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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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Tuesday, 8th August 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Sergeants-At-Arms, ring the Quorum Bell. Hon. Robert Mbui, where are your troops? You seem immersed in your phone, yet the House lacks a quorum.

(The Quorum Bell was rung)

Order, Hon. Members. Clerks-at-the-Table, we have quorum to transact business.

PAPERS

Hon. Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

1. The Protocol of the Constitutive Act of the African Union relating to the Pan-African Parliament and the explanatory memorandum from the Ministry of Foreign and Diaspora Affairs.
2. Reports of the Auditor-General and financial statements in respect of the following constituencies for the year ended 30th June 2022 and the certificates therein:
 - (a) Kitutu Masaba
 - (b) Bomachoge Borabu
 - (c) Alego Usonga
 - (d) Nyaribari Masaba
 - (e) Ikolomani
 - (f) Kipipiri
 - (g) Yatta
 - (h) Ugunja
 - (i) Emuhaya
 - (j) Gem
 - (k) Vihiga
 - (l) Belgut
 - (m) Sabatia
 - (n) Njoro
 - (o) Aldai
 - (p) Kwanza
 - (q) Kacheliba
 - (r) Bahati
 - (s) Kaiti

- (t) Kilome
- (u) Sotik
- (v) Kiharu
- (w) Ndia
- (x) Rongo
- (y) Bureti
- (z) Sigowet/Soin

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Baya

QUESTIONS AND STATEMENTS

Hon. Speaker: We have a Statement from Hon. Beatrice Elachi.

STATEMENT

ELECTION OF DR ANNE-BEATRICE KIHARA PRESIDENT OF THE INTERNATIONAL FEDERATION OF OBSTETRICIANS AND GYNAECOLOGISTS

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Speaker, I want to appreciate Dr Kihara Anne-Beatrice, President-elect of the International Federation of Obstetricians and Gynaecologists (IFOG). She will serve her term from 2023 to 2025. This is one chance Kenya has received, and this honourable lady will be the President of all gynaecologists worldwide. She has received her nomination as President-elect, and she will be in Paris to be honoured as President. This is one of those chances we never find in this country.

I thank all gynaecologists in our country. She has worked as a Senior Lecturer at the University of Nairobi. She has an honorary fellowship from the Institute of Obstetricians and Gynaecologists, Ireland, and many other accolades.

Hon. Speaker, thank you for allowing me to celebrate her. I hope the Kenya Women's Parliamentary Association (KEWOPA) will meet and honour her. This has never happened in Africa.

Hon. Speaker: Hon. Elachi has been honoured because she is qualified, not because she is a woman. Is that not so?

Hon. Beatrice Elachi (Dagoretti North, ODM): Yes, Hon. Speaker. She has been honoured for her qualification and not for being a woman. This House celebrates her.

Hon. Speaker: We join you in acknowledging and celebrating the achievement of Dr Kihara.

Thank you very much.

BILL

First Reading

THE CLIMATE CHANGE (AMENDMENT) BILL (National Assembly Bill No.42 of 2023)

*(The Bill was read a First Time and
referred to the relevant Committee)*

MOTIONS

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ADOPTION OF REPORT OF THE AUDITOR-GENERAL ON THE
FINANCIAL STATEMENTS FOR VARIOUS FUNDS

Hon. Speaker: Chairperson of the Special Funds Account Committee. Who is the Chairperson?

Hon. Owen, those are Oversight Committees. Hon. Fatuma Mohammed, Migori, Women Representative. Where is she? Who is the Vice-Chairperson? Where is Hon. Fatuma Mohammed? She calls herself "full network". Hon. Robert Mbui.

Hon. Owen Baya, you are standing in for Hon. Ichung'wah. Independence in this House will still be accountable through one of you. Tell us where the Hon. Member is.

Hon. Owen Baya (Kilifi North, ODM): Hon. Speaker, the Hon. Lady known as "full network," or Hon. Mohammed Fatuma Zainab, is much more aligned with Hon. Robert Mbui's area of jurisdiction. We should agree to step down the Motion for now and try to find out whether she can make a presentation after the next Motion.

Hon. Speaker: Hon. Members, we circulate the Order Paper, at least, 24 hours before we sit. Every Member has a duty, not discretion, to be in this House when it is sitting. This is more so, a Member who is a leader and has to lead a business in the House. We take a very dim view of the absence of the Hon. Member. She is directed to come and give a cogent explanation to the House as to why she is not here at the time the business that she is responsible for is being called out.

Next Order.

(An Hon. Member spoke off the record)

Order, Hon. Member! You are out of order. This House will not wait for any Member who is just around the corner. We do not know which corner you are talking about.

(Laughter)

Chairperson of the Public Investments Committee on Governance and Education (PIC-GE). This must be Hon. Wamboka Wanami. At least, he is around the corner. The Order before yours has collapsed. You are called upon to move your Motion.

(Motion dropped)

ADOPTION OF REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS
OF STATE CORPORATIONS (REGULATORY AND GOVERNANCE AGENCIES)
FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the First Report of the Public Investments Committee on Governance and Education on the examination of the Report of the Auditor-General on the Financial Statements of State Corporations (Regulatory and Government Agencies) for the Financial Years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of this House on Tuesday, 20th June 2023.

Hon. Speaker, this being the Committee's maiden Report, allow me to briefly explain our mandate for the benefit of all the Members who may have been well acquainted with the

hitherto singular Public Investments Committee (PIC), which has since been split into three Committees.

Pursuant to Standing Order 206 of the National Assembly, the PIC-GE is responsible for the examination of the working of public investment entities based on their audited reports and accounts. The Committee is mandated to examine the reports and accounts of public investment entities; the reports, if any, of the Auditor-General on the public investment entities; and, in the context of the autonomy and efficiency of public investments entities, the Committee is required to establish whether the affairs of the public investment entities are being managed in accordance with sound financial or business principles or prudent commercial practices.

Hon. Speaker, the Committee is limited to a schedule of entities as provided by this House and guided by you in Standing Order 206. The last such schedule was issued on 8th December 2022. My Committee is responsible for 29 public investment entities. I have since engaged with your office to review some of these agencies, which we feel fall under our Committee but have been put under several other committees. We are awaiting your communication on the matter.

The Committee proceeded to map out the 189 entities based on their functions and geographical location for systematic examination. This Report is the first of such and covers regulatory and governance agencies domiciled within Nairobi and Central regions. In this Report, the Committee handled the following agencies:

1. Kenya Institute of Special Education;
2. Kenya Institute of Curriculum Development;
3. National Council for Science, Technology and Innovation (NACOSTI);
4. Council of Legal Education;
5. Kenya National Qualification Authority;
6. Kenya Education Management Institute (KEMI);
7. School Equipment Production Unit (SEPU);
8. Technical and Vocational Education and Training Authority (TVETA);
9. TVET Curriculum Development Assessment and Certification Council;
10. Auctioneers Licensing Board;
11. Higher Education Loans Board;
12. Kenya Literature Bureau;
13. Commission for University Education;
14. Kenya National Examination Council;
15. Jomo Kenyatta Foundation;
16. Centre for Mathematics Science and Technology Education in Africa (CEMASTEAM);
17. Kenya Universities and Colleges Central Placement Service (KUCCPS);
18. Kenya National Commission for UNESCO (KNATCOM);
19. JKUAT Enterprises Limited;
20. JKUAT Noodles Limited;
21. National Council for Nomadic Education in Kenya;
22. University of Nairobi Enterprise and Services Limited (UNES); and,
23. Kenya National Innovation Agency.

Hon. Speaker, in the examination of this Report, the Committee decided to go back three financial years after analysis showed that matters beyond that time had either been overtaken by events or matters which were outstanding and, therefore, needed to be addressed had been recurring in subsequent audit reports.

The Committee had 18 sittings, during which we examined the audited financial statements of 23 State Corporations and the accompanying reports by the Auditor-General. The

Committee invited the Accounting Officers from the State Corporations under review to respond to audit queries presented before the it.

Our Report contains observations, findings, and recommendations from examining reports of the Auditor-General for the 23 State Corporations for three financial years up to the 2020/2021 Financial Year. For the benefit of the Members who are perusing through it, the Report is structured as follows:

1. General observations arising from recurring and cross-cutting audit queries.
2. Recommendations on each of the above.
3. Audit queries raised by the Auditor-General in the audit report on each state corporation.
4. Management responses to each of the audit queries.
5. Committee observations and findings on each audit query.
6. Recommendations of the Committee on each audit query raised.

The Committee proposes policy changes it believes will cure the public financial administrative challenges, leading to audit challenges. At the same time, the Committee has recommended specific actions against officers who may have acted contrary to the law. The Committee further recommends additional investigation of certain matters by the relevant investigative agencies, such as the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI). All this is geared towards ensuring the prudent use of public resources and holding all persons who have misappropriated public funds accountable in accordance with Article 226 (5) of the Constitution.

As a Committee, we believe that, if implemented, these recommendations will enhance accountability, effectiveness, transparency, efficiency, and prudent management of state corporations, leading to commercial viability and realization of value for money by entities responsible for public investment in the governance and education sectors as a whole.

Hon. Speaker, specifically, the Committee encountered the following issues, which are cross-cutting in all the entities, and has made recommendations intending to cure them. The first issue that the Committee encountered was poor accounting standards and the general incapacity of some accounting officers. The Committee found that, due to a lack of exposure to the audit process culminating in parliamentary review, some accounting officers were ignorant of, or non-compliant with the various provisions of the Public Finance Management (PFM) Act 2012 and the Public Audit Act 2015. Audit queries as far back as Financial Year 2018/2019 remained un-responded to by some agencies, whose management teams were only jolted to action when invited to appear before the Committee.

In this regard, the Committee recommends that the National Treasury and the Office of the Auditor-General conduct annual sensitization and capacity building for all the Accounting Officers and finance staff in state corporations in various responsibilities during the audit cycle and ensure their adherence to International Public Sector Accounting Standards (IPSAS). Even as the Committee adhered to the various laws on accountability, we also used the process to boost capacity and guide accounting officers. Our recommendations will invariably become harsher in subsequent audits.

Hon. Speaker, the second issue we encountered was the late submission of supporting documents. The Committee observed that some accounting officers failed to submit supporting documents to the Auditor-General on time during the audit cycle as required under Section 68 of the PFM Act. This invariably led to the Committee discussing matters that should ordinarily not feature in the Report - some as mundane as accounts not balancing. Therefore, the Committee recommends that accounting officers comply with Section 68(2)(k) of the PFM Act 2012 by providing timely supportive documentation.

