, small companies may not be able to afford one. Therefore, they are saved from that cost, Hon. Temporary Deputy Speaker. It will therefore reduce the cost of running companies especially small or one-member companies.

Clauses 322 to 403 deal with shares and the share capital of a company which is limited by shares and in particular a provision that provides that it will no longer be possible for a company's share capital to be converted into stock. This is very important because one of the very important issues I picked from here is that this is now personal property. The shares of a company are personal properties but this clause tends to cure the problem or safeguard Government levies such as stamp duty. I want to finish so that my colleague can get time to contribute.

What I wanted to say is that at times, people undervalue their ownership in terms of shares in companies. When you are paying stamp duty, you find that you had paid Kshs1,000 as your share in that company but you own several flats. The Government levies like stamp duty only charge you based on Kshs1,000 when in fact, you own Kshs1million in terms of property. Therefore, that undervaluing of share capital in companies is going to be discouraged through this clause.

Part 27, Clauses 709 to 777 talk about auditing and specify the requirement for auditing. Members of a company will be entitled to require an audit company for auditing their accounts. However, it exempts what they call small and dormant companies. There is also a procedure for you to be clarified as a small company.

A small company in the Bill is defined as a company whose turnover in a year is not more than Kshs720 million and the net assets in that year is less than Ksh360 million. A dormant company is a company that has not been active for the entire financial year. However, this should not be misconstrued to mean that you can form briefcase companies, go into business or you do not activate and then you are exempted from auditing. We will require a specific clause that will ensure that there is integrity and honesty in reporting from these companies that are exempted from auditing. We will also require it to ensure that there is openness, transparency and accountability so that you do not say that you are a small company or a dormant company while in real sense you are not. You are just trying to evade auditing.

Clause 779 provides that the Cabinet Secretary by publishing a gazette notice will declare persons that are recognised as being holders of approved foreign qualifications for purposes of auditing. If this Bill becomes law, it will now allow foreign auditors to be auditing or work in our

country. We should tread this very carefully so that we do not deny our locals who are very qualified auditors jobs. There is a bar for those with foreign qualifications. Let me just try to think that it means foreign qualifications not really foreigners as persons. We have courses in this country that are accredited externally or are foreign in nature. So, I believe that is what it means.

I can see my good friend from Mvita Constituency really pushing me to wind up. I had about 10 minutes. I will wind up there. I support and welcome amendments to the other stage that will improve this Bill.

I beg to support.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you for being mindful of your colleagues. The Member for Mvita, I am trying to find how to get you.

**Hon. Nassir:** Thank you very much, Hon. Temporary Deputy Speaker. I would like to thank my colleague for generously giving me a chance. I would like to quickly point out a few issues that are in this Bill. It is an 843-page document and in these pages, in particular No. 244(1), a private company is required to have a Secretary only if it has a paid up capital of Kshs5 million or more.

I have already sent my proposed amendments to the Speaker's office and the Clerk's office, which say that a private company is required to have a Secretary only if it has a paid up capital of Kshs5 million. What we have done is basically inserted the words, "No person shall qualify for appointment as a Company Secretary unless he is qualified under the Certified Public Secretaries Act." Needless to say the reason for that is because we want people to be held accountable. If there is anything that someone has done, he can be held accountable.

The biggest issue is in Clauses 624 of this Bill which says that a company qualifies as small in relation to its first financial year if the following conditions are satisfied in that year. I want to go to Clause 711 which deals with the issue of how to justify a small company as a company that has a turnover of not more than Kshs720 million. The value of its net assets as shown in its balance sheet at the end of the year is not more than Kshs360 million and it does not have more than 50 employees.

Probably, we just need to take ourselves back. They are the same laws that were passed in this very House. If you look at the exemption in charging of Value Added Tax (VAT) in the Kenya Revenue Authority (KRA) Act, you will find that it has put a turnover of Kshs5million. We are contradicting ourselves now on the turnover of revenue of Kshs5 million in 12 months. We are contradicting ourselves because we are now talking about Kshs720 million.

Secondly, I understand that the framers of this Bill found it easy to copy and paste. This Bill has been copied and pasted from the United Kingdom (UK) Companies Act. If you go to the website [www.gov.uk/audit-exemptions-for-private-limited-companies](http://www.gov.uk/audit-exemptions-for-private-limited-companies), you will find that it is actually word for word.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Mvita, I happen to be in that Committee. It could be reflecting what is in the UK or elsewhere but trust that it was not copied and pasted. Every single copy here was discussed in length but go on.

**Hon. Nassir:** Hon. Temporary Deputy Speaker, I wish to quote the UK Act:

"When a company has an annual turnover of no more than £6.5million; has assets worth no more than £3.26million; has 50 or fewer employees on average."

The registered companies that are in Kenya right now---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Please, make your point. I am very interested at following the point you are making.

**Hon. Nassir:** Thank you very much, Hon. Temporary Deputy Speaker. Currently, the registered companies in Kenya are 191,692. Those qualifying for a threshold of Kshs500 million or more are only 1,060 as at September, 2010. About 125 of these are Government entities. This means that we are going to have a large number of companies not being audited at all. If we are going to look at this in terms of other people’s financial standing, it becomes a bit dangerous.

So, I have given the leeway to the Cabinet Secretary in charge of Finance to vary that particular clause. It is important to note that when it comes to the figures that are here as per the International Monetary Fund (IMF) World Economic Outlook Figures, the variation between the United Kingdom (UK) Government economic standing and ourselves is way too large for us to even start contemplating to copy this. The other clause that is very similar is Clause 7(1)(i), which talks about the same issues at hand.

With those few remarks, I would like to end there so that other Members can debate this important Bill.

**The Temporary Deputy Speaker** (Hon. Kajwang’): So, do I take it that you have preferred amendments on those specific portions of the law? Have you drafted something?

**Hon. Nassir:** Yes, Hon. Temporary Deputy Speaker. I have drafted something.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right, we look forward to you debating it when this matter comes in the Committee. Those are the kind of people we want; people who can help us get our legislation up and running. We want to capture as many people as possible in the Kenya Revenue Authority (KRA) net. We also want to make business easy and cheaper for people. So, you need to help us along that line.

I still have some five minutes. I do not know whether the Member for Alego still wants to use it. You can use these five minutes if you are prepared and use the balance later on. I am told that you have done a lot of research on this subject and I would not like to frustrate you. I do not see you on my list. Where are you?

**Hon. G.W. Omondi:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill though I have a very short time.

This Bill tends to overhaul and modernise the companies law in this country. As you know, one of the inhibitors of entrepreneurship in this country has been this old law. We have operated with the old English law for a long time. Its requirements in terms of registration and returns have been very cumbersome.

This Bill intends to bring the companies law up to date with the modern requirements of running businesses. However, I intend to dwell on the other bit that this Bill tends to do. One of the problems that we have experienced all over the world, and particularly in Kenya, is poor corporate governance. This has made many people shy away from investing in companies. If you go through this Bill, you will find that in every page, it talks about the requirements of the directors and managers. I will go through a few examples.

In addressing this issue, the Bill is tackling corporate governance that has destroyed many companies in the world. For instance, Part 9, Division III stipulates the director’s duties. In their activities or in running their companies, they are expected to have long-term consequences of

their decisions in mind. At the same time, they are expected to have the interest of the employees in mind as well as the local communities from where they operate and the environment.

Again, Section 147(1)(a) requires the directors to avoid any actions on their part that will bring conflict of interest either directly or indirectly. Section 148 also talks about what is required of the directors and managers.

Section 152 of this Bill requires the directors to declare their interest in any transaction that they are going to undertake with the company. Again, Part 9, Division V stipulates that transactions of the directors require the approval of the members. This is one of the areas that directors of companies have been doing as they wish and in the process end up “killing” the companies.

Part 10, Section 215 enables the courts to disqualify certain people who are found to be involved in criminal activities or questionable characters from involving themselves in the formation, running and promotion of the company.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member for Alego Usonga, you are doing very well. You have almost a balance of 40 minutes. Do you want to take the balance on Thursday or even tomorrow in the afternoon?

**Hon. G.W. Omondi:** Yes, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That will give you time to settle and organise your thoughts.

**Hon. G.W. Omondi:** Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you very much. Let us have the Leader of the Majority Party.

### MOTION FOR ADJOURNMENT UNDER S.O. 33 (1)

#### PRESIDENT BARACK OBAMA’S VISIT TO KENYA

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move an Adjournment Motion to discuss the visit by our son the President of the United States of America (USA), Barack Hussein Obama.

**The Temporary Deputy Speaker** (Hon. Kajwang’): The Leader of the Majority, just one minute, so that we can know the rules of engagement here. It seems to be a very popular Motion that the Leader of the Majority Party is moving. I can see a lot of interest expressed but you should not forget your Standing Orders.

When we are in the Adjournment Motion, the Mover takes 10 minutes and everybody else replying takes five minutes without exceptions. I am sorry for the Leader of the Minority Party because this is the only part that the Standing Orders have not given exception. This is unless you convince the entire House to resolve that you will speak for more minutes than that. So, that is how we will go.

The Leader of the Majority Party, proceed. You have ten minutes.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, as I said earlier on, the first thing to remember about the impact of President Obama’s visit is the inspiration that he has given to our



country. He made it very clear that he identifies with his Kenyan roots and sees Kenya as a serious partner of the USA Government.

He mentioned that when he first came to Kenya, his sister drove him from the airport in a Volkswagen Beetle. He returned as the President of the United States of America. We want to thank him for giving his sister a lift in one of the most prestigious vehicles that the United States of America President uses.

Secondly, in my view, the visit by President Barack Obama has changed the narrative. Too often, the stories about Kenya and Africa have been pointlessly and relentlessly very negative. To have him here, with the attention of the world on him as he passed the message that Africa is on the rise and that Africa and Kenya are on the move, has confirmed that Kenya is a regional economic giant. This has changed the poisonous narrative about Kenya and Africa.