In subsequent audits, the Committee will prescribe punitive measures to be taken against accounting officers who will fail to adhere to the law in this regard. Also, as Committee,

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we will take a dim view of accounting officers who will fail to submit documentation on time in future.

Hon. Speaker, the third issue we encountered was unsecured/untitled land holdings. The Committee observed cases where land held by various institutions was not secured and titled accordingly. This led to encroachment on such land, in some cases with the potential of forfeiture of such land. Most public universities or TVETs do not have title deeds for their land. Most of their lands have been encroached on, and we risk losing them if action is not taken urgently.

In this regard, the Committee recommends that the National Land Commission (NLC) and the relevant ministries take action immediately to ensure that all state corporations secure title deeds for all their land parcels. The affected institutions and the National Treasury must prioritize fencing of all the land holdings to forestall further encroachment. Further, the Committee recommends that people who have encroached on public land should face the full force of the law, including evicting them from such land and charging them in courts of law. Some of the people who want to grab these institutions' land are public figures who are well-known.

Hon. Speaker, the Committee encountered situations where construction projects in some state corporations had taken inordinately long to complete, leading to escalation of costs through accrued interest. A classic case is a construction project by the KNEC - New Mitihani House - that has been ongoing for 37 years but is still incomplete. The contractors and consultants responsible for the project have squandered money, and to date, the building is incomplete.

Another classic example is a construction project at the Kenya Institute of Curriculum Development (KICD), which has lasted over 27 years, but the building has not been completed. It is worth noting that the money that has gone to consultancy in some of these projects is more than the money that has gone into actual project works. The Committee, therefore, recommends that the National Treasury only approves projects whose funding it can guarantee to ensure completion within prevailing medium-term economic frameworks.

As a Committee, we will seek this House's support to ensure we bring sanity to the National Treasury. As a Government, we must stop introducing projects we cannot fund. In future, we must prioritise funding for all ongoing projects to ensure that they are completed before we embark on new projects. That way, we will realise value for money for our customers, who are the citizenry of this country.

Hon. Speaker, regarding expensive consultancies relating to the long-standing construction works discussed above, the Committee observed that some projects had huge components for consultancies, project conception, architectural drawings, and supervision. Since the consultants usually deliver their project designs beforehand, public agencies are forced to pay them upfront for resources that would otherwise be directed toward construction works. This state of affairs has been compounded by a weak public works function that would ordinarily oversee some of these projects.

For example, KICD wanted to undertake a project in four phases. Consultants forced the institution to pay the money for four phases, while the only money that the institution had could not even complete the first phase. Eventually, the Government lost money to these so-called "consultants." This House must, therefore, ensure that the law is enforced. We have a Departmental Committee responsible for Public Works. Why have we continued to pay private consultants, who are more expensive, yet we have employed engineers, architects, and quantity surveyors who can help us with this function?

The Committee, therefore, recommends that the Ministry responsible for Public Works revamps the Public Works Department and employs adequate and competent staff. Moreover, certain technical institutions, including the Kenya Technical Training College (KTTC),

undertake technical training in public works related to technical skills and may assist the Government in the management of Government projects. KNEC has since engaged the KTTC to help complete the new Mitihani House through a government-to-government arrangement, which is commendable. The Departmental Committee should consider amending the Public Procurement and Asset Disposal Act 2015. This speaks to the good Chairman, Hon. Melly, who is capable. This is to provide a priority consideration of Government agencies which can provide certain services.

Hon. Speaker, another issue we encountered was the failure by most public entities to adhere to gender, ethnicity, regional balance, and other considerations in staffing. Several institutions have skewed ethnic diversity within their staff complements, especially at the senior management level. This was manifested in those agencies domiciled in areas predominantly inhabited by a particular ethnic community. Despite the explanation from the accounting officers that the lack of diversity was prevalent in the lower cadres, the Committee believes that with the rife unemployment countrywide, attracting an ethnically diverse pool of applicants for advertised jobs is tenable. You would find a public university with 99 percent of its employees coming from one ethnic community, which is unfair.

We want to lobby this House to ensure ethnic balance in the workforces of all public entities so that every Kenyan can feel and believe that they can work anywhere in this country. The Committee recommends that in future, all public agencies must comply with the constitutional provisions on equity and inclusiveness, which have been buttressed by the National Cohesion and Integration Act No.12 of 2008. Further, the Committee recommends that the National Cohesion and Integration Commission and the Inspectorate of State Corporations conduct a bi-annual examination of ethnic composition in the state-owned enterprises to confirm an incremental address of this matter.

Hon. Speaker, I will specifically mention our engagement with the HELB and the KUCCPS, where, among other issues, we engage them on placement and funding of students in tertiary institutions. Much of the cases on capitation will be discussed in our second Report on training institutions and universities. However, we have pushed KUCCPS, HELB, the Cabinet Secretary for Education, and other relevant institutions to limit public funds to public institutions. Most of our public universities are dying at the expense of private universities. I must thank the Departmental Committee on Education as we have worked very well with them. We have tremendously reduced the Budget that has been going to private universities. Many students from public schools have since been taken to public universities. This time, KUCCPS have placed a minimum number of students in private institutions at their own cost, save for loan applications available to all.

While discussing the KUCCPS placement, we urge the Government that there is an outcry about the high university fees, especially for science, technology, engineering, and mathematics courses. The fees have increased to levels parents cannot afford to pay. My Committee promises to audit all funds issued to private entities so far. We had asked for a forensic audit. We are waiting for a report being concluded by the Auditor-General for that special audit, and very soon, we shall table it in this House.

With those remarks, I beg to move and urge this House to adopt this Report. I request Hon. Mwenje to second the Motion.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mwenje

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Speaker. The 12th Parliament, in its wisdom, decided to split the PIC to create "three arms of PIC," as I would call them. I am a Member of this Committee, and I commend the Chairman. I can see that Hon. Sigei and Hon. Chiforomodo are in the House. It has been a busy Committee. One of the things that we have seen is the mismanagement of our post-secondary institutions and how badly

public funds have been mismanaged and lost. Some of the institutions do not even have accounting officers. The respective management teams found it strange when we asked them some serious questions regarding the management of the institutions and utilization of funds when they appeared before the Committee. That was one of the things that we realized. Since the previous PIC was too busy, it could not dig into some of those issues.

Education is the foundation of our children. The President has been talking about TVETs. We must ensure that the way these institutions were managed and operated in the past comes to a stop. Nobody has been holding to account the contractors who have been undertaking projects for those institutions. They have become a cartel unto themselves. The Committee Members will bear me witness that we went and saw where the Government is losing money. If we were to plug all the holes through which those institutions are losing money, I can assure this House that some new taxes imposed on Kenyans will not be necessary because we will save a lot of money by stopping these contractors.

Hon. Speaker, please protect me from the Deputy Minority Whip. He is threatening me from the other side. I am sorry, it is the Deputy Leader of the Majority Party.

On the funding that ought to go to these institutions to ensure the completion of some projects, as a government, we are losing a lot of money because of delayed payments to contractors. The delayed payments incur a lot of penalties. For example, construction works at the Ronald Ngala Utalii College in Kilifi County have been going on since the tenure of the late President Kibaki. We had one President exit office, another president finish his double five-year term, and we now have a third president in office since the project was initiated. The project is still incomplete. The project costs are piling up because we are not paying what we are supposed to pay as a government. Once completed, the Ronald Ngala Utalii College will be vital to our tourism industry. We must fund the project and ensure its completion, together with some of the other projects.

Hon. Speaker, some public institutions have 95 percent of their staff components from one community. That is how we breed ethnicity in public institutions. These institutions will be training our 18-20-year-old children. How do we expect them to behave when the institutions they are in have 95 percent Kikuyu, 95 percent Luhya and 95 percent Kalenjin, depending on where the institution is located? We must make an effort to de-ethnicise our learning institutions.

Finally, I want to support the issue that the Chairman has raised. We noted that our public institutions will wither and die if we continue to send money to private institutions. We can talk about an institution like Egerton University, which is shutting down some campuses. We started funding students to study in private universities because public universities could not absorb all qualified students. However, public universities have since developed the capacity to absorb all students who want to go to public universities. Let us absorb all the students who want to attend public universities and fund them there.

With those remarks, I beg to second the Motion.

Hon. Speaker: Order, Hon. Members! Order, Hon. Sirma. Take your seat.

(Question proposed)

Hon. Speaker: Hon. Members, before I open the Floor, allow me to acknowledge in the Speaker's Gallery students of Moi Girls Secondary School from Kibwezi West Constituency, Makeni County, and Muririkwa Secondary School from Gilgil Constituency, Nakuru County.

(Applause)

I know other students are in the Public Gallery, but I have not been given their description yet. We will acknowledge them when I get them.

I can see requests, but I need to determine if they are for this Motion. Hon. Julius Rutto, Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon, Speaker. Today, I am privileged to be the first to take the Floor on this Motion.

I support the Motion of Adoption of the First PIC-GE Report upon the Committee's review of the Auditor-General's Report on the Financial Statements of State Corporations for the period under review. Most of us will agree that the rationale behind creating these state agencies was to accelerate service delivery to the citizens of the Republic of Kenya. Therefore, as our Constitution gives all sovereign power to the people of Kenya, all these agencies are being brought on board as trustees of the citizens' resources. It will be noble to agree with the Auditor-General that the state of these institutions in terms of governance is wanting. They have been used to advance divergence from the principles of public finance as espoused in the Constitution. The Constitution encourages good use of every resource available to advance cohesion among Kenyans and ensure equity in the Republic of Kenya.

I support the call that this honorable House should scrutinize this Report and take recommendations from the Auditor-General to restore the confidence of Kenyans in public institutions. Citizens have entrusted us to oversee the application of this Article of the Constitution. We should rise to the occasion to ensure that we address the specific issues mentioned in this Report so that we inculcate in the minds of the few people chosen to run these public institutions a sense of responsibility regarding adhering to this country's supreme law. We must ensure that Kenyans are served equally and receive the desired services. That way, we will build a nation-state of people from all corners of the country. As it is, especially in matters of recruitment, Kenyans are not together because public institutions mostly employ people from single ethnic communities. Kenyans are sometimes divided because they cannot see why public investments in specific parts of this country should only favor people from those areas. Those days are long gone. Let us apply the Constitution of the land to the letter so that Kenyans in every corner can feel that they are part of this country and are considered for every little resource available.

Hon. Speaker, lastly, we need to discuss reports from these institutions promptly. One challenge we are currently experiencing is that we are discussing reports from two or three years ago, which are no longer applicable. We need to ensure that reports by the Auditor-General are forwarded to this House and discussed on time so that recommendations can be applied immediately. Otherwise, times and situations may change, and the issues we look at may have become historical and inapplicable. Such good reports should be brought to the House on time, discussed by the relevant committees, and dispensed with on time.

Where regulations are involved, I call upon Members to improve this Committee's recommendations so that whoever is given an opportunity to serve in trust does so with utmost good faith. Action should be taken against anybody knowingly or negligently abuses their office or power. Kenyans must learn that when they are given the opportunity to serve, they should use every coin for its intended purpose and ensure that they uphold the basic principles of the Constitution. They must show Kenyans that they are advancing equity and proper use of public resources.

With those remarks, I support the Motion.

Hon. Speaker: Owen Baya

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker. First, I congratulate the Committee and its Chairperson for ensuring that we have the First Report of this Committee on time. I thank the Committee for a good job. It is also very important that oversight committees, especially those that deal with reports of the Auditor-General, present

those reports in the House on time. Audited reports are critical because when we prepare the national budget, the money allocated to the county governments depends on the latest audited Report. Therefore, I thank the Chairperson and the Committee because their work will go a long way in determining whether county governments will get more money in the next budget cycle.

Because the Minority side chairs many oversight committees, I urge the Leader of the Minority Party to hasten those reports to allocate more funds to the counties in the next budget cycle. It is very important. I also urge you to request other oversight committees to bring their reports to this House on time.

Secondly, I thank the Committee for flagging important issues in this Report on educational institutions. It is on record that many of our educational institutions are not well-managed. We must flag these issues so that we improve. Many things included in this Report have also been mentioned in the Report tabled by the Presidential Working Party on Education Reforms. The Presidential Working Party on Education Reforms, which Prof. Munavu chaired, is trying to change how education is managed. It is in the same spirit that this Committee has made its recommendations. There is a dovetailing of ideas, which is good for the country.

I want to mention specific things. As a government, we cannot take the flak for CEOs who have been given jobs but are not performing well. If you are an accounting officer, do your job. Your job is to follow the Constitution, the statutes, and other laws that are in place to ensure that you manage our educational institutions very well. That is something we agree on with the Minority side. Public institutions must be well-managed. There is no excuse for any CEO mandated to run an organization to say they do not know or understand the accounting procedures. We will not take that from any CEO in this country. If you are managing a public institution that you have been appointed to by this government, do your job. You have no excuse for saying you are ignorant or do not understand. It was very sad to read in this Report that some accounting officers were ignorant or non-compliant with the various provisions of the law, especially the Public Finance Management Act. Ignorance of the law is no defense. I wish this Committee could come up with very radical recommendations. Whoever cannot comply with the PFM Act is corrupt, and we do not need such a person in the government.

One of the things that CEOs want to get away with is not submitting documents. I am happy that this Committee has noticed that some CEOs want to avoid submitting the requisite documents to the Auditor-General to run away from audits. Every CEO managing an educational institution must submit themselves to audit. You are handling government funds and must be audited and accountable to the public. This Committee must not accept excuses from CEOs who do not want to submit themselves to audit through late submission of documents. Such a CEO must be censured. We are ready to do so as a government. We do not want CEOs who will not submit themselves to audit.

Hon. Speaker, another interesting finding of the Committee is that there are still government institutions that are putting up big buildings on land for which they have no title deeds. The law clearly states that government institutions must invest in land that belongs to the government. Why are the CEOs of such institutions investing in land that does not have title deeds? Such CEOs are not doing the government justice. Suppose someone comes to claim that land and a government building has to be brought down. That CEO must take responsibility. As you make these recommendations, I agree with you that CEOs of educational institutions must henceforth comply with Section 68 of the PFM Act by ensuring that they have all the required government documentation for the institutions' land. Institutions that do not have title deeds must ensure that they get them.

Another interesting observation by the Committee is that a government institution has been constructing a building for 37 years. Either the institution does not have a dependable CEO, or the CEO does not know their work. How do you construct a building for 37 years?

They vary costing every year. They are probably delaying the completion of that building for their purposes. I have looked at the recommendations by the Committee and found them to be very lenient. The Committee should have come up with more drastic recommendations. This is because the costs keep on going up. The initial cost was probably Ksh5 million, but now it is Ksh100 million because someone does not want to complete that building. If you start a project, it must be completed on time to save taxpayers the pain of funding it endlessly.

Hon. Speaker, regarding the issue of expensive consultancies, some of our universities have personnel who can provide consultancy services at reasonable fees. A university has professors, engineers, and doctors who have knowledge. However, the Vice-Chancellor or the CEO of that institution will look for his friends and procure a consultancy at a very exorbitant cost just because they want to corrupt the system. As a government, we aim to reduce the cost of construction. I urge the current CEOs of educational institutions to ensure that we do not have expensive consultancies just for the sake of having them.

Finally, skilled ethnic diversity within institutions is evident across the board in many parastatals and organizations. I urge those who have been given the mandate of ensuring that we project the face of Kenya in employment to do diligently so that public institutions do not reflect the ethnicity of the regions in which they are located. Public universities, KNEC, NACOSTI, and TVET institutions should all reflect the face of Kenya. I agree with this Report and thank the Committee for a job well done. I also thank them for fast-tracking the preparation of the Report and bringing it on time. I wish them well as they continue with an excellent job of auditing these public institutions. I ask that they continue holding the government to account. I ask the Leader of the Minority Party to play his role. Do your job. Stop going to the streets. Criticise us here in the House. We will appreciate that job, and we will move this country forward.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kamukunji.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker, for giving me this opportunity. I commend and thank the Chairman for the Report.

Indeed, it is a very ugly and disturbing Report on the status of our national organizations. This is a critical moment for the National Assembly to ensure that this Report's recommendations are implemented. We will follow up and support them. This is a widespread problem in many of our national organizations. There is impunity, abuse of power, mismanagement, enormous looting, theft of public resources, and a lot of wastage in many government departments. Sometimes you wonder how this country can continue like that. Sometimes we are amazed at the resilience of this country in light of this kind of impunity that goes on without punishment.

Many public officials involved in these malpractices know that the worst that can happen to them is that they can walk away and return to their homes without paying any penalty for mismanagement and corruption. If you move around, you will see many institutions falling apart, many projects that have not been implemented, and a lot of resources going to private consultancies for jobs that can be done by established government departments and institutions that are better equipped and more knowledgeable. It is important that this Committee has brought these ills to our attention. We should take it very seriously and give the Committee all the support it requires in addressing these challenges.

This Committee should not rest on its laurels and say they have done their job and submitted their Report. They should follow it up consistently and regularly to ensure change happens in those institutions. Otherwise, we will continue to waste taxpayers' money and witness corruption everywhere. For example, I sit on the National Cohesion and Equal Opportunity Committee. Every state corporation violates the Constitution on issues of equality and equal opportunity. The public organizations established after promulgating the

Constitution of Kenya 2010 are serial violators. They continue to have a large number of individuals from a single community and have continued to discriminate against people living with disabilities in their employment of staff. They continue to have gender disparities. That is unacceptable. The Constitution speaks clearly on the need for equal opportunity. The management teams of these institutions somehow think that they are immune and that there will be no punishment. This carefree attitude is a culture that is widespread in many institutions that have appeared before my Committee to present reports.

I support this Report and encourage the Committee to continue its work. We must make sure that we punish violators of the Constitution. We must take action against institutions that violate the Constitution and use our money imprudently so that our country can take the necessary steps to develop and prosper.

With those remarks, I support the Motion to adopt the Report.

Hon. Speaker: Hon Members, before I allow the next speaker, allow me to acknowledge, in the Public Gallery, students of Makanyanga Secondary School from Chuka/Igambang'ombe Constituency, Tharaka Nithii County; Maryland Primary School from Emgwen Constituency, Nandi County; and Kaptiriony Secondary School from Baringo Central Constituency, Baringo County.

Hon. Melly, you can take this opportunity to welcome the students as you make your contribution.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I want to join other Members in welcoming the students to the House to witness the proceedings. I know this is part of learning History and Government. As the Chairperson of the Departmental Committee on Education and Research, I commend the schools' management, students, and teachers for taking time to come and see how Parliament works.

I commend the Chairperson of the PIC-GE and the 12th Parliament for their wisdom in splitting the original PIC into three committees. In the last Parliament, it took a lot of work for this House to oversee several government agencies because of the volume of work.

Hon. Speaker, I commend you and the leadership of the House for creating the PIC-GE. I commend the Chairperson of the Committee on the issues he has raised. Several government institutions or parastatals do not follow the PFM Act. As the Whip of the Majority Party has put it, that is not in order. This government does not support ineptitude or officers who do not follow government procedures. His Excellency, the President wants a government that delivers and holds officers to account. For instance, the KNEC building was started in 1986. Most Members of Parliament here were not yet born then, but to this day, the building is not complete. This speaks to corruption and ineptitude. All CEOs who have served KNEC have not been able to complete it. We want to hold those officers accountable. We allocate them funds, but they have to give timelines for completing those structures.

The State Department for Public Works is a government agency that has been going to bed with many of those officers. Every building is expected to cost Ksh500 million; the cost is varied between Ksh3 billion and Ksh4 billion. This is a big problem at KICD, KNEC, and public universities. We allocate resources. We want value for those resources. If I may pick up a case at Moi University, there is a building called "Science Complex" that was started in the 1990s, but to date, it is not complete. It has cost the taxpayer over Ksh200 million, yet there is nothing to show. I ask the Chairperson to move quickly to ensure that the *mwananchi* who voted and is paying taxes smiles all the way to the public institutions saying, "Surely, this is the government that I voted for."

This should happen when an officer fails to submit documents to show how he used the funds and whether he complies with ethnicity and gender balance requirements. This is one country, one nation, and one people. The people are supposed to be employed across the board.

The President is at the forefront of making this country tribeless. It will be a nation where you will not need to know the CEO to access the services of the institution he is leading.