For Kenya, some of the discussions were particularly very positive. He noted that we are one of the very few places that truly observe the freedom of the Press. I was particularly struck by how he turned around the comparison between Kenya and South Korea. People often say that Kenya and South Korea were at the same level at the time of Independence but that in the years that followed, South Korea outpaced Kenya.

I am pleased by what he said about corruption. He said that corruption is not only unique to Kenya. He even gave an example of his own State of Illinois and how they fought corruption. He said that corruption must be fought from the top to the bottom. Citizens have a role to play in saying that enough is enough in the war against corruption. He also confirmed and appreciated that President Uhuru Kenyatta and his Government have led the war against corruption.

He was also very pleased and affirmed the central place that women play in our society. He even said that you cannot have a team and have half of your team not playing. That was a message to the Kenyan political leadership. If we allow our women to play in the field of politics, we must allow them to play at 50 per cent participation.

I am sure that with the visit of President Obama, this House must walk the talk. This House must rise to the occasion and implement the two-thirds gender rule. I am bringing the Bills. I want to remind my colleagues that President Obama of the USA said that enough is enough. The whole team and not part of the team must play.

He reaffirmed the role of young leaders in that there is a relationship between age and leadership in Africa. I am sure that was a very strong message both to the Government and the Opposition. In the next general election, the young people of this country must be given space both in the elective and appointment positions.

The deep friendship between Kenya and the USA was reaffirmed by President Obama at the press conference he held with President Uhuru Kenyatta where he put the record straight. He confirmed the support the USA gives in the war against terror and said that in the war against terror, we will work together shoulder to shoulder. He appreciated the role of the Kenya Defence Forces (KDF) in their engagement against the Al-Shabaab. The African Union Mission in Somalia (AMISOM) is something that he appreciated. That confirms to all and sundry that he said that the KDF should not leave Somalia and that the USA Government will give more resources and support to the KDF presence in Somalia.

With regard to his contribution to the African agenda, his visit showcased Africa to the world in a fashion that nobody else could have done.

On agreements that we signed, the two Presidents agreed on a strategy on a new visa regime where our students and businessmen will get long-term visa arrangements.

Secondly, an agreement was signed with regard to security concerning the Security Governance Initiative and Joint Action Plan.

As a Member of Parliament from a minority Muslim community, President Obama had respect for the minority. He said that the Muslim community in Kenya and in the USA is a common denominator that the two countries share. In the war against terror, those communities must be brought on board. They must not be radicalized and extra-judicial killings must stop. The criminals must be looked for and the innocent among these communities must be used and brought on board in the war against terror. I hope our security agents and our people have heard that. A co-operation was signed in reducing the Biological Engagement Programmes Agreement between our two Governments.

On the business deals that were signed on the sidelines, Equity Bank Company Group signed a preliminary agreement with the USA's Government Overseas Private Investment Corporation which deals with private equity. Under this agreement, Equity Bank Group, as a private entity, is in line to receive US\$20.2 billion from Tetroscopic Corporation. Once confirmed, the money will be sent.

More fundamentally, President Obama announced that Kenya along with Zambia and Mali has been chosen to host the Women Entrepreneurship Academy, which the USA Government will build. This Academy will expose our young women entrepreneurs to the highest international standards and give them the best business practices that will make them thrive both in our country and in the globe.

President Obama confirmed in his own words that he was the first Kenyan Black American to be President. He has confirmed his roots. He has taught us in the political class three things. He said that we must be united and stop ethnic politics. He said that if we go the route of ethnic politics and balkanisation, our country will disintegrate. He said that together, from the citizens to the highest office, we must fight corruption. Corruption is not unique to Kenya. Above all, he said that we must allow women to play in the team.

Finally, he said that he and his Government will walk with us shoulder to shoulder in the war against terror and that minorities, like in the USA, must not be profiled, extra-judicial killings must stop and all the 40 million Kenyans, regardless of their religion and ethnic backgrounds, must work together in the war against terror.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Leader of the Majority Party, listening to your speech I get inspiration that you must have been baptised by Saint Obama.

*(Laughter)*

That was good to hear. Leader of the Minority Party, I cannot see you on my request list but I can see that you are teeming to go.

**Hon. Nyenze:** Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to the debate on Obama's visit to open the 6<sup>th</sup> Global Entrepreneurship Summit.

Hon. Temporary Speaker, I want to thank President Obama for honouring his promise to visit Kenya while he is still the President of the USA. His electrifying message has united the country. As you correctly mentioned, even the Leader of the Majority Party spoke very well. He

did not attack our leaders. Therefore, we will not attack their leaders. The visit was very timely. We needed that jolt to push us forward.

President Obama spoke of equal development. He said that we should not marginalize some areas. He gave an example of a child in Nyanza region, who has four times chances of dying than a child in Central Kenya region. That shows unequal development will not help this county. Therefore, we should be inclusive. I am sure that from that slate, we can move forward very successfully.

He also reminded us about corruption. He mentioned that we should start fighting corruption focusing on the “big fish”. He emphasized that this should be an all-inclusive fight. It should not be a government war but rather the communities must also be involved in the war against corruption. He said that Kenya loses about 250, 000 jobs a year because of the money that gets wasted through corruption.

Hon. Temporary Deputy Speaker, President Obama also talked about the challenges that we face; insecurity. He dwelt on it in depth and promised that the USA will continue partnering with Kenya in the war against terrorism. It is good to note that the US government is the biggest supporter of the war against terrorism in most countries in Africa and Asia.

On good governance, President Obama said that the issues of democracy and respect for human rights are very important. He said that democracy does not stop with elections but it is a continuous process and, therefore, we should usher in democracy for this country to move forward. He also talked about women and youth, saying that in a team you should involve every player. He said that it is stupid when some members of the team are left behind. The team will lose. Therefore, we have to involve our women. I support what the Leader of the Majority Party has said. Instead of overemphasizing the issue of the two-thirds gender rule, we should have a 50-50 representation in elective office since women comprise 52 per cent of the Kenyan population. In order for us to be equal and move forward, let us have a 50-50 representation like in the Nordic countries and Rwanda.

Hon. Temporary Deputy Speaker, President Obama proved that he is an icon and a very able orator. He is blessed and wise leader of a powerful country. He talked of Africa and Kenya in particular, as being the next frontier because economic growth in Africa is unprecedented. Our economic growth is the fastest in the world. If you look at some of the reports that are coming out, you will see that Rwanda will register the biggest growth in the whole world. Therefore, let his visit unite us. Let us not fight each other. Let us be united in this democratic young country and move forward.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Yes, the Member for Taveta!

**Hon. (Dr.) Shaban:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice to this important debate. As Kenyans, we are all excited that we had President Obama visiting us. Since Independence, we have not had a sitting president of the USA visiting us. We have had them here after they have retired. This is a confirmation of how President Obama looks at Kenya. More so, I would like to thank him for visiting our country not for only a few hours, as he does in other places, but for three days. I think he was making a statement.

*(Applause)*

Hon. Temporary Deputy Speaker, President Obama knows that we are on the right track. He would want to see us hold hands as we move in the right trajectory. President Obama has Kenyan blood running in his veins. Being a marginalized person in the USA, it is commendable that he captured that seat to become the first African American to go to the White House. His election is testimony to the fact that Kenyans can co-exist, love each other, talk to each other and move this country to another level of development.

It is very important to note that while in Kenya, President Obama met different groups. He addressed university students and talked to both the Government and the Opposition leaders. He told us that he wants to see Kenyans working together and talking to each other as a family does. He does not want to see unnecessary divisions.

The President of Kenya, Uhuru Kenyatta, cannot fight terrorism alone. He needs all players. We need to work together to give information. The Opposition leaders can give suggestions on how best we can move on. Kenya does not belong to one person but it belongs to all of us.

President Obama spoke at length on the importance of Kenyans solving their own problems. That point came out very clearly. We need to follow that cue and work together towards building our nation. Nation building is not a one-man or a two-people show but it is everybody's show. As Kenyans, we need to look at it from that perspective.

President Obama's visit is a vote of confidence in terms of the work that has already been done, but we need to do better. The fact that President Uhuru with his Government members received President Obama, sat down and discussed issues and invited the Opposition leaders and shared a meal shows that we are headed in the right direction.

President Obama said that we cannot move forward without involving women and youth. I know this was complimentary to what President Kenyatta is already doing – the 30 per cent procurement reservation for women, youth and persons living with disability. This is also complimentary to the fact that some funds have been added to the Women Enterprise Fund, the Youth Enterprise Fund and the Uwezo Fund. All this is supposed to compliment what we are already doing.

With those remarks, I beg to support and congratulate both Heads of State for the visit, which was historical.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, the Member for Migori!

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

On behalf of the people of Migori County and on my own behalf, as a woman in this House, I wish to congratulate the speech by President Obama. As my colleagues have said, there is no way a sitting President of the USA can dedicate three days of his busy time to one country. As a country, it is something we feel honoured about and very pleased across the political divide.

Hon. Temporary Deputy Speaker, you could see the genuineness in this man. He knew the issues of this country; they were at his finger tips. He is not somebody who does not know our country. This is a wakeup call: that even as we do things in this House and country, we should know that the world is watching. The world knows what Kenya is doing.

The President of the USA talked about the issues of women so passionately. This is what we have been advocating for in this House. There is no excuse for clinging onto past cultural practices such as Female Genital Mutilation (FGM), early marriages and reluctance to educate

our children. Any community that does not educate their girls is a failed community. That is what we have been championing for. I have been championing for education for the girl child, and against FGM in my community. It is good that those sentiments came from the world's most powerful President, and not just from a Member of Parliament.

I want to briefly talk about the young people. The President of the USA exuded a lot of confidence in young people who have lost hope. I would say that the visit by the President of the USA was actually a youth visit because the young people of this country had been sidelined for too long. Our own Government needs to look into ways and means of ensuring that our young people are able to get employment.