Hon. Speaker, lastly, on the issue of consultancy services, through which a lot of public funds are lost, why would public universities source consultancy services externally when they are the ones who churn out those consultants? Public universities are a reserve of technical experts. It defeats the logic that a university consults individuals from outside the institution at three or four times the actual cost of the service sought. Yet, they have better consultants within the institution whom they can use to cut the cost.

We need to do more in this area to ensure that there is value for money and that the country's citizens enjoy the resources the Government provides for development. Hon. Wamboka has done an excellent job. This is the best job you can do, but not going to the streets to throw stones. You can critique the Government from within this House.

With those remarks, I beg to support.

Hon. Speaker: Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Speaker, for allowing me to speak on this Report.

Firstly, I congratulate the Committee for going through the reports of the Auditor-General for the financial years up to that of the financial year 2020/2021. I listened to the Chair as he moved the Motion to adopt the Report, which explains wastage in public service. How can an institution construct a building for over 30 years? Too many white elephant projects are undertaken by other public institutions and government ministries. Why are we still pumping money into such institutions? Money is allocated for such purposes in every financial year. We need to audit such state corporations to ensure taxpayers' money does not go to waste.

Secondly, the face of Kenya is lacking in state corporations. In most state corporations, if a person from a particular community heads them, the staff are from that community. People with disabilities are not considered for appointments, yet there is a law that states clearly that about 5 percent of public service jobs should be reserved for people with disabilities. We hope we will find a better way of job placement in the public service going forward.

I remember my friend who had applied for a job in one of the state corporations. When he arrived with proper qualifications, he was told that the job was not for people like him. He demanded to know the reason. He brought the case to me. I approached the Cabinet Secretary then, who ordered the Committee to interview the man, and he was given the job. These public institutions should be responsible enough. The people appointed to serve in those positions and given public funds should use them properly. They must always be accountable. It does not matter who you are. Once you are in a position where you are vested with the responsibility of managing public funds, you must be responsible enough or accountable for every cent that is given to that institution. Otherwise, they must face the music. Anyone who squanders public funds must account for it. I also encourage the Committee to come up with recommendations to put sanctions against people who condone corruption in state corporations.

I am worried about how public funds are being used in some public institutions, especially where an institution can take over 30 years to construct a building. I want to know how much money has been sunk into such a project.

With those remarks, I support.

Hon. Speaker: Hon. Francis Sigei.

Hon. Francis Sigei (Sotik, UDA): Thank you, Hon. Speaker, for giving me an opportunity to ventilate on this very important Report. I am a member of the Committee. At the outset, I want to thank our Chairman, who has presented the Report well. I commend him, particularly on how he interrogated the issues when we were in the Committee. The management team of one institution appeared before us last week. We are taking some serious legal actions. We almost arrested that person. However, we had to follow the law because

things in these institutions are going haywire. The public universities in this country are dying. The audit reports we have received on some public universities are terrible. I thank this Committee because we have moved forward. We have been going to the regional offices to interrogate these people. We went to Central Province, and the Vice-Chancellors and other leaders of those institutions could not report because they were not ready. We have many problems.

First of all, the audit of the institutions is very far behind. We want to ask the Government to assist this Committee so that it moves forward and makes some issues known. Ethnicity is like cancer. We saw that in many institutions, staff members, from the top management to the lowest cadre, come from one ethnic group. We must move forward and look at these issues. How can we have one Kenya when an institution employs one tribe? We, as a Committee, are very serious. We realized that the people leading these institutions—the Vice-chancellors and managers—are either incompetent or corrupt. We found this in the variations of the contract sums of building projects in those institutions. One institution had made a variation of Ksh146,000,000. We were shocked.

As a Committee, we will make serious recommendations. If this House implements them, our institutions will change in future.

One other thing which we also discussed and the Chairman has mentioned heavily is the funding of private universities. This Committee brought the issue out. The Government has taken action to stop funding private universities. We are sure that our public universities will enrol many students soon. Poor people can take their children there.

I also want to discuss the State Department for Public Works, a government institution. However, it is a problem. People are now seeking consultancy services because there is the issue of variation in the State Department for Public Works, where people are minting money from public institutions. I also want to talk about the land problems in some of these universities. Individuals have grabbed land which belongs to one of the institutions in Nairobi. We have serious Members of the Committee who have resolved to make those people uncomfortable wherever they are. We are going to have people taken to court.

With those remarks, I support the Report.

Hon. Speaker: Thank you, Hon. Sigei. Let us have Hon. Makali Mulu.

Hon. Dr Makali Mulu (Kitui Central, WDM): Thank you, Hon. Speaker. Let me join my colleagues in thanking the Hon. Wanami Wamboka-led Committee for this excellent Report. This is the first opposition-generated PIC-GE oversight report apart from the ones we have done on public debts and acclimatization.

Listening to the presentation of the Report by the Mover and the Seconder in terms of what they think as a Committee, the Committee has drawn very lenient recommendations. I wish what Hon. Francis Sigei said was captured in the Report. You want to act very tough, but the Report has lenient recommendations. This being a Report by an oversight Committee, we must start cracking the whip.

A look at some of the general observations on what is happening in these semi-autonomous government agencies, especially those in the education and governance sectors, reveals a case of public institutions undertaking what we call “social services activities” in the country. Education is more of a public good. We do not expect dividends from semi-autonomous public institutions at the end of the year because they are supporting social activities. However, we expect them to operate within the law. For example, we hear that all audited semi-autonomous institutions have poor accounting standards, yet this country has the best brains regarding the accounting profession. Secondly, accounting is one of the disciplines where things have been standardized. This can only be explained by two things. We have a situation where CEOs deliberately decided not to prepare the accounts or hired incompetent

people to do the job. On that note, I would have expected the Committee to come up with very clear recommendations saying that such CEOs are not worthy of being CEOs in this country.

Hon. Speaker, the other issue I would like to comment on is the delayed submission of accounting documents to the auditors by the management teams of these institutions. Interaction with officers from the Office of the Auditor-General leaves you with the impression that the legally allowed three months period for submission of documents by an accounting officer after the end of a financial year should be reduced to two months. I say so because the accountant units of these institutions keep on preparing their documents throughout the year. There is no good reason they require three months to consolidate their accounts. This is to allow the Auditor-General more time to prepare audit reports for public institutions.

This being the First Report of the Committee, we can understand. Afterward, reports from the Oversight Committees need to be very firm so that we send the right signal to accounting officers of public institutions who think they can play around with public resources, especially when this country is struggling to meet its basic requirements. This is when we must ensure that every single cent goes to the intended use.

Another issue I would like to comment on is private consultancies that do costings much more than actual project costs. Some of us, with a background in programme management, cannot understand why a consultancy becomes more expensive than the cost of the project itself. In this case, those involved should find their way into court or be investigated by the EACC or the DCI.

Finally, I would like to comment on the issue of skewed employment in favour of single-ethnic communities. This is a very common practice in this country. It is not surprising to find senior managers conducting meetings in their vernacular. Yet, we keep on saying that, as a country, we are 45 different ethnic groups, and the Constitution demands regional balancing in public employment. This House should be discussing such important issues so as not to appear to be toothless dogs. We have what it takes to remedy the situation. I was happy when the Whip of the Majority Party said he was ready to crack the whip so long as the Report recommends. It is our work as the Minority Party to make sure that we make appropriate recommendations.

We have a big role to play. I have always believed that these audit reports will be taken seriously the moment we tie these reports to the budgeting process such that if an accounting officer has audit queries, we make sure that the budget of his institution is reduced until he satisfactorily responds to those queries before we give them more money. If we do that, this House will become more effective in doing its work. That can only be done if we ensure proper timing. This Report covers the period up to the financial year 2020/2021. However, we have the 2021/2022 and 2022/2023 financial years and will soon have the 2023/2024 financial years. As you can see, we still have arrears of about two years. Suppose we want to tie budgeting with auditing. In that case, we must make sure that the audited reports are in this House promptly so that this House can make resolutions that can inform the budget process.

With those many remarks, I support the Report.

Hon. Speaker: Let us have Hon. Ruku GK.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. I rise to support this Report and congratulate Hon. Wamboka Wanami for a job well done through his Committee. University education is a key aspect of this country. Our nation spends a lot of money to fund the education sector at all levels. We have experienced senior members in the previous government trying to construct a public policy that favoured private individuals. That is an economic crime.

Rarely do we see economic crimes being prosecuted in our courts. We cannot channel taxpayers' money to private entities that do not share profits with the public. We have seen private universities get big amounts of money because there is serious collusion in the Ministry

of Education, where the owners of private universities in this country have pocketed senior officials. This should be said in broad daylight because the senior government officials who were pocketed, and private university owners, are known. That was not a good way of doing business using public money. You establish a private university and go to a government entity to get public money for your private business. This cannot be allowed to continue in our nation. If you do business using public money, your profits should also be remitted to the public. This has not happened; we condemn it in the strongest terms possible. Those in the Ministry of Education who have run down our higher education system should be called to appear before this Committee to explain why serious action should not be taken against them. The chairperson of the Committee should go further and recommend, with clarity, a meeting with the people engaged in these kinds of activities.

Our public universities are going down because we cannot finance them. Moi University, Egerton University, the University of Nairobi and many other public universities have been affected, yet we have money to channel to institutions owned by private people. This is a disgrace which should be condemned. The CEOs of our public entities should ensure that they add value to public money used in all industries and ensure that the common man benefits from government activities. I know that the Kenya Kwanza Government is not in the business of protecting anybody who is not toeing the line or failing to do justice to the public.

(The Hon. Speaker let the Chair)

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

I can see the Opposition in this House has seen the light. This is what they are supposed to be doing. Please, continue doing so, and we will support you even if we are on the other side of the House. This is because Kenyans should get value for money in government investments. I recommend that further investigations be conducted by the Committee so that we can have a concrete way forward and change this culture. This nation should change within ten years and become developed like many other countries in the world. We have condoned bad practices again and again. This has to stop. It is the work of that side of the House to raise the red flag.

With those remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): Next is Hon. Dr James Nyikal, but before he gets the microphone, I would like to recognise students of Ansam Pioneer Primary School from Bomet East Constituency, Bomet County; Holy Rosary Girls Ortum High School from Pokot South Constituency, West Pokot County; and Njuri High School from Chuka/Igamang'ombe Constituency, Tharaka Nithi County.

On my behalf and on behalf of the Speaker of the National Assembly, you are welcome to observe the proceeding in the House.

Hon. (Dr) James Nyikal, (Seme, ODM): Thank you, Temporary Speaker, for giving me this opportunity

The Temporary Speaker (Hon. Peter Kaluma): Order! Hon. Dorice Donya. I know the uniform of Tabaka school.

Hon. Dorice Donya (Kisii County, WDM): Can you see them wearing blue uniforms?

The Temporary Speaker (Hon. Peter Kaluma): I had not seen them.

Hon. Dorice Donya (Kisii County, WDM): They were shown in pink and blue uniforms on the screen.

The Temporary Speaker (Hon. Peter Kaluma): There is no problem. Are they behind me?

Hon. Dorice Donya (Kisii County, WDM): They are behind you; let me say something.

The Temporary Speaker (Hon. Peter Kaluma): I will recognise and welcome them to the House. Do not worry.

Hon. Dorice Donya (Kisii County, WDM): Can I say something before they go home? Let me do so because they are here. You know, a girl school...

The Temporary Speaker (Hon. Peter Kaluma): After I recognise them, you will speak. I know that is your school, and the girls want to see you seated where they will sit in future. Hon. (Dr) James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support this Report and start by appreciating the wisdom of splitting the PIC into three committees; one looking at the SAGAs under the Ministry of Education. I also take this opportunity to appreciate the work done by this Committee. For a long time, we have never discussed these SAGAs on the floor of the House. We do not seem to recognise how important they are. Look at these institutions; all our efforts in education will amount to nothing if we do not strengthen them.

Look at the KICD; it does not matter how much money we put into education if the curriculum development, implementation and monitoring are not properly done. Who can do this other than KICD? Look at the NACOSTI. We are putting much emphasis on STEM and Competency Based Curriculum (CBC). Without the research that NACOSTI is leading in, all these will be of no value. Without harnessing science and technology, we will not go anywhere, even with the new curriculum.

Looking at the CLE, Hon. Temporary Speaker, you are a lawyer. Without this Council, we cannot have advocates practising in this country as they should. Look at the TVETs; we are all emphasising the issue of TVETs, and this authority guides us on how to develop and relate them to our industries, yet we have never discussed this here. Look at the CUE. How will we have a university education when we say some universities are dying but never talk about CUE? It never comes before us, and even during the budget, you never hear much about it.

Hon. Temporary Speaker, look at the KUCCPS. We are through with the process of placing students in universities and colleges. It has brought out many problems on how to place students in which institutions. This is a fundamental institution. Look at the KNEC. We should support it and ensure that it can do oversight and give credible results. Look at what happened before the Fred Matiang'i and Magoha process. This tells us that many students assumed to have passed with grade As got fake grades. With that realisation, when they streamlined, the number of students who qualified for university education decreased until we had to reduce colleges. That is why we started private colleges, which are now competing because we are getting the correct students for the correct number of colleges.

Look at the HELB. We have all been saying that we are spending more money in private universities instead of public universities. This came about because we had fake results from students but the correct number of universities. Now, with adequately tested students, they are fewer. So, there is competition between public and private universities. We have to allocate more money to public universities. These institutions are extremely important. Look at university enterprises like UNES. Universities must be able to take part in some commercial activities as part of their training, and if they cannot do that, we have to support them. I have only mentioned about 10 but they are actually 23. Before the Public Investments Committee (PIC) was divided into three, we never heard about them. Even when vetting people, we never hear their names coming here for vetting. Maybe they come but we do not show interest and yet they are key in our education development and the economy of the country.

If you look at these institutions and the report we are getting about them, you will find that there are poor accounting standards and we are told that sometimes when the Committee

went there, they were not able to report, which means these people have not been supervised before. We are told that most of their institutions are just one ethnic group depending on where they are. If there is no proper oversight, the Chief Executive Officers (CEOs) will employ people around and see it as an entity which they can use. We are told that the accounting officers are ignorant of the Public Finance Management Act. How can we have such important institutions run by people who are ignorant, and how did they get those jobs? We have not put emphasis on these institutions. The Committee has recommended training but I think we should also look at the process of recruiting these officers. We are told they are not even sure whether they are compliant with PFM timelines and when to do accounting reports. This speaks volumes about the institutions we have.

If you look at what comes out, to an extent, we have neglected these institutions. This Committee has done a good job. We are told there are stalled projects in the Kenya National Examinations Council (KNEC) and Kenya Institute of Curriculum Development (KICD). We are talking about years when projects have not been completed and a lot of money has been lost but every year we had the Public Investments Committee giving reports. How come these were not coming to us? Every year we have a budget process. How come these stalled projects were not picked in the budget process? We have the Public Accounts Committee. How come these stalled projects were not picked by these Committees? To some extent, we have let these institutions down and if we do that, then all the money we are spending on education is being wasted.

These are the institutions that support the education system. There are two main issues in my view. We have not overseen them properly and I can also understand the parent ministry. These are important Semi-Autonomous Government Agencies (SAGAs). They are too many — more than 25. I appreciate that the Ministry of Education was maybe overburdened but now splitting the Committee has brought this matter to the fore and we can therefore look at it. Poor funding was a sign of ignorance. Poor human resource is a serious management issue and very many of them are in one ministry.

For now, I think the Report is a bit lenient. It has brought issues, to a large extent, that will not be accounting officers, but the overall oversight capacity even us as Parliament and the ministry. I know Hon. Melly in the Departmental Committee on Education and Research is a very capable person and I think he supports these SAGAs so that they can deliver what we need for this country.

With that, I support this Report.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker, for this opportunity. First and foremost, I want to thank the Committee because it has done basically these audit reports for 23 institutions. I am reliably informed that it has done 96 institutions. The 23 are the first; the rest are coming and they will be tabling these reports. That shows excellent job and good oversight because this is one of the oversight Committees of the House. These reports are for three years and I know we need to fast-track to the last financial year. I am sure this Committee is up to the task.

I also want to thank Parliament for its wisdom of splitting PIC into three because if you look at the workload, it means when this work was being done by one committee, it was not possible to do justice to all the reports and present them on time. So, splitting the Committee into three has made Parliament more efficient and that is commendable. The main issue here and the main observation made by the Committee is that there seem to be elements of corruption. Corruption is one of the songs we have sung for the longest period. Corruption cost lives of Members of Parliament in this House years ago just after Independence. There are those who do not want to hear people talk about corruption because some strongly benefit out of corrupt practices. There are four main issues that have come up.

The first one is that when you hear some of those auditors in these institutions delay responding to audit queries raised, it means those individuals are taking time to cook figures. That is one of the very telling signs of people who are changing figures so that they can pass the audit. We must follow the law and any time an audit query is raised, it must be answered quickly.

We also want to caution the Auditor-General not to rush to publicise and print out the audit queries because every time there is an audit query, there is always an answer. She should be waiting until she gets the responses to the queries before presenting the responses and where they are unable to defend themselves, then that is what goes out there.

The second issue is about ethnicity. This seems to be a major problem. It is not just in these State corporations but also at the national level. Inclusivity, which is one of the issues we, as Azimio, are raising when we have talks with our counterparts, is one of the values and principles of Article 10 of our Constitution which says that every ethnic group must be involved in governance of this nation. If you find an institution where people operating at the top leadership are from one ethnic community in this country, that obviously smacks of corruption, nepotism, and it is against the Constitution of the Republic of Kenya. None other than the Deputy President himself told us that Kenya is a company limited by shares and that only guys that voted for Kenya Kwanza would benefit from the largesse of Government. That refers to development and employment opportunities. That is why we have a problem because we always get leadership that believes that when you win an election, then you have to benefit only your people and not the whole country. We must find a way to unite this country.

The other issue is that of prolonged projects, that is, projects taking forever.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is not in order Hon. Owen Baya?

Hon. Owen Baya (Kilifi North, UDA): It is not in my place to stop my counterpart on the Minority side but when he makes statements that are a figment of his imagination and not factual, we need to stop him in his tracks. The Deputy President was very clear about what he said and he has clarified it many times. As long as you are a Kenyan, you are a shareholder in this country. All and sundry, you are entitled to the benefits of the Government. Therefore, to say things about the Deputy President and shares... You did not properly hear what he said. As a Kenyan, you are a shareholder in this Government. You have an opportunity to benefit.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): In fact, it was a point of information and correction. Hon. Mbui, proceed. Do not contradict your counterpart.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Temporary Speaker. I will not go on to put words in the Deputy President's mouth because we all heard when he spoke.

The third issue is on projects taking forever to conclude. Now, several things occur. I hear the Kenya National Examination Council's building has taken 37 years. Several things will happen. One, penalties are constantly charged for delays if it takes too long. Obviously, it means the price is many times over by the time this project is finished. The other issue is that a project managed in this manner will be relaunched like six times under the current regime. I have realised that we can relaunch a project over and over again when it takes too long. I propose that the Kenya Kwanza Government relaunched the project that has taken 37 years. Hopefully, maybe it can be completed this time because it has taken forever. It has taken too many years.

Let me say that it is not just with the KNEC. We have also seen the Bunge Tower under the Parliamentary Service Commission (PSC). This building started ages ago. Members of Parliament are still squeezing in another House. We need to ensure that we finish a project when we start it. I think we have an opportunity to make some changes in law. The Public Procurement and Asset Disposal Act is very clear that you need to have money to complete

contracts you give. The lacuna is that, even under the National Government Constituencies Development Fund (NG-CDF), we give contracts that give parts of projects then you have money available for that part only.

We must find a way to ring-fence money so that for any contract given, there must be money that should be pumped into the department or ministry for the number of years required for the process to be continuously done until completion. Every time we do this, Kenyans do not get value for money. But, as a project stalls and it is incomplete after 37 years, some people make billions out of them. There are consultants, contractors and banks. This is one of the things we need to address in a sober manner.

Hon. Temporary Speaker, land that is not secured is also a major problem in the education sector. It is very unfortunate because this is one of the areas where land grabbers will take advantage. We had cases of land to do with a learning institution in Ruaraka during the last Parliament. We also had another case of individuals attempting to grab land from a primary school in Lang'ata. In fact, children of Lang'ata Primary School were beaten and tear-gassed. It is just as we are tear-gassed every day when we follow the Constitution. Sometimes I ask myself why we do not get to the bottom of issues when mistakes occur so that they do not recur. If I ask anyone here what happened to perpetrators of violence against the children of Lang'ata Primary School, because someone was attempting to grab the land children used as a playing field, no one will give you an answer. We must get to the bottom of issues and get solutions every time we, as a House, have an opportunity.