Lastly, I would like to speak on corruption. There is no way an entire country can be led by just two communities. When President Obama talked about corruption, he categorically said that you cannot lead a team of people when only a part of that team is playing. What he meant is not that only women are not playing. He also meant that you cannot lead a team of the 42 communities in this country when only two communities are leading. We need to look at that issue seriously, and not peg it on women only. We need to be very serious about the issue of corruption.

We also need to look at the issue of our young people. We have laws that protect children in this country. We have the Children's Act and the Constitution and yet our children do not go to school. Our young people are always subjected to FGM. Our chiefs are subjecting our children to cultural practices that belong to the past century – practices that have no place in the 21<sup>st</sup> Century. President Obama hit the nail on the head. We gave Mr. Obama to the world. Now that they have respected him and they are almost done with him, we need our Obama back. We can still make use of our Obama in this country to help us put systems in place.

With those few remarks, I beg to support and congratulate the President of the USA, on behalf of the people of Migori County that I represent in this House.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, the Member for Tetu.

**Hon. Gethenji:** Thank you, Hon. Temporary Deputy Speaker. It is a proud moment for Kenya and Africa to have our most famous son return home in the form of a state visit. In fact, it was the first ever state visit by a sitting President of the USA to this country.

The visit marked two specific occasions: The official opening of the GES, which is the second time it is being held in Africa, having been held for the first time in Morocco; and a state visit during which the President of the USA enjoyed state honours like receiving a 21-gun salute and inspecting a guard of honour mounted by our esteemed KDF.

President Obama challenged participants at the GES – which is actually his own initiative intended at encouraging investment in development of entrepreneurial skills of young people – to invest in energy and ideas of young people. In fact, the coming of this summit to Kenya was a crucible for the conversion of ideas into productive and job-creating enterprise. It is important not only to the world but also to young Kenyan entrepreneurs for him to have come here. I hope that the young entrepreneurs who participated at the GES took full opportunity of the summit to engage with the global business leaders who came to Kenya, some of who we only see on television or read about in magazines. We had the actual opportunity to meet and shake hands with them, and extract ideas on how to make our businesses more productive and take them to the next level.

Our local entrepreneurs are challenged in terms of accessing capital. The level of capital that was represented at the GES was nearly in trillions of US Dollars. It was a statement and an opportunity for young people, entrepreneurs and the world to see that Kenya is now open for business. It also showed that Africa is now open for business. Even global business leaders and the President of the USA recognised our potential. Kenya has officially arrived amongst the community of nations. Kenya's time in the sun has officially come.

The visit also offered us an opportunity to learn some lessons on security. We learnt how to move around a head of state, and how to control a presidential delegation and secure it. Those are lessons that we must take on board because so often, many things are observed as being left to chance. We must learn from possibly one of the best security operations that we have ever seen in this country. We also learnt that we can have a discourse with a nation as powerful as the USA, on equal basis. There was no finger-wagging or talking down to Kenyans and their President. The two Heads of State engaged each other in a very sober and productive manner. They exchanged ideas and even agreed to disagree in many instances. There was an obvious respect for divergent views.

On trade and investment, the only reason why the President of the USA supports this initiative is that President Uhuru Muigai Kenyatta and his Government is committed to the fight against corruption. American institutions and businesses are against environments where corruption reigns. Therefore, the visit by the President of the USA was an expression of a vote of confidence in the current Kenyan administration and the operating environment in this country.

I also had the opportunity to meet President Obama. I actually passed the regards of the people of Tetu Constituency to him and he passed his regards back to the people of Tetu. I also had the opportunity to pass regards of the members of the Departmental Committee on Defence and Foreign Relations to him and he sent his regards back to all the Members of the Committee and the Members of the National Assembly.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, the Member for Kisumu Central.

**Hon. Midiwo:** *(Inaudible)* ---

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, you may have to protect me from the Member for Gem Constituency. He is trying to harass me. He is forgetting that while he was elected to this House by 18,000 voters, I represent over 100,000 voters.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): I am sure that he was referring to the form of a rat when he talked about "mole", and not necessarily the chemical formulae of a mole.

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, the Member for Gem Constituency was suffering from this 'mole concept'. The other day, we "cleansed" him at a serious meeting.

Anyway, that is not the reason why I stand here to speak. Kenya witnessed one of its finest moments in the past weekend. The moment was nice not because a Kenyan son came home but because he came home as the President of the USA, and the first sitting President of that country to visit this great country of ours.

The standing of our nation amongst the community of nations has greatly improved now. We now stand taller among our neighbours, who did not hesitate to troll us in 2013, when the itinerary of President Barack Obama did not allow him to visit Kenya. For us, the past weekend was historic. It was a fine moment for this country.

As Africans, we are very proud of President Barack Obama because he is the first African-American to lead that great country. We are very proud because this is a Kenyan son who, from his own words, is the first Kenyan-American President of the United States of America.

On behalf of the people of Kisumu and the entire region, because Kisumu is our regional capital, I want to say from the Floor of this House that his apology for not making it to upcountry was well received. This is a man who understands our culture. You cannot come home with a flag in the absence of your wife. That is our culture. Hon. Jakoyo and Hon. Wandayi can confirm that.

*(Laughter)*

The US President spoke about a lot of things. He is an inspiration to young people, especially to young leaders like us who had an opportunity at a very young age to represent people in this House, plus those who are waiting to join this House and others generally. When President Obama was speaking about tribalism, I can assure you that he was just trying to talk to the younger generation, our generation and the generation behind us, to forget it. I can confirm to you that in our generation, we do not know this animal called tribalism. We go to school together with people from different parts of this country. We go to the same churches with them, work with them and inter-marry. In fact, it is our generation that has the courage to challenge the conventional thinking and to disagree with worn-out ideas.

We agree entirely with everything the US President said to us as a country, including girl-child education, women empowerment, youth empowerment and dealing with the animal called corruption. He is a man who exhibits a lot of brilliance. He is a highly intellectual individual, a confirmation of his Luo heritage.

*(Laughter)*

On corruption, the US President told us to try and strengthen our systems and institutions to ensure that we deal with that animal. He urged us to break from the past and do the right things. From 2017, we want anybody who wants to be the President of this country to walk through each and every village to sell their policies.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Emurua Dikirr.

**Hon. Kipyegon:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to talk about the great visit by the great son of the soil, a great man who, before he came, many thought he was coming to lecture us on leadership and other issues.

He came and taught us so many things. He taught us how to approach issues and deal with them. He also taught us the idea of Africa for Africans and that it is only us who can deal with the problems that we are facing in this country.

I must also congratulate the President of this nation, Hon. Uhuru Kenyatta, for the great approach and the welcome he gave to the US President. Many of us thought that having not hosted such a great person before, maybe, things would not work according to plan. However, as Kenyans, we are very happy with the manner in which he handled the matters that were before him. Even on questions which were a thorn in the flesh, the President of this country handled them in a manner that made us proud.

I must also congratulate the US President for having made the decision to visit this country at a time when we are at a crossroads, especially on matters of insecurity and corruption. The great man never lectured us on how to deal with corruption or whether we are corrupt or not. He just told us that Kenya is supposed to be in a position that other countries are in, except for the way in which we have institutionalized corruption and the fact that we have made it a tradition that all of us must pass through. We learnt from him that there is another approach we can use to cleanse this country of corruption.

I must also congratulate the way he gave his speech. The great man told us how great leaders rose to be big men by fighting corruption and dictatorship. As one of the leaders of this country, I was happy that I share so many ideologies with this great son of the soil.

He also taught us matters of security. We can learn from the way the Americans almost took over the security operations of this country. We can learn that it is through patriotism and good leadership that we can secure our borders. Even from the planes and the 'Beast' that he was using and his security team, we can learn how best to tackle the challenge of insecurity without necessarily putting in place laws or doing a lot of legislation in this House. We need to learn a lot from the visit by the US President.

I also felt moved when he dealt with gender matters. We have our traditions, norms and backgrounds as communities. In most cases, we consider women as wives. Many communities look at women in terms of how many cows they will fetch from the person to marry them. The US President taught us the importance of educating our women, giving them opportunities like men and educating our girls. This is an issue we have also been trying to tackle in our communities. I have also been trying to fight Female Genital Mutilation (FGM) and early marriages by giving women equal opportunities so that they can also compete with men favourably.

With those few remarks, I wish to welcome the US President back to this country before he retires. Even after retirement, he can come back to this country and help us build this nation because he is still a Kenyan despite being the US President.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Just a minute, Member for Mbita. I concede that there is a lot of interest in this debate. I am trying the best I can to follow the Obama principles of affording equal opportunity to gender, marginalized, minorities, leaders and everybody else that is in the Assembly.

Proceed, Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I hope I will be given my one minute. I want to thank you very much for giving me this opportunity. Very many



people were excited when we heard Mr. Obama was coming here as the US President. For those who have met him before, as I did in 2006, there are those of us who have a very special name for him. As Onyi Papa Jay called him, *Wuod Alego, tat yien or tat chumbe*. In the same manner in which we called the late Sen. Otieno Kajwang', some of us refer to him fondly as *Obama Owad gi Auma, wuoyi ma slope*. He even walks like *wuoyi ma slope*.

(Laughter)

For me, as is with a lot of us from the lakeside---

**The Temporary Deputy Speaker** (Hon. Kajwang'): I hope, Member for Mbita, you will provide translations to the HANSARD when you are done.

**Hon. (Ms.) Odhiambo-Mabona:** Yes, Hon. Temporary Deputy Speaker, I will provide translation. *Owad gi Auma wuoyi ma slope* means the man who is slope. If you do not understand this, I cannot help you. Since Obama became President, slope has become an international word.

There are two exciting things that have happened to me in this year: One is the coming of Don Moen who is a renowned gospel singer. As a very spiritual person, that was a moment for me to excel. Two is the coming of Obama, which for me and a lot of the lakeside people, was a moment for us to excel. I know many people in this country do not understand what it means to go through two successive elections which you believe that you have won and yet, you see the victory here and it goes.

Hon. Temporary Deputy Speaker that we can have, as a nation, a President of the world coming here in the name of Obama, I know that there are people here who are excited but would pretend not to be. I do not pretend. I was excited. Other than my excitement, President Obama speaks the same language as I do on issues of governance, democratization, protection of women rights and dealing with the issue of ethnicity.

I am a very proud Luo-Suba and I have no apologies - but do I say? I call on Kenyans that we must be proud of our heritage. This country has created ethnicity to toxic levels that most of us do not want to acknowledge what we are. Barack Obama, the President of the US, came here and the first person he met was a woman who travelled with him in the "Beast" because he recognized his heritage and recognized his family. He recognized his heritage as Luo-Kenyan and as an African and American.

Yesterday, some Americans started attacking him on that basis saying that finally, he has come out of the closet and agreed that he is Kenyan. He did not say that he is Kenyan, but he acknowledged his Kenyan heritage which he cannot run away from. He comes from Kenya. I thank Kenyans, for the first time, for coming together and joining as a people and celebrating our son. I would wish that we move forward as a country. We like politicking as usual. We have started throwing jabs at each other that he said this or that to the Opposition, or this or that to Uhuru or William Ruto. If there is a time we need to unite as a country, it is now. If you did not listen to the message President Obama sent to us a country, then I can tell you that even if God came from heaven, you will not hear anything.

Let us change as a country. I celebrate you Barack Obama. I met him in 2006, had breakfast with him for two hours, but do I say? I am happy.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Endebess.

**Hon. (Dr.) Pukose:** Thank you, Hon. Temporary Deputy Speaker. First, I want to take this opportunity to thank the President of the United States of America for having taken time and spent three days in our country.

This was not just appreciated within Nairobi. For some of us who were in the constituencies, we followed it through television. You would go to the market centre and you would find everybody is following very keenly. They wanted to hear what President Obama would say. We also want to congratulate the Head of State of the Republic of Kenya Hon. Uhuru Kenyatta, for the way he handled many of the issues, especially issues to do with gays which, for most of those who are in the religious sector, was a thorny issue. The way he answered it put that case to rest because the issue of gay, as he put it, is a non-issue for us now. We have issues that are facing our country. We have hunger, insecurity and many other issues. That was loud and clear.

One of the other key issues we learnt as a country, as President Obama put it very clearly is that, for us as a nation, we must look for solutions for our issues. When others raised the issue of devolution, it is for us to look at it how best devolution can work for us.

*(Laughter)*

Hon. Temporary Deputy Speaker protect me from the hon. Members conversing loudly.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Well, I am trying to look at the Chamber to find out what is the source of interest; and I do not seem to see anything. Okay, proceed.

**Hon. (Dr.) Pukose:** They were consulting loudly. The issues that face Kenya are our own. This is very loud and clear. We should not look at anybody from outside to come and solve our issues. We should sit down as a family. The thinking that the big brother will always raise a stick to tell us what we want is gone. It went with the era of the cold war. We are now in a new era where we are must put our efforts to think of what is in the best interest of our country. That is very important. Even when issues are raised about our own administration, it will still come to us. How do we handle it best?

We should learn how corruption, even in his home town of Chicago, was handled. We must learn how they handled the Al Capone, the Mob and others. It also gives us an impression of how to handle the same because we are at that stage of transition. We are at crossroads. How do we handle corruption that is facing this country? At one time, some of us said that if we do not tackle corruption and control it, then the generations to come will really blame us. So, corruption must be tackled. We must eradicate it and have a better way of addressing our issues.

With those few remarks, because many Members have interest to contribute, I thank you for giving me this opportunity.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Member for Balambala.

**Hon. Aden:** Thank you very much, Hon. Temporary Deputy Speaker for giving me the opportunity to speak to this very important Motion. At the outset, the two events that have happened in our country - the visit by the American President and the Global Economic Summit

- were both, indeed, not only a morale booster, but a confidence stamps for the Kenyan economy. It is the first time that the global economic summit is happening in Sub-Saharan Africa. It was an opportunity for Kenya to showcase to the rest of the world. We enjoyed positive media coverage for three days. It gave us an opportunity to host the world's leading entrepreneurs and investors. It, indeed, gave us the opportunity to showcase to the rest of the world that Kenya is a nation of innovation.

I am very proud that one very young lady Jamila Abbas who hails from North-Eastern Kenya was, indeed, recognized in the summit as one of the young innovators who are changing the lives of many Kenya farmers. The coming of President Obama was, indeed, an honour to our country. He gave us a valuable gift as a country of his father. He was very candid. He spoke to us as a big brother. He gave us very straight forward messages. He encouraged us to keep hope alive and ensure that we drive our country to a new level saying that, indeed, even reaching the levels of Korea is not just a dream, but it can be a reality if we decide to do so. He urged us to fight corruption and end ethnic based politics. My colleagues have spoken to this very much. Indeed, he said that these two things are capable of bringing our country down. That was well deserved advice coming from our big brother.

He spoke very well on behalf of the minorities and earned their respect. Coming from amongst the minority communities in Kenya, I must say his message was very encouraging. Indeed, we should adopt that kind of a trend as a country and we will get into the good places that Obama mentioned to us.

He told us to uphold human rights even as we fight terrorism. He punched on this point severally in the several speeches that he made. I almost felt that he understood the cries of a family of one man who is still missing from my constituency up to this very day in the hands of our authorities. One Mr. Omar Salat was picked by the authorities about a month ago now and he is still missing. His children and family do not know whether he is alive or dead.

President Obama told us that, indeed, those kinds of actions will continue to polarize the situation and radicalize many more people. That will not help us as a country. I want to tell our authorities that the missing person, Omar Salat Kadhia and many others, abductions and possible extra judicial killings together with all the complaints that we have received from many of our constituents will not help. Our big brother, the experienced United States of America (USA), has faced those kinds of situations for many years. It is telling us that it does not help to go in that direction as a country. Instead, we should correct those things.

The coming of His Excellency President Obama opened new doors of opportunities for Kenya. He urged us to reconcile and move on. This is a good spirit. I also want to commend the manner in which our President, Uhuru Kenyatta, hosted President Obama. When he was asked about his stand on the gay issues, I was lost for words. I did not know what our President was going to say. I must say that I have never seen such a clever way to politely disagree with the person you are hosting; and who holds different values. I commend our President for the manner in which he upheld the position and our image as a country.

With those few remarks, we have woken up to a Kenya of new hopes. Let us live to it as advised by our big brother.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Hon. Member for Kiminini.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. First and foremost, I want to thank the Almighty God for bringing President Obama

here. Already, we can see things have changed. That means that the “Obama seed” is doing good work. From the moving of this Motion today, the way Hon. Duale presented himself, we are very grateful. It seems that Kenyans are putting into action what President Obama said.

One of the critical things that he said is that politics that are based on ethnicity and tribal lines are doomed to fail. It is the highest time that the leadership of this country must look at Kenya in terms of inclusivity. We are not going to practice tribalism because it is likely to tear this country apart.

Another critical thing that he talked about is the civil society. He said that the civil society helps in terms of holding the Government accountable as far as the delivery of its mandate is concerned.

On the issue of security, I want to congratulate him for saying that he is going to stand with Kenya in the fight against terrorism, which is a global issue. I looked at President Obama and said that everybody has hope. It does not matter what background you come from, but if you work hard with determination, the sky is going to be the limit.

I also want to salute His Excellency President Uhuru Kenyatta for the way he conducted himself, especially on the gay issue. I watched the interview and he responded in a very clever way that did not hurt His Excellency the President of the United States of America. I want to encourage Kenyans to live as brothers and sisters. We should play politics of inclusivity. When it comes to job positions, every Kenyan must be given an equal opportunity. I thank President Obama. At least, he had a chance with the Deputy President. There were so many rumors that were going around and we were worried. But I am happy he recognized that he has come to Kenya and it was a “Government to Government” visit. He had a chance to shake hands with the Deputy President, William Samoei Ruto.

The trip was “Government to Government” but, in his wisdom, he had an opportunity to meet the Opposition. I want to thank God for that. The Opposition was very grateful. The critical things that they wanted to raise, President Obama had already raised them. We want to move together. With regards to issues of electoral reforms, I hope the people are listening. We must move forward, so that when 2017 comes, we will have credible elections.

In terms of the youth, the youth leadership initiative is very critical as far as skills are concerned. Also, issues of women were addressed. He spoke about US\$1 billion. He said that three women and youth entrepreneurship centres are going to be established in Africa; namely, in Kenya, Mali and Zambia. I salute him for that.

With regard to the issue of the Global Entrepreneurship Summit (GES), I attended and I made some few contacts here and there. This was a very good opportunity. Of course, Kenya has been put on the global map. People now want to see the Kenya that is a hotbed of diverse culture but not a hotbed of whatever the CNN was reporting. Indeed, this is important. The journalists of this country should portray this country in a positive way - as a way of marketing Kenya.

On issues of corruption, I do not need to talk much about it because he said it all. He said that corruption is everywhere, but we need to change the culture, so that all of us must rise against corruption. You are aware that we passed the Ethics and Anti-Corruption Commission (Amendment) Bill last week. Today, my constituents are being harassed by people from the Ethics and Anti-Corruption Commission just because of the amendment we brought here. Is that intimidation or harassment? What do we do? We know that tomorrow, it is going to be a substantive issue that we must discuss. The institutions that are fighting corruption should not

look for ways of witch-hunting or settling scores. I am very disappointed. They went to the CDF Office, Kiminini Constituency, and started harassing the officials there. In line with the CDF Act, we do things in the right way. If that is what they are going to do, we do not know whether they want to gag this House. As Members of Parliament, we are supposed to speak freely without any intimidation. We are getting disappointed by this issue of witch-hunting. It is the highest time that Members of Parliament rose and said no to intimidation by the Ethics and Anti-Corruption Commission.