Finally, I just want to say that the taxpayer pays the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and the Office of the Director of Public Prosecutions (ODPP). They are independent institutions. They have a mandate clearly spelt out in the Constitution of the Republic of Kenya. It is very unfortunate that, every time we follow up on these institutions, some of them believe that they have to answer to other offices. That is why, immediately after the last election, you saw criminal, civil or corruption cases dropped for individuals because of holding public offices. As a country, we must call a spade a spade. It does not matter which side of the political divide we are. I believe Kenya is bigger than all of us. We must correct the ills of this country. Every time we get opportunity as Members of Parliament, irrespective of whether you are on the side of Government or the Opposition, all of us have a mandate. We were elected to ensure that we oversee this Government, represent our people and make laws for posterity.

Hon. Temporary Speaker, I support the Report. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Robert Mbui. Before I call the next speaker, let me recognise and welcome the following institutions to Parliament: St. Mary's Tabaka Girls Primary School from South Mugirango Constituency in Kisii County; the Pilgrims Progressive School from Mavoko Constituency in Machakos County; and Njuri High School from Chuka/Igambang'ombe Constituency in Tharaka Nithi County.

Hon. Dorice Donya, I give you a minute to welcome all those institutions to the House of Parliament before we proceed.

Hon. Dorice Donya (Kisii, WDM): Thank you, Hon. Temporary Speaker.

Indeed, I am so excited for our daughters and sons who are here. More specifically, I come from Kisii County. I have seen Tabaka Girls Primary School. What about this visit? Learners learn things that will stay with them for the rest of their lives. When you come to Nairobi for the first time, if you can remember, it is something that you never forget. Tabaka Girls Primary School fraternity and our other pupils and students on board, please, learn that you will also be Members of Parliament. Enjoy the stay. It is true when they tell you that you are our future leaders. That is why you should aim higher. Tabaka Girls Primary School pupils, I will meet you before you travel back to Kisii. I know we will interact more. I am just excited, Hon. Temporary Speaker. You can see how free I am.

They will learn more due to the fact that we are discussing institutions because this is also happening there. Like now, they believe that the Government will pay their school fees when they go to university. You have seen what is going round, that one has to pay up to Ksh350,000. We must do something as leaders because most of our learners will drop out of schools because of the exorbitant bills that they will be asked to pay.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Dorice Donya. I know, given a chance, you would have spoken the entire afternoon. It is because of your excitement on matters education. The students are welcome to the House of Parliament, particularly the National Assembly.

Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. Let me thank Hon. Wamboka and his Committee for this Report. To start with, the purpose or work of the National Assembly under Article 95(3) is oversight. This is just the beginning, particularly for you in the Opposition. It is to oversee the Government. I really thank you for that.

The statutes that establish State corporations like the State Corporations Act Cap 446 and the Companies Act Cap 486 are very clear. For that reason, there is no ambiguity in how State corporations should function under the laws of Kenya. Kenya has over 360 State corporations, whether they are financial institutions, universities, training and research bodies, service institutions, regional development authorities or tertiary education and training. All those are different categories. What must come to light and we need to take cognisance of as Members of this august House, is the purpose of a State corporation once it is established. The statutes clearly say that it is to conduct lawful, ethical, profitable and sustainable business to create value over the long-term.

What this Committee must be telling us about their various excursions and visits to different State corporations is if they are staying on that red line and their mandate. When we look at State corporations, the Kenya Airways is an example. For many years, Kenya Airways was profitable, robust and the face of air travel in Africa, but over the last one decade, it has been on a deathbed. We have been supporting it through the National Treasury. For the last two Parliaments, in which I served, we funded Kenya Airways. What this Committee must do is to extend its tentacles to find out the money guzzlers that are eating from the National Treasury. For all intent and purpose, State corporations should make their money, employ the right number of people and by extension provide competitive services so that Kenyan consumers are not unfairly disadvantaged or exploited.

Hon. Temporary Speaker, the word cash-cow came about when we started talking about State corporations. Today, everybody in the Civil Service looks forward to working in a State corporation. They pay more money, they pay allowances, and you can travel around the world, but at the end of the day you remain a civil servant. Another person, a worker in the field in the Kenya Civil Service feels disadvantaged because those in State corporations enjoy state largesse at the expense of the Kenyan taxpayer. For that reason, when we ask if there is value for money in a particular State corporation, we are asking if they are able to meet their basic needs without resorting to public coffers. The majority of them, maybe 300 or 330, basically depend on State coffers. Are there State corporations that should be wound up? Why would a State corporation established for 200 personnel or human capital be manned by 30 or 20, or 10 people? It simply means that it is not serving the purpose for which it was formed in the first place.

Members who spoke before me talked about the face of Kenya. Within the State corporations there is somebody called the Inspector-General. What this House must mandate that individual to do annually or bi-annually is to report to this House when a particular State

corporation is employing so that the fairness that the speakers before me talked about is actualised.

Finally, all State corporations have a chairman and a board of management. These individuals are employed, and whenever they sit, they earn some allowances or salaries. These individuals must earn their rightful place in ensuring that the Kenyan taxpayer is guarded against exploitation and wastage.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you Hon. Dido Raso. Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. At the outset, allow me to appreciate the Report by the Public Investments Committee on Governance and Education. I as well appreciate my colleague, the Hon. Member for Bumula, the Chairperson, for delivering such a strong Report on the Floor of the House. I also want to compliment the Committee for being the first Public Investments Committee to lay a Report on the Floor of the House especially during this 13th Parliament.

I will emphasise on a few issues which basically touch on lawfulness and effectiveness on how the Report has been delivered. Deep inside this Report, there are two or three issues which caught my eye. On the issue of lack of staff or staff establishment, why would an organisation say that it does not have staff? Staff are crucial in the delivery of what is lawful to that organisation.

Let me single out the Kenya National Innovation Agency. This Report says that the Agency has shortage of staff. What kind of innovation shall we be looking forward to seeing from this organisation when it is not up to standard to deliver its own mandate? Hon. Temporary Speaker, this is just but a simple way of how organisations withhold executing their mandate. Instead they want to buy time by suggesting that they do not have the requisite staff establishment. So, they are unable to deliver on their mandate on time when they are called upon to do so. I appreciate and thank the Committee for singling out such corporations. The problem cuts across. Whatever report you look at, it talks about shortage of staff and movement of staff from a ministry to an agency on secondment. The seconded staff assume two roles yet Kenyans are in search of jobs. Why should somebody be seconded from a ministry to a corporation? Why can he not go back and do his original duty? Secondment kills job opportunities for our youth. We need to stand and stamp our authority and stop secondment.

Hon. Temporary Speaker, in this Report, the Committee has brought out issues of budgetary control and performance. How can an organisation not do simple accounting of matching purchase orders and payment vouchers? Anyone who has been in an accounting class should be able to match purchase orders to payment vouchers. How about a whole State corporation headed by a chief executive officer where an auditor is unable to match a purchase order to a payment voucher? This is shameful. We must call this organisation to order.

In this Report, the organisation that we are talking about is a serious one and as a pioneer institution, it should lead by example. The University of Nairobi Enterprises and Services Limited's books of accounts have not been matched. The books of accounts were being drawn manually. What a shame! It is a unit in a pioneer institution, the University of Nairobi. The University of Nairobi is a pioneer in the teaching of the Bachelor of Commerce, famously known as B Com.

The Committee has also identified cross-cutting issues in various departments that have to do with the Public Procurement and Assets Disposal Act of 2015. There is an organisation that has been pointed out in this Report that had no reports when they were asked for. We all know that Hon. Sakaja, in this Parliament, moved a Bill which we are all proud of and was passed and now is the Public Procurement and Assets Disposal Act of 2015 that prescribes that

the youth, women and persons living with disabilities should be given positions. They should be given positions whenever we are having procurement.

In this Report, it has been cited that the National Council for Nomadic Education (NACONEK) was unable to speak to the number of jobs given to youths, women and persons living with disabilities when it was called upon to do so. Instead, in their response which is in this Report, NACONEK said that they are now training staff on how to do public procurement and disposal. What a shame! Does this organisation deserve to exist yet it is serving very key people in the vulnerable community? This means that the Chief Executive Officer will simply play around with the persons he is serving. The way the Committee has brought it out, this Report is very good. We need to put the nail where it is supposed to be and call to order these organisations that are misbehaving in terms of management.

Cost is a factor in this Report cutting from the Constitution. In the Constitution, Articles 220 read all through to 229, establish various organs and how money matters are dealt with in terms of book keeping, how to get and manage budgets. Article 229 of the Constitution empowers the Auditor-General to be the sole authority to report how various organisations are running their affairs. If costing of various consultancies is an issue and it is picked up in the audit report... Through other Committees that I chair, you will find that it has a similarity with the Report that Hon. Wamboka has brought to us; cost of consulting in terms of what is in books is much higher than the cost of project. I am doing a report that is due to be tabled in this House, and in one area the cost of a project of about Ksh600 million is costing Ksh1.2 billion. It is similar with what this Committee has found out. That is the position.

In this Report, there is the issue of unsecured or untitled land holdings. Why are you putting up your infrastructure on land that does not belong to you? What will happen if the owner comes and says that he wants the land to revert to him? This means that the entire property that the Government has built on that land goes to waste because the property returns to the owner. I am happy with the recommendations by the Committee to really push various entities to get title deeds and move on in a proper manner.

There are also issues on constructions. We have noted that the Committee has singled out very expensive and long-term projects. As my colleagues have mentioned, we have the issue of Mitihani House. When we came to this House, we tried to fund Mitihani House but the funds were rejected because there were no structures on how to proceed. These issues are very welcome and I want to commend my colleague, Hon. Wamboka. You have done a good job.

Whereas we oversee various organisations through such reports, we should make sure that Parliament is not part of these reports when the Public Accounts Committee will be bringing the report on the Bunge Tower. We hope that the management of Parliament can ensure that the Bunge Tower starts working very soon so that we are not part of the bad books in Public Accounts Committees.

Thank you. I support this Report by the Public Investments Committee on Education and Governance.

The Temporary Speaker (Hon. Peter Kaluma): Before we proceed with the Motion, let me recognise the following institutions both in the Speaker's and Public Galleries. In the Speaker's Gallery, we have St. Joseph High School Kitale, from Saboti Constituency, Trans Nzoia County. In the Public Gallery, we have Menengai Primary School from Nakuru East Constituency in Nakuru County.

I am told there are various youth leaders from across the country also in the Speaker's Gallery to observe the proceedings.

On behalf of the Speaker of the National Assembly, Hon. Moses Wetang'ula, you are welcome to observe the proceedings.

(Hon. Babu Owino spoke off record)

Hon. Babu Owino must speak, but he will only speak after Hon. Lilian Siyoi has welcomed students from Trans Nzoia and all students to the House of Parliament.

Hon. Lilian.

Hon. Lilian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Temporary Speaker, for granting me this chance to welcome my students from Trans Nzoia County.

This is one of the most performing schools in Trans Nzoia County. My message to our boys is that we were once sitting there and today we are here. I know that you will be sitting here tomorrow. Amongst them, we have all kinds of professions. I believe that these are the future leaders of this country. Let nothing come in between you. Let the sky be your limit. To all students, keep on working hard and work smart.

Thank you so much.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Hon. Ferdinand Wanyonyi will not forgive me if he never welcomed the students to the House on behalf of the male gender.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes, Hon. Temporary Speaker. I also want to take this opportunity to welcome St Joseph's High School students here. On my own behalf and that of the people of Trans Nzoia, *nasema karibu*. Work hard. The sky is the limit. Tomorrow, you might be Members of Parliament from Trans Nzoia. Please work hard and I wish you well.

Thank you so much.

The Temporary Speaker (Hon. Peter Kaluma): Lastly, Hon. Dr Babu Owino to maybe welcome the youth leadership from across the country in the House.

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Temporary Speaker. I would like to, first, take this opportunity to, at least, welcome students who are here. They might not forgive me, having been the longest serving student leader on earth from the University of Nairobi. I want to tell the students from Trans Nzoia that you are the best among the rest. Your Hon. Members have done the best job to ensure that you come to Parliament. I would like to congratulate the Trans Nzoia Woman Representative, Hon. Wanyonyi and Hon. Caleb Amisi for the great job they have done.

To our students, you should know that where we are is where you belong. Among you, we have doctors, engineers, teachers, Members of Parliament, and leaders in different professions in this country. You should know that in the next few years, you will be somebody in life. It does not matter where you come from. All these Members of Parliament you are seeing here, including the Hon. Temporary Speaker who is sitting there, came from a very humble background. From a very sorry background. You should know that with determination, you will make it. As your Members of Parliament, we will ensure we hold your hands so that you reach the highest level of education in this country.

From high school, you must ensure that you go to university. That is where comrade power is. From the university, ensure you get a degree certificate. If you are a man, ensure you get a wife from the university. If you are a lady, ensure you get a man from the university, because the intellectual capacity of the babies you will sire will be at optimum.

Hon. Temporary Speaker, now to the youth leaders who are here...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Babu, I gave you only one minute; please conclude.

Hon. Babu Owino (Embakasi East, ODM): To the youth leaders here, we are all comrades. I know that in 2027 some of you will be in Parliament and occupying various positions in the Government. Let us continue the fight. We will always fight for your inherent

and inalienable rights. I see Ms. Tabitha who is one of the most active youth leaders in the country. *Tunakupenda sana. Asanteni sana* youth leaders. May God bless you all.

The Temporary Speaker (Hon. Peter Kaluma): I know all the youthful Members of Parliament want to speak but we have a way of doing things in Parliament. I request that we go back to the main business on the Floor.

Hon. Samuel Atandi, you may proceed.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to the Motion on the Floor. Before that, allow me to join my colleague Hon. Babu Owino in welcoming the youth leaders who have come to Parliament today. Ms. Tabitha is one of our strong young women leaders in this country. She is here together with her colleagues. Welcome to Parliament. I see her joining us in the next Parliament.

Back to the Motion, I support this Motion as ably tabled by the Chairperson, Hon. Wamboka. Hon. Wamboka is a first-time Member of Parliament who chairs a very important Committee of this House, that is, the Public Investments Committee on Governance and Education. What his Committee has done is a testament that this House has talent, competence and diversity. It does not matter whether one is a first-timer or a fourth-term Member. All Members are capable of giving us the results that we want as a House. I thank Hon. Wamboka for demonstrating that being a first-time Member of Parliament is not inability.

This Report is comprehensive and educative. The Report lists several Government agencies which I did not know existed before this Report was tabled here. I was not aware of agencies like the JKUAT Noodles Limited, the National Council for Science Technology and Innovation (NACOSTI), and many more. These agencies are too many and one wonders why they should not be amalgamated. For instance, the NACOSTI and CEMASTEIA should be merged. The first thing we should do as a House is to amalgamate all these agencies.

Secondly, the Report has information about agencies that have not completed their development programmes, especially construction projects. An example in this Report is the KNEC which has been constructing a project for more than 37 years. Since I joined this Parliament, and as a Member of the Budget and Appropriations Committee (BAC), we have been appropriating resources for this infrastructure. Now that Hon. Owen has been defending the Government against this Report, I ask him to ask the President to revive the stalled projects. I have seen the President reviving and recommissioning projects commissioned by Hon. Uhuru Kenyatta in the Mount Kenya Region. He should come back to Nairobi and revive these projects too. We have allocated resources to these projects and they are never completed yet the Government is aware of this. We want to see the President do that from next week.

Consultancy is one of the avenues of corruption in Government. Ministries such as the National Treasury...

Hon. Owen Baya (Kilifi North, UDA): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Owen Baya?

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I want to assure Hon. Atandi that the President is keen to revive all projects. Hon. Atandi will be here to ensure that all the projects that are given resources are started and completed on time. I assure him that we will do that. We love it when you ask us to do our job because that is the role of the Opposition. We thank you for doing your job well.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya, that was a point of information forcibly imposed on Hon. Atandi.

Hon. Atandi, you may proceed.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, on the issue of consultancy in Government, every year, there is a humongous allocation for consultancies.

The information I have is that consultations have been revived now. What was consulted in the last financial year is being requested again this year, at the same fee. The consultants are the same; they just mark and copy the reports year in, year out. Consultancy is now a basis for swindling public resources. We need to investigate this. We realised that corruption in consultancy is budgeted for. I know of briefcase consultants who are always on Twitter. They support the Government on Twitter. They campaign for the Government on these social media platforms. They defect every morning. One day they are in support of the Government, the next day they are on the Opposition side. If they are invited for these consultancies, they then turn to the Government's side. There is no value they add to the taxpayers. This House must be very vigilant.

On national inclusivity, the Civil Service and the public sector are being run in a way that this House should not support. We cannot have a State Department where 90 per cent of employees come from one ethnic community. The best example is the Executive. We have one of the worst executives. The current Executive is ethnically and intellectually imbalanced. There are very few intellectuals in the Cabinet. If most of them were to be judged or rated against competent Kenyans, they would not even rate halfway.

The ethnic and intellectual capacity imbalance is wanting. We cannot be told that the Government will do something about this. They cannot do anything because the fish rots from the head. When a Cabinet is constituted and it is rotten, it will trickle down to the small agencies in Government. I do not know what the House can do about this because every time such a Motion is brought here, even Members of Parliament regroup and look at each other in terms of tribes. In the end, it is Kenyan people that suffer. If this matter is raised here, Members from the Mount Kenya or from Coast regions will strongly defend their people. This is why the country is hurting. The question of regional and ethnic diversity is explained well in the Constitution. It is high time that this House became very tough and insists that this diversity should be reflected in public offices.

Oversight is an important function of this House. This country is failing because we are not doing proper oversight. If we continue with the pace that Hon. Wamboka has set of presenting sharp-cutting reports like this one, we will influence other oversight committees to do the same. In the end, we will help this country in addressing the gaps such as weak systems and corruption in Government agencies among others as highlighted in this Report.

Thank you, Hon. Temporary Speaker. I support the Report.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Atandi. Let us have Hon. Cecilia Ngitit, and then Hon. Mary Emaase in that order.

Hon. Cecilia A. Ngitit (Turkana County, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance to add my voice to this Report. I thank the Committee for bringing this comprehensive and candid Report to the House. I congratulate the Chairperson and the entire Committee.

We all agree that our role as legislators is the same, irrespective of which divide of the House we come from. Oversight is a basic role for all of us, whether we are in Government or in the Opposition. When such an oversight Report is tabled before us, it is our role as legislators to pick out issues that speak to Kenyans.

I support this Report, which has mentioned the evils that are bedevilling Kenyans. One of the evils that has caught my attention is ethnicity. It is true and it is in the public domain that the absence of some tribes in Government institutions is very questionable. If you conducted a head count, you will find that some tribes are missing in Government institutions. A tribe like Turkana has never had a Chief Executive Officer (CEO) in a Government institution. That speaks to the fact that regional balancing is a dream yet to be realised in this country. It is not like there are no educated people from that community. Most communities have taken their children to school and they are qualified for those positions.

The other evil that is eating up our country is corruption. As well put in the Report, corruption is taking our country to the dogs, especially in terms of contracts and job opportunities. You find that every time there is a tender notice, money exchanges hands, and we end up giving contracts to quack contractors, which results in poor construction. We will not get value for money.

The other evil that has been pointed out in the Report is the behaviour of CEOs, who are the accounting officers. I want to tell CEOs of this country that when they are in office, they should not imagine that they are representing their villages, tribes, or whoever irregularly put them in that position. They should know that they are CEOs of public institutions, and that they are answerable to all Kenyans in all corners of this country.

The Report goes ahead to mention stalled projects by some Government institutions. Either there are no institutions in Northern Kenya, or there are fewer institutions than in other places. Just as Hon. Atandi is learning about some agencies that he has never heard about, as the County MP for Turkana, there are institutions that I did not know exist in this country. Some are supposed to be on the ground. When you look at their job description and the activities that they are supposed to be doing, you realise that they are supposed to be at the border between Kenya and Ethiopia in some village in Turkana, but they are not there.