I support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): This is extremely difficult for me today. I am trying to look for the Member for Meru County.

**Hon. (Ms.) Kajuju:** Thank you, Hon. Temporary Deputy Speaker. They should know that you are my classmate. So, we are talking on that---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order! Member for Meru County, I will throw you out of this Chamber!

**Hon. (Ms.) Kajuju:** Hon. Temporary Deputy Speaker, it is a fact. It only shows that our class was very intelligent.

Allow me to congratulate the Kenyan people for the manner in which they welcomed the President of the United States of America. Normally, we speak about inconveniences when other people are travelling, but for the three days that the President of the USA was in Kenya, Kenyans were excited. They accommodated him. They referred to him as their brother and accommodated him, so that he could share with them some wisdom.

I also commend His Excellency the President of the Republic of Kenya, Hon. Uhuru Kenyatta, for the manner in which he hosted the President of the USA. I also commend the Deputy President for being there to welcome the President of the USA, despite other people saying otherwise.

I congratulate the President of the USA for visiting Kenya during his term as a President. If he came here after completing his two terms, it would not have been the same way as now that he is on that seat. He came to tell us: “Kenya, you can make it just like any other developed country”. We recognize what he did for this country. We recognize the fact that he appreciates that Kenya has the potential to be much more than it is at the moment.

I also want to thank the President of the USA for speaking out and saying that we have a legitimate Government in place. He said that time has come for everybody to grow and realize that there is a Government in place. People should support the legitimate Government and not to fight it. He was saying: “Accept and move on!” That is what all of us should agree.

President Obama was very passionate about the women of Africa and the women of Kenya. He said that any country that treats its women as second class citizens is not a country worthy its name. This is very close to our hearts. Most of our societies are patriarchal in nature and tend to relegate women to second class citizens. It is a wake-up call to our people; our men, to try, at least, to empower women. Most importantly, that call was timely considering that we are trying to enact legislation that is going to ensure that, at least, we have a good number of women represented at the political level. Therefore, I appreciate the President of the United

States of America (USA) for seeing the power in women and the youth. He said that what we have today is the life that we have borrowed from our youth. So, we have to make use of what we have today because the youth are there and we have to show them the way. The visit of the President of the USA is very important. He spoke about security and said that his county is going to support Kenya to deal with the issues that we have dealt with so much on our own in as far as terrorism is concerned. The Jubilee Government's term and this term we are serving is blessed. We have witnessed the presence of the President of the USA here. We are going to receive the Pope in November. We can only say that it is a blessed time and we are supposed to enjoy what we have. I thank the President of the USA and the President of Kenya for what they have done for us.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): There is a Member here who does not have a card. I do not know why, in this time and age, you do not have a card. This is the Member for Manderu West. Can you give him the microphone where he is sitting?

**Hon. (Eng.) Mahamud:** Thank you very much, hon. Temporary Deputy Speaker for giving me this opportunity. Let me also join my colleagues to thank the President of the USA for visiting Kenya. I must say that it was a very well planned visit. It came at the right time when this country was actually at crossroads on many issues. The issues which the President addressed like corruption, terrorism, women issues, development and national unity have actually dogged this country in the recent past. I must say that from the time the President arrived at the airport, his body language, how he greeted Kenyans, how he received his sister and the ride in "the Beast" he gave to his sister showed clearly that President Obama is a real human being. You can imagine somebody from the White House having dinner with his whole extended family which is not known in the USA. It shows that, that is a great son of this continent. I must also thank him for the engagement he had with our country at the Global Entrepreneurship Summit, which is also his initiative. It is the first time it is being held in Sub-Saharan Africa. We thank him for the encouragement he gave to the youth. The speech he gave at that function, the connectivity he made with the people when he said "*Niaje wasee*" and "*Hawayuni*" shows how President Obama can actually connect with the people. He really connected with the people who were in the crowd.

**The Temporary Deputy Speaker** (Hon. Kajwang'): You know in the Standing Orders, I would have ruled you out of order. However, because you are quoting someone, I will allow you to continue.

**Hon. (Eng.) Mahamud:** Thank you very much, hon. Temporary Deputy Speaker. He was composed in the engagement he had with our Government at State House and in the press conference he had. I must thank our President for being composed. It was a press conference between equals. The two of them have a lot of things in common. They are of the same age, married to women of the same age, they are all left handed, have the same height and they are all Kenyans.

*(Laughter)*

Watching them was impressive. I must thank him for tackling the question when it came. It is not true that he actually lectured Kenya on gay issues. A question was put to him by a

journalist and he answered it very objectively the way he thought. I thank our President also for responding to the question the way he did.

I must thank the President for the powerful speech he gave at the Kasarani Indoor Arena. The way that speech was organized and the way the President actually connected with the people who were there, he, indeed, touched every part of this country. Kenyans, for those few days, I must say, were in a learning mode. We learnt a lot from the President. It is only fair that we internalize that message and accept that there are things to be done. He did not lecture us, but he talked to us as a friend. In fact, he talked to us more as a Kenyan than many Kenyans. He knew more about our policy. With regard to the issue of minority groups, I must tell Kenyans that we are actually not working to stop terrorism. Instead, we are breeding terrorism. We are actually marginalizing people further. Today, as I speak, there is a guy from my village who has been in custody for the last 41 days. He is Rizak Mahadh. Many people are disappearing. We must know how to fight terrorism by working with the people. You must be able to win the hearts of many people.

I thank the President of the USA. I think Kenyans did very well given the way we conducted ourselves. We showed that we are also a nation just as the USA. I thank the first African, Kenyan and Black American President of the USA, Obama. We must emulate him. As leaders, we must emulate him and be above tribalism. We have no tribe. Our tribe is called Kenya. Let us work as Kenyans to change this country. Let us take the lesson that was given to us by Obama. I think Kenyans were left happy. Let that happiness go on and not ever end.

I thank you, hon. Temporary Deputy Speaker.

*(Hon. Wandayi interjected)*

**The Temporary Deputy Speaker** (Hon. Kajwang): Member for Unguja, there is something about constitutional offices. So, when we follow them, we are just following an order. Look at Article 108 of the Constitution. Proceed, hon. Jakoyo.

*(Hon. (Eng.) Gumbo interjected)*

You could have been here since 2.30 p.m. but that does not change Article 108 of the Constitution, Member for Rarieda. You do not want to exchange with the Speaker, do you?

**Hon. Midiwo:** Kick Gumbo out, Hon. Temporary Deputy Speaker.

I rise to support. During the Obama visit, there were very many positives, but I want to begin with what I think was a very big negative. Where was Parliament in the arrangement of Obama's visit to Kenya? We are the peoples' representatives. How is it that some people can sit somewhere and mislead the whole world that all is well when issues of this country are well known to have to go through this Parliament? Parliamentarians were reduced to school children! If we do not complain, it will happen again. If we do not raise the issue, it shall happen again. It is good that the President of the USA came. If the President of the USA met members of the civil society, at least, he should have met the two Speakers of Parliament and the leadership of this House. We would have told him the challenges that we are going through in this constitutional implementation.

I watched and even participated in the Obama visit. Not even once did the President of Kenya or the President of the USA mention the word "Parliament". It seems to me there is an attempt to create another crop of leadership in this country away from Parliament and that cannot go unnoticed. So, that was a negative. We want to tell the USA Embassy, our State House and the Ministry of Foreign Affairs--- I sit in the Departmental Committee on Defence and Foreign Relations. The kind of disdain and disrespect we get from the Ministry of Foreign Affairs is what led to that. That is what we saw. We cannot beg to participate in doing our job as Members of Parliament. We have nothing to praise if nothing was presented before Parliament.

Hon. Temporary Deputy Speaker, I want to state the positive which I hope and beg Kenyans will read from. I am talking about corruption, mediocrity and negative ethnicity. In this country, no matter how much you praise economic growth, and for as long as we keep being a mediocre people, it does not really matter.

Now we are talking and nobody in this country is admitting that we are inherently so corrupt. Everything is corrupt. Our blood and thoughts are corrupt. That is what President Obama was talking about. He was telling us that we are going nowhere unless we change. Hon. Temporary Deputy Speaker, I saw the headline of the *Daily Nation* newspaper. It said that it is possible, but only if we pull together. It is time for us to pull together. We should begin from this House so that when we talk, we walk the talk. When we say things, we say things that we mean. Hon. Dennitah Ghati said that you cannot have a country where it is the norm for the ruling class to be the people who are on the top two on the ticket. People are suffering. That is something we cannot run away from. There is corruption. It is interesting because one of the governors said that he is going to host President Obama in Siaya and spent Kshs52 million. He was sitting in front of me in Kasarani. When President Obama spoke about corruption, his fingers were cleft. He did not clap when the rest of Kenyans clapped because corruption is a culture that we must deal with in this country. That is what President Obama was talking about. So, I would like us to praise, but let us do it right. Let leaders come here, but there would be nothing wrong with President Obama coming here and addressing this House.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Nominated Member, Zuleikha Juma.

**Hon. (Ms.) Juma:** Ahsante sana, Mheshimiwa Naibu Spika wa Muda kwa kunipa nafasi hii kuzungumza kama mwakilishi wa vijana katika nchi hii ya Kenya hapa katika hili Bunge la Kitaifa. Nilifurahi sana kwa sababu ya Hotuba ya Rais Obama. Nilikuwa huko Kasarani. Sababu ya kufurahi ni kuwa mazungumzo mengi yalikuwa juu ya masuala ya vijana. Pia, nilifurahi kwa sababu waliokuwa wengi zaidi katika kongamano hilo ni vijana. Pia, nilifurahi tena zaidi kuwaona vijana kutoka kaunti yangu - ambayo inatajwa kuwa nyuma katika masuala ya maendeleo. Wengi wao zaidi walikuwa ni wasichana.

Pia nilifurahi kwa sababu wageni wake wengi ni wale tunaita kwa lugha ya kimombo VIPs (*Very Important Persons*). Walikuwa ni vijana kutoka nchi tofauti za Afrika. Kwa hivyo, hilo lilinifurahisha sana. Pia leo nimefurahi kwa sababu Kiongozi wa Wengi hapa Bungeni, Mheshimiwa Duale, alikubaliana na maswala ya kuwa vijana ni watu muhimu sana.

Wahenga, sio hapa kwetu Afrika Mashariki lakini pia katika nchi zile zingine, wamezungumzia kuwa vijana ni muhimu. Ukiangalia vijana vile walivyo hivi sasa, unaweza kujua nchi itakuwa vipi miaka 50 ijayo. Katika Kenya yetu, vijana wengi hawana kazi, hawajasoma na wengi wako katika masuala ya mihadarati na wameharibika. Kwa hivyo, ukitaka



kujua Kenya itakuwa vipi miaka 50 kutoka leo, angalie vijana wetu. Ndio maana Rais Obama alichukulia jambo la vijana kwa umuhimu sana kwa sababu bila kuendeleza vijana hapa nchini, nchi yetu haitaendelea katika miaka 50 ijayo.

Pia nafurahi kuwa kiongozi wetu wa chama chetu cha Orange Democratic Movement (ODM), Mheshimiwa Raila Amolo Odinga, anaunga mkono masuala ya vijana. Chama chetu cha ODM ndicho cha kwanza kilichoanzisha *Youth League* ama Bawa la Vijana katika vyama vya kisiasa humu nchini. Ndicho chama cha kwanza kuweza kufanya jambo kama hilo.

Hapa Kenya tunayo suluhu kwa shida za vijana wetu. Suluhu moja ambayo sisi kama Wabunge tunaweza kusaidia ni kuhakikisha kuwa tunabadilisha sheria za National Youth Council (NYC). Mimi nimeshaanza kufanya hivyo na Mungu akipenda, itakuja hapa Bungeni hivi karibuni.

Mhe. Koffi Annan alipokuja Kenya baada ya vita vya mwaka wa 2007/2008, alihimiza sana kuwe na baraza la vijana au *National Youth Council*. Umuhimu wa baraza hilo ni kuwapatia vijana nafasi ya kufanya kazi katika vijiji vyao ama katika maeneo yao. Kama vile Rais Obama alivyosema, yeye alianza na *community work* huko Chicago ndio ikamfundisha masuala ya uongozi bora. Kwa hivyo, hilo baraza la vijana litawapatia nafasi Wakenya kutoka kila sehemu hapa nchini. Vijana wa kila kabila hapa nchini watapata fursa ya kujifundisha uongozi bora.

Kitu kingine ambacho baraza la vijana linaweza kusaidia ni kuwapa vijana nafasi muafaka ya kuweza kuzungumzia masuala ambayo yanawasumbua kama vile ugaidi. Vile vile, ningependa kuiomba Serikali ilipatie baraza hilo la vijana pesa inavyostahili kwa sababu tayari limeundwa kisheria. Baraza hilo litawafundisha vijana njia za kupigana na ufisadi. Pia, litawapatia vijana nafasi ya kuota ndoto zao. Vijana ni lazima wachukue uongozi. Naomba tuwapatie nafasi za kuwafundisha uongozi mzuri kupitia kwa baraza la vijana - the National Youth Council.

Ahsante.

**Hon. Nassir:** On a point of order.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Member for Mvita, what is out of order.

**Hon. Nassir:** Hon. Temporary Deputy Speaker, before I make my comments, I would like to stand under Standing Order No.1. It seems definitely that the whole House has the mood of contributing to this issue. Could we, with your permission, extend the time to 7.00 p.m.?

(Applause)

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Ordinarily, such Motions should come before 6.00 p.m., according to the Standing Orders. But I am cognizant of Article 94. Those are issues of concern to the people that you represent. We are not robots here to work within some constraints that disallow us from representing our people. I, therefore, think that Standing Order No.1 was designed to deal with extra-ordinary circumstances.

I, therefore, order that the House will extend its sitting up to 7.00 p.m. to allow a few more Members to ventilate themselves on this. That goes with reciprocity that you do not have to speak for five minutes because you are saying the same thing that everybody else has said. If you, therefore, understand that, you will spend one or two minutes and you will have given your views.

**Hon. Nassir:** Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): No, Member for Mvita! This is not your opportunity. That was just to recognize the point of order that you had raised. That still does not give me an easy time because the request list is enormous. Let us have the Member for Kipipiri.

**Hon. Gichigi:** Ahsante sana, Mhe. Naibu Spika wa Muda. Ningependa kuichangia Hoja hii na kumshukuru yule ambaye ameileta ili tuweze kujadili Ziara ya Rais Obama. Historia ilifanyika wakati Rais Obama alichaguliwa mara ya kwanza. Yeye ni kama Rais wengine, lakini kuchaguliwa kwake kuliwapatia matumaini watu wengi sana. Hata mimi nikapata matumaini kuwa chochote ambacho unaangazia, ukitia bidii na uwe na nia, utapata njia na utafikia hapo. Nimefurahi kuwa Rais Obama amesaidia nchi ya Kenya kurudisha ule urafiki ambao ulikuwepo hapo awali kati yetu na Marekani na nchi za magharibi. Hilo ni jambo ambalo limenifurahisha sana. Kwa muda mrefu tangu Serikali ya Jubilee ipate uongozi, tumekuwa na shida hiyo ya kuona ni kama sisi na mataifa ya magharibi tuna uadui fulani. Hilo limeondolewa.

Pia, nimefurahia kuwa wawekezaji kutoka magharibi na haswa Marekani wamefunguliwa milango na Rais Obama. Amewaonyesha njia na kuwaambia kuwa hii ni miongoni mwa nchi za Afrika na kwingineko ambazo wanastahili kuelekeza senti zao na bila shaka, zitakuwa salama na kuwapatia faida. Hilo ni jambo ambalo limetusaidia sana.

Jambo lingine ambalo ametusaidia pia ni utalii. Wakati Rais Obama anaongea kuhusu Maasai Mara na Lamu, hilo ni jambo ambalo linatufungulia njia katika sekta ya utalii. Wale ambao wamekuwa wakisema kuwa nchi yetu, kwa sababu za kiusalama hakuna haja ya kuja, wameona kuwa Rais yule ambaye magaidi wengi wangemwangazia, amekuja katika nchi ya Kenya na amerudi salama.

Jambo hili la vijana ni muhimu. Sisi tulikuwa tumeliangazia. Ningependa kuongea na vijana wote, haswa wale walio Kipipiri ninakotoka, kuwa hili jambo la kufikiria tu kawaida, kufikiria kuwa kule wametoka ufugaji wa kondoo, ng’ombe na ukulima kidogo ndio umesambaa, inawabidi wafikirie vingine. Watafute jambo lile ambalo wengine hawajalifikiria ama kama wamelifikiria, watafute njia mpya ya kulifikiria ili waweze kusimama kando na wengine na waonekane kuwa wana fikra mpya ambazo zinaweza kusaidia siyo wao pekee yao, bali nchi yetu, ulimwengu na binadamu kwa jumla.

Nakubali na ni kweli nchi yetu ina shida ya ukosefu wa usalama. Lakini wakati Rais Obama alikuwa akitutembelea, kule Marekani kulikuwa na wakora waliokuwa wanatumia bunduki zao kuwaua watu. Kwa hivyo, shida ya usalama sio shida ya Kenya peke yake. Ni kweli kuwa tungetaka tuwe na usalama, hawa magaidi wa *Al Shabaab* washindwe, waondoke na tuwamalize kabisa. Hiyo sio shida inayoweza kutufanya tufe moyo. Tunastahili kuendelea kupambana nao na kuendelea na mipango yetu ya maendeleo.

Nakubaliana na hili jambo la ufisadi. Lakini tukubali kuwa Serikali ya Jubilee ya Rais Uhuru ndio Serikali ambayo imepigana na ufisadi kabisa tangu tupate uhuru. Mawaziri na Makatibu Wakuu wapo mahakamani. Hilo ni jambo muhimu sana. Sisi wote kama Wakenya hatupaswi kufikiria tu kuwa ni Serikali ambayo inastahili kupigana na ufisadi. Wewe mwenyewe unayetoa hongo, kumbuka kuwa wewe ni mfiadini wa kiwango kikuu hata kuliko yule anayepokea hongo hiyo kwa sababu kama hungeitoa, hangeipokea. Nampongeza sana Rais wetu Uhuru. Ametufanya tuhifadhi hadhi yetu kwa vile alimpokea na kuongea na Rais Obama.

**The Temporary Deputy Speaker** (Hon. Kajwang'): That is what happens when you get a chance to speak and then you forget that there are others who also want to speak. I am deliberately looking for the Member for Alego Usonga. I understand that you are the Member for---

**An hon. Member:** Obama!

**The Temporary Deputy Speaker** (Hon. Kajwang'): Not for Obama! Obama is an American. I understand that you are the Member of Parliament for Mama Sarah Obama. Let us hear you.

**Hon. G.W. Omondi:** Thank you, Hon. Temporary Deputy Speaker.

Let me try to correct the belief that Obama is an American. When he came here, he recognized that he is from Alego Usonga and apologized to the people for not visiting them. I stand here on behalf of the people of Alego Usonga to thank the Kenyan Government and the people of Kenya for showing a lot of maturity when the son of Alego Usonga and son of Kenya visited this country. The unity we showed during his visit is what we should move ahead with from the time he left us.

President Obama told us so many things, but one thing has not been mentioned here. He talked about his grandfather, who was a cook for the *wazungus*. I think what he meant by that story, which he has told severally even in his book, is that your background in leadership does not matter. What matters is what you are. This is what the Kenyan youth and the leadership of this country should know. Leadership should not be inherited or inborn. It can be created. He talked about insecurity, corruption, tribalism and good governance. These are not new things but he was trying to emphasize them so that we know they are known outside there. As the leader of the free world, he was telling us that it was time we recognized that these are our evils that are dragging us behind and making our economy not move forward. We know these things, but we refuse to practice them. I do not know whether it will be for Obama to come and tell us to practice them or we will think about them and put them into practice. Obama warned us that we did not inherit this country from our ancestors. We have borrowed it from our youth, who are our next generation. As we run this country and businesses, if we have to go by what Obama said, we should know that we should leave this world a better place than we found it, and hand it over to our next generation.

Obama talked about tribalism and said that it is frustrating our human resource and yet, we train our experts at a very high fee. After I graduate as a doctor, an engineer or a teacher and I want to go to work in Nyeri, I am seen as a Luo and not a Kenyan expert who can use my expertise to serve the people of Nyeri or Garissa.

Because of tribalism, people have been dying and counties are refusing to accept doctors who do not come from their areas. Those are the kinds of things that President Obama talked about. Recently in Busia, people were given wrong drugs because the so-called doctors who were involved were either not qualified or were not doctors at all. We need to put into practice what the son of Alego Usonga came and told us.

With those few remarks, we wish President Obama would come back here when he retires to do consultancy in our country.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Deputy Majority Whip!

**Hon. Washiali:** Thank you, Hon. Temporary Deputy Speaker. I want to join my colleagues in thanking the President of the USA, Mr. Hussein Barack Obama, for visiting this

country. As a Christian, I have confirmed that for you to become a leader, you must be chosen by God. Obama should thank his God. If he was born in Kenya or if Obama's father brought him back to Kenya, I do not think he would have managed to become the President any other time. From his proclamations, he said that he drove from the airport in a Volkswagen Beetle 27 years ago. That tells you that Obama was a man of no means. Unfortunately or fortunately---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Sorry! Change that to "a man of humble means".

**Hon. Washiali:** A man of humble means. Thank you for the correction, Hon. Temporary Deputy Speaker. That, to me, means---

**The Temporary Deputy Speaker** (Hon. Kajwang'): You know that comes from the Obamaland. It is for free. That comes from Obamaland, you know.

*(Laughter)*

**Hon. Washiali:** Thank you, Hon. Temporary Deputy Speaker. I was saying that for one to be elected in this country, you must be a man who is wealthy, a man with a lot of resources. That actually tells you that he is lucky because if he was in this country, which is not just about democracy but what resources you have to be elected, he would not become President. Because of that, I rearranged my pecking order. Before, I used to think it could be from God, the Son Jesus and then the rest in leadership. But I have rearranged my order in leadership. It is God, then you come to the Son Jesus, to the angels then you come to Hussein Barack Obama. That is because, from what we saw in Nairobi - and thank God that he came on a Friday - the roads were closed from 2.00 p.m. The famous Mombasa Road was closed from 2.00 p.m. to 9.00 p.m. at night. It is a road that is famous for traffic jams, famous for all of traffic problems that you could mention in this world. But for the road, when Obama was as far as out of this Continent, the roads had already been closed. We do not see this even with our local leadership.

Therefore, I think it is important that we appreciate what our brother has achieved. I was just asking myself, because we did not do much as a country, we should have welcomed him with some traditional dances. We should have had Ohangla. We should even have carried Isukuti from Luhyaland or even Mugithi. Mugithi should have been there to welcome our son Obama. We may not have shown clearly that we are welcoming our son home, from the way we did things and we have seen from his clips.

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

**Hon. Washiali:** Let them not waste my time, Hon. Temporary Deputy Speaker. I want to conclude! I do not know how much we were prepared. That is because even the grass that we would actually have planted in good time to show Obama that we were prepared, you can see we had not done as much.

Do we really need someone from the USA to tell us about corruption? We need to work--

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**Hon. Kimaru:** Hon. Temporary Deputy Speaker, on a point of order. He said "Mungiki".

**Hon. Washiali:** Hon. Temporary Deputy Speaker, he is interrupting me. He will have his time. I want to tell---

**The Temporary Deputy Speaker** (Hon. Kajwang'): He knows that he is out of order. He knows that and so, go on.

**Hon. Washiali:** Thank you, Hon. Temporary Deputy Speaker. I was concluding that do we really need to get a whole President of the USA to come and tell us about corruption? We need to work---

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right now. Hon. Member for Laikipia East, you can now speak. You should not unduly interrupt a Member when he is speaking.

**Hon. Kimaru:** Thank you, Hon. Temporary Deputy Speaker.

**Hon. Washiali:** What is out of order?

**Hon. Kimaru:** I think my good friend Hon.--- Is it Washiali? Washiali I suppose!

**Hon. Washiali:** It is Washiali.

**Hon. Kimaru:** Washiali! Yes. Not being very familiar with the Kikuyu language, he mistook the Mugithi with Mungiki. Those are two very different groups.

I would like to herald the Speech by the United States (US) President who visited us.

**The Temporary Deputy Speaker** (Hon. Kajwang’): No! No! No! I brought you on a point of order.

**Hon. Kimaru:** He finished, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you. You are very clever in this National Assembly. You bring *Mugithi* and another issue which I did not hear because you want to rise in your place to get a chance to speak. Let us go on and see if we will do justice when the time lapses.

The Member for Mombasa.

**Hon. (Ms.) Khamisi:** Ahsante sana, Mhe. Naibu Spika wa Muda kwa kunipa nafasi kutathmini Ziara ya Rais wa Marekani, Obama. Kwanza kabisa, natoa pongezi kwa Serikali ya Kenya ikiongozwa na Mhe. Uhuru pamoja na Serikali ya Marekani kwa kufanikisha ziara hiyo. Ziara hiyo ilikuwa ya kihistoria. Kwanza kabisa, Obama ni Rais wa Marekani wa kwanza kuja Kenya. Rais Obama pia ana asili ya Kenya kwa sababu ana mizizi yake Kogelo. Pia, tunatoa pongezi kwa Rais Obama kwa sababu anajua “mwacha asili ni mtumwa.” Hajaacha asili yake.

Ningependa kutoa pongezi kwa Rais Obama kwa kuzungumzia uimarishaji wa uwezo wa kiuchumi wa akina mama na vijana, haswa alivyozungumzia fedha ambazo zitatolewa kuhakikisha ya kwamba akina mama na vijana wameimarika katika biashara. Kwa hivyo, sisi kama Wakenya na viongozi tuhakikishe kwamba fedha hizo zitafika mashinani kusaidia wale ambao wameanzisha kampuni, miradi ama biashara. Hizo fedha zisibakie tu kwa wale ambao tayari wameimarika ama wamebobeza katika biashara. Tukifanya hivyo, tutaona shabaha yetu imefika.

Rais Obama alisema kwamba sisi kama Wakenya ama kama Afrika tunaendelea lakini lazima tufanye maamuzi magumu. Maamuzi magumu aliyoyazungumzia ni kama kupigana na ufisadi. Lazima tuseme ukweli na tuwe tayari kusema kwamba tumechoshwa na ufisadi na wafisadi wapate adabu. Pia, alizungumzia jambo la ukabila ambalo ni donda sugu na limekithiri katika nchi yetu ya Kenya. Alisema lazima tuache ukabila na mtu asitambulike kwa jina lake la mwisho. Kwa mfano, nikisema naitwa Mishi, mtu ataniuliza Mishi nani? Nikisema jina lingine la Kiarabu, bado ataniuliza jina jingine. Nikisema Mboko, atajua natoka Pwani. Katika misingi kama hiyo, tunaweza kuhujumiana. Kwa hivyo, inafaa tumalize ukabila kabisa.

Rais Obama alisema kwamba kuna mapengo ambayo yamekuwa katika Jamhuri yetu katika hali ya kuendeleza usawa. Alipeana mfano wa tofauti kati ya mtoto wa Bonde la Ufa na

mtoto wa Nairobi kwa kupata haki za elimu. Pia, akazungumzia ukosefu wa usawa kati ya mtoto wa eneo la kati na mtoto wa Nyanza kwa kupata huduma za afya. Jambo hili sio jambo la uchochezi. Ni jambo ambalo sisi kama viongozi wa nchi lazima tulitathmini na tuhakikishe ya kwamba yale mapengo ambayo yaliwekwa kuanzia utawala wa ukoloni ambayo yalichangia sehemu fulani kuendelea kimiundo msingi, kiafya na kielemu, sasa tuendeleze sehemu ambazo zina umaskini na sehemu ambazo hazijawahi kustawi kimaisha na kiuchumi ili ziwe sawa na sehemu zingine za Kenya.

Rais Obama alitambua mashirika yasiyo ya kiserikali na akakuwa na kongamano nayo. Walizungumzia changamoto ambazo wameziona katika utawala na katika mipango mingi ya nchi inayoendelea, ikiwemo haki za wanyama pori na haki za watoto wa kike katika kupata masomo. Rais Obama alisema kwamba mashirika yasiyokuwa ya kiserikali ni mashirika ambayo yanatetea wananchi. Hivyo basi, kama Wakenya, tusihujumu mashirika ambayo yanafanya kazi kihaki kutetea haki za Wakenya.

Kwa mfano, hilo Shirika la Haki Afrika liloko Mombasa na Pwani kwa jumla lilikuwa limepokonywa kibali kwa sababu za kiholela sizizokuwa na msingi. Lakini shirika hilo lilitambuliwa na Mheshimiwa Rais Obama na lilikuwa katika kongamano lile.

Pia nataka kusema kwamba Mheshimiwa Rais Obama hakuweza kuwasahau viongozi wa upinzani. Alijua katika demokrasia kuna Serikari na pia kuna uongozi wa upinzani. Aliwapatia masikio yake na wakakaa chini na kujadili---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Chuka/Igambang'ombe.

**Hon. Njuki:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. Allow me to hail the words of President Obama that democracy is when there is somebody complaining all the time, even when you think things are right. As much as you have done your best using Standing Order No.1 to give us extra time, I have a feeling that there are Members who have been seated in the House since 2.30 p.m. or 3.00 p.m. to contribute to this Motion and some of them have walked out because Hon. Temporary Deputy Speaker, we do not know which system you are using today to give Members an opportunity to speak. If you are using the criteria of marginalized regions, I have seen counties that have not spoken. If it is about gender, I have seen ladies who have not spoken. I do not know whether there is democracy today. There is something wrong there.

However, allow me to use this opportunity, first and foremost, to condemn in the strongest terms possible, the Cable News Network (CNN) news channel because of what they aired in their station just a day before President Obama came here. They said that Kenya is a hotbed of terrorists. I know right now that those people must have been proven wrong because, for the first time Kenya, despite all those anomalies that, maybe, the rest of the world have been waiting for--- I know that, maybe, *Al Shabaab* was working beyond their normal time. But President Obama was able to arrive safely, stay and safely leave without any incident, even of a grenade being thrown anywhere near the borders of Kenya. By now, they must be aware that this is a hotbed of rich African culture, a lot of beauty and, of course, the other beautiful things that even our President talked about.

In his address, President Obama urged Kenyans to shun tribalism. I liked the phrase he used to describe the world and the human race that lives in it. He said that we belong to one tribe and that is the tribe of humanity. This afternoon, when Members were speaking, everybody who

comes from near President Obama's place, even in the slightest neighbourhoods, wanted to have that ownership. Probably, including you, Hon. Temporary Deputy Speaker, when you said that the language of the people who speak nearly what President Obama speaks, that is what President Obama was trying to condemn.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Watch where your foot treads because it could be---

**Hon. Njuki:** Hon. Temporary Deputy Speaker, that is what President Obama, was trying to condemn. That we should not use tribal cards to actually ascend to leadership or even to gain more positions in society. We are all equal and we belong to one tribe.

Because of time and because I know that the other Members want to contribute, I want to be magnanimous enough to just speak about one more thing and then I give an opportunity to somebody else.

On the issue of terrorism, President Obama made it very clear to Kenyans that the terrorists are a very small group. A very small militia that may not have the mighty, even the weapons and even the mind to deal with the whole world that is good in nature. But they are using one card of trying to divide the world using differences because the world is rich in differences. We have different tribes and religions and that is what the terrorists are trying to use. In his message, he talked about the way the terrorists are trying to use Islam and Christianity to divide Kenyans and the rest of the world. I thought that came out very strongly now that it has been used over and over again. I hope the terrorists, at this particular point in time, if they will ever attack again or continue with their radicalization, they must stop using that card because Kenyans now know - and they have always known, of course - that it cannot work.

With those few remarks, for the interest of my friends like the Member for Mvita, who went to the same school with me - and I hope you will give him the next chance - I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Mvita.

**Hon. Nassir:** Thank you, Hon. Temporary Deputy Speaker. Like my colleague, who we were in the same school has said, the system that you have used, as much as the Standing Orders give you the discretion, has been very unfair to a number of us. It has been very unfair for a number of us because we have been here for a long time.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The best thing that you can do is to prefer amendments to the Standing Orders.

**Hon. Nassir:** Hon. Temporary Deputy Speaker, this is not for any other reason, but for the respect that I have for the Chair that you sit on and, because of the element of time and the respect that I have for the other Members, I would prefer to continue deliberating.

A man came into Kenya for two nights and three days. That gentleman, whom Kenyans hold very dearly in their hearts, taught us one thing, but reminded us of a number of things. The one thing that he taught us is that every Kenyan has a chance in life. His humble beginning to where he is at the top of the world is definitely a lesson that many of us, especially the younger generation, have learnt. Those are things that Kenyans are aware of, but he reminded us of a number of things. I would like to touch on three. First, that investing in the youth is the way forward; that corruption kills a country and tribalism is what is holding us down. The youth of this country is the largest population bracket. Today, we have the highest unemployment rates that this country has ever seen. The previous generations have shown that we have been under the yolk of tribalism for a long time. It is only the current generation of the youth that can

comfortably see that Kenya was known as having 42 tribes. A 43<sup>rd</sup> tribe has been born, namely, the youth of this country.

The question is: How long will this reminder by President Obama last in our brains? We all know our problems, but those who are capable of tackling the problems are not doing what needs to be done. Corruption is costing us billions of shillings, lost man-hours in thousands, employment opportunities and choking us like killer weeds. Every time a young person wishes to blossom, that killer weed crashes the air and the nutrients out of it. When we come back into how long those memories are going to last in us, we will continuously be talking about the beast, the status of President's Obama security and whether he was our son or not. We will continuously talk about what he said to whom or who he greeted and who he did not greet.

Kenya is riddled with corruption. I just want to take the Members back to a Report that was done by the Auditor-General for the 2013/2014 Financial Year. It is a 77 page document, a round-up of the audit that has been done. The document talks about Kshs66,782,000,000.6 of unsupported expenditure; Kshs24,566,000,000.6 of excess expenditure and pending bills of Kshs16,638,000,000.1. The onus is on this very House. Instead of saying and waiting, all we did is nothing. We are a country that is only merely worthy of being reminded. We always say: "We will take action or action is being taken."

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let us have the Member for Navakholo.

**Hon. Wangwe:** Thank you, hon. Temporary Deputy Speaker for allowing me to add my voice to this very good debate. At the outset, I thank the President of the United States of America (USA) for paying a visit to our great country. The visit by His Excellency President Barack Obama was not only an inspiration and meant to give us the position in terms of the Global Entrepreneurship Summit, but Barack Obama himself is an inspiration in his own right as an individual. Many a times, people have looked at themselves as not being able to deliver what is ahead of them. However, whenever you hear the President make a speech, he first refers to himself. He makes sure he tells you who he has been before so that he brings you up to speed to understand what is ahead of you. He tells you the journey to Kenya and that on the first day; he lost his bags at the airport. That is a reality. It is a situation as it is today. What does he go on to say? He goes on to say that he was still able to come back as a Senator even though he had come back just in search of his roots. He was an inspiration to Kenyans. It does not matter who you are today or where you went to school. Some of us went to school under a tree but we are here today. We used to write using our toes. However, we have found ourselves in this august House. That means that it is possible as long as you are determined. I copy a lot from one of the great innovators and professor of innovation, Prof. Peter Kibas, who was one of my lecturers. His audience was very clear. He used to say that nothing is impossible. Having seen what President Obama has achieved, nothing is impossible. He mentioned the issue of capital injection in terms of small and micro enterprises in the country. What is ailing our economy is lack of employment. He told our youth that they need not travel all the way to the USA in search of education or employment like his father did. It is up to you to look at yourself and say that you can create employment for yourself. He said that the most challenging issue is how to start a business. The shyness and fear in most entrepreneurs is where they are going to get the capital. He said that he is now going to move a step higher and educate the youth on how to start their businesses and not to shy up. He has provided the entrepreneurs who have already succeeded in their businesses.



One great entrepreneur said that the best thing he remembers in his life as an entrepreneur is how many times he has failed. That is a statement of philosophy, but it is a reality that if you can remember how many times you started a business and failed, it will really take you a step higher.

The next thing President Obama mentioned is terrorism. That affects both businesses and the economy of the country. By him saying that his Government and our Government are going to walk side by side, that is a great step. I really thank him for what he said.

The other great and important idea he mentioned is the importance of women in the society. Many a times in political forums, our ladies have said that when you give a mother support, you have succeeded in fulfilling a family. However, we have taken it very lightly. This is not a light statement. It is a statement of importance that when you support a woman, you support a family. President Obama alluded to the same. That is a great thing and I support him. He gave a statistical figure on the issue of corruption.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. (Ms.) Ombaka.

**Hon. (Ms.) Ombaka:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity.

I come from Siaya. That is where the Kenyan-American President comes from. Therefore, I represent him as a Woman Representative. I am very proud of that. I want to pay a glowing tribute to his coming and what he told us.

President Obama demonstrated that he loves women and he would love to see them empowered. At the airport, he was met by a little girl who gave him flowers. The little girl was shy, but he turned the little girl to look at the camera man and they took a picture together. That picture is going to transform the life of that girl.

He went ahead to greet the Cabinet Secretaries and ended up with Auma his sister, whom he gave a ride in his limousine - the Beast. Those two things demonstrate his love for women.

In the evening when he had dinner with his family, he sat between Auma and his grandmother, Sarah. Again that demonstrated his love for women. It is, therefore, very important that when he spoke about the power of women and how we can empower them, he really meant it. We could see it in that demonstration. The love for women has come from a man. As a President, he has a lot of inspirations that we have drawn from him. Those are issues that we have talked about. But when I talk about those issues, people see it as a woman talking for women. However, this time round, it changed the world and it is going to change Kenya because it came from him as a man. Therefore, the men in this country are going to begin to appreciate that women matter and must also be considered in various areas. That is why the President is going to leave a mark. He is going to turn this country around and make sure that women are involved in every aspect, including in education. Women will be empowered economically and will have good health.

More importantly, he talked about corruption and tribalism. How many times do we argue in this House, when names are brought to the House for appointments and we say there is tribalism? Nobody listens. It is a big challenge now. What names are we going to bring to this Floor? I want the President to see to it that the advice that we got from President Obama is practiced. It is not a matter of just praising what he says but, rather, we need to begin to put that in practice, so that there is no tribalism and corruption in appointments. We need to have peace and good relationships between men and women.

The people of Siaya are happy because there are many songs that have been composed to praise the President.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order, Hon. Members! Hon. Members, the time being 7.00 p.m., this House stands adjourned until tomorrow, Wednesday, 29<sup>th</sup> July 2015 at 9.30 a.m.

The House rose at 7.00 p.m.