The recommendations in the Report are very friendly, yet the Report is weighty. The recommendations are not commensurate with the evils that have been mentioned therein. I want to appeal to this oversight Committee to re-look at the recommendations, so that they are commensurate with the evils that Government institutions are subjecting our people to. As Members of Parliament from the Government side, we want to make it clear that when it comes to oversight, there is nothing like “government”. If my people had not elected me to this House, the Government would not know who I am.

I want to assure Members in oversight committees that they have our full support. We will support them when they point out an evil that is being perpetuated by the Government. Our prime reason for being here is to ensure that every Kenyan gets what they are entitled to. Every Kenyan should get services as enshrined in the Constitution.

I applaud this Committee. They have done a tremendous job. From the remarks by Hon. Atandi, the Chairperson of the Committee is a first time Member like us. That should signal to the powers that be that it is not about being a first term Member; it is about the intellectual capacity of the Member.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Cecilia Ngitit is always on point. Hon. Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary speaker, for this opportunity. I join my colleagues in adding my voice to the debate. From the outset, I commend the Chairperson of the Public Investments Committee on Governance and Education, Hon. Wanami Wamboka, for this very good Report before us.

One of our key roles as Members of Parliament is oversight. One of the means by which we perform our oversight role is through reports of the Auditor-General. That is why I keep saying that the Office of the Controller of Budget and that of the Auditor-General must be properly resourced, so that they have the capacity and sufficient resources to procure enough staff to provide us with timely reports. Timely reports are very important because through them, we can see the serious concerns that have been raised that would enable Members of Parliament to undertake their oversight role.

Having said that, I want to go to the substantive issues that have been raised in this Report. One of them is untitled public land, which has been encroached on. This does not only

cut across the SAGAs that have been mentioned in this Report. If you look at a number of schools and many other institutions, you will find that there is a lot of public land that has not yet been titled. We usually hear the Ministry of Lands, Housing, and Urban Development issuing title deeds to various communities across the country. They should also prioritise public land for Government institutions and schools so that it is titled.

One of the purposes of this audit is for SAGAs to enhance their productivity and improve their operations. The audit uncovers some limitations and challenges, which enables those institutions to improve and, therefore, enhance and improve service delivery to Kenyans.

The Report also raises a concern about projects that have become white elephants. There are incomplete projects that have been in progress for more than 35 years. That means that Kenyans do not get value for money. The benefits which were intended to be derived from the complete implementation of those projects are, therefore, lost. I urge SAGAs to borrow from the NG-CDF, which has a policy that before we budget for any other project, we must complete ongoing projects. We should have a policy or legislation which transcends any leadership transition because projects have to be completed, so that they do not become a cash cow or white elephant.

Having said that I echo the concern that most SAGAs have failed to adhere to gender, ethnicity, and regional balance, and other considerations in staffing. This is one of the areas of contention among most Kenyans, especially the marginalised communities like the Iteso where I come from. You will not find a Teso in many public offices in Kenya. Some communities are agitated by their own counties because of marginalisation. There is no equity in distribution of jobs in this country. In some SAGAs, you will only find two or three communities depending on who is in leadership or who the CEO is. I add my voice to the rest of the Members who have said that there is need for equity. These SAGAs must comply with the recommendations of the Committee AND adhere to the provisions of the Constitution and the PFM Act in administering the resources that are budgeted for on behalf of the people of Kenya. I thank the Committee for this commendable job.

We must continue to support the Office of the Controller of Budget and the Auditor-General so that they can give us reports like this. That way we can follow up, take action and make recommendations so as to ensure that there is value for money for the people of Kenya.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. John Waluke, Member for Sirisia.

Hon. John Koyi (Sirisia, JP): Thank you very much, Hon. Temporary Speaker. I also join my colleagues in contributing to this Motion. First, I thank the Chairperson and the entire membership of the Committee because they have done a marvellous job. I applaud the initiative of the leadership of this House, under the stewardship of the Speaker, for dividing the PIC into three. It has made Parliament's work very efficient. We should emulate the same with other Committees that have a heavy workload.

As the Chairperson of the Committee has elaborated, it is true that there is misuse of public funds in many institutions. The worst institution in this country in terms of misuse of resources is the State Department for Public Works. This is an institution that can consume all allocated funds but still have incomplete projects. For many years, many projects have stalled just because there is no money. The government allocates money but the consultants and contractors consume all the money before completion of the projects. Nobody cares about the incomplete works. This is something that should come out clearly. Investigative agencies in this country, including EACC and the DCI, should look into this matter. How is it possible that a project can take 30 years yet money is allocated every financial year? Why does a project start and remain incomplete 35 years later? It has been proven that it is because of poor management of the institution.

At some point, I was a member of the Committee on Implementation and I witnessed some of these things. Once we have debated and passed this Report, the Committee on Implementation should take the initiative to ensure that what we have passed is implemented. The Committee is letting Kenyans down. Kenyans need to have value for their money because they pay taxes. Currently, it is hard to get money; Kenyans are hard hit. The projects we are talking about that are incomplete 35 years later, may be partly our fault. Since it is this House that allocates the money, we also take the blame. For example, we have been allocating money to Kenya Airways (KQ) every year. We keep allocating between Ksh20 and Ksh50 billion, which is syphoned by some people. Even this year, we have allocated money to KQ. We need to check into this issue so that our work in the House is perfect. We should avoid situations where the public talks ill about us because we misdirect money to some institutions that do not utilise resources well. I support this Report by the Committee as authored under the Chairmanship of Hon. Jack Wamboka. They have done a good job.

As Members, we need to seriously talk about the issue of tribalism in this country because we are the representatives of the people. Additionally, the issue of gender is also very important. Many women in this country can manage our finances properly more than men. In most administrative areas where they have been, they are not as crude as men. Men can just decide to embezzle funds but a woman will not. And even if she decides to steal, she will take very little. But a man can steal billions of shillings and will not care. As a House, we need to make sure that women of this country are placed in good positions so that they manage the resources of this country.

Thank you, Hon. Temporary Speaker. I support.

(Applause)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Catherine Omanyo, Member for Busia County.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker. I thank the Committee for this Report. The Report has intensively and extensively looked at every sphere of our nation to see where loopholes are. It has also awakened me to start monitoring how every institution in Kenya, whether private or public, is run. I have looked at the recommendation that says that every institution must be ethnically balanced. We have been wasted by nepotism in this nation. When I look at taxpayers, I do not see Azimio, Kenya Kwanza or all those affiliations. Taxpayers are Kenyans. Every dime that is collected for development in our nation should be accounted for and serve every Kenyan in a non-partisan way. Every Kenyan must experience development. A lot of mishaps that have happened in Kenya happened because most of us in authority have been quiet about the cancer of tribalism. When we allow that, it means that many people who could have served our country well are alienated.

As a result, we get dissatisfactory solutions or decisions in boardrooms and places where real professionals can help prevent our country from being on the brink. We also get undervalued and overlooked by people who fill the offices but have nothing to offer. Most of them are given these positions because they are acquainted with somebody in power. In the end, many people in high-ranking offices abuse their authority.

If I am a Luhya and majority of the people who are employed in that office are Luhya, they cannot question and demand answers on why things are not going the way they expect them to. For instance, we had Vision 2030, but we do not know if it is still on. If I decide to steal and I employed them, they cannot question me. This Report is beautiful. The Committee has not saved or protected anybody. It was literally looking into how to make it better for all of us.

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Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Catherine Omanyu. Hon. Paul Biego, Member for Chemusei Constituency. Did I say Chemusei or Chesumei?

Hon. Paul Biego (Chesumei, UDA): Chesumei.

The Temporary Speaker (Hon. Peter Kaluma): It should be Member for Chesumei Constituency.

Hon. Paul Biego (Chesumei, UDA): Thank you, Hon. Temporary Speaker. I do not know where you got the other name. It should be Chesumei Constituency.

The Temporary Speaker (Hon. Peter Kaluma): I apologise.

Hon. Paul Biego (Chesumei, UDA): Thank you. Hon. Temporary Speaker, I rise to support the Report of the Public Investments Committee on Governance and Education.

I am very proud because this Committee is headed by a Chairperson who is a first-timer. I am very proud of Hon. Jack Wamboka because he has spoken and shown the whole world that if first-term Members are given opportunities to be Chairpersons, they can perform well. I thank you, and Hon. Speaker and all those who split the Public Investments Committee into three. By doing so, we now have a serious, comprehensive and good Report that we are debating on.

I read this Report. The Committee is fighting non-compliance with law by accounting officers. I urge all of them to follow the Public Finance Management Act. Many of them need to provide supporting documents when they are needed. They should also give proper explanations and documents to the Auditor-General, whom we believe in, to make our work simpler. I congratulate her for doing a good job. Without her office, we cannot know the nitty-gritty that takes place in parastatals, companies and other entities. I congratulate her office.

The accounting officers need to devise strategies, so that our Kenya Kwanza Manifesto on collection of revenue is realised. They need to raise revenue and cut costs in various enterprises and firms. Management of various bodies should avail comprehensive business plans, to ensure that wastages in parastatals and other Government bodies are minimised. Those who are caught flouting the rules should meet the full force of law. This will ensure that we have zero tolerance on non-compliance with the Constitution.

I give credit to the Committee. The Special Funds Accounts Committee tabled its Report late. It is headed by a Chairperson who is a first-term Member. We expect to get a thorough and very good Report like this one of the Public Investments Committee on Governance and Education which is headed by a first-term Member.

Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Biego. Hon. Zamzam Chimba, Member for Mombasa County.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda. Leo nimevaa vazi la nyumbani—la Kimijikenda. Kwa wale walio nyumbani, mkiuliza Mama Zamzam ni wa wapi, mtajua ni Mekatilili wa pili.

(Kicheko)

Ninachukua fursa hii kumshukuru ndugu yangu, Mhe. Wamboka, ambaye ni mjomba wangu kwa sababu mama ni wa huko. Namshukuru sana kwa kuleta Hoja hii ya leo. Ni dhahiri shahiri kuwa pesa za Umma zimekuwa zikitumika vibaya. Tukiangalia miradi ambayo imekuwa ikifanywa katika taifa hili, kuna mingine inarejelewa katika sehemu moja ambayo tayari imeinuka kiichumi na ipo katika hali nzuri. Pesa bado zinazidi kwenda kule, ilhali sehemu ambayo ina uchochole na iko chini kwa maendeleo inapewa mgao mdogo. Licha ya

hayo yote, wakiandika milioni tano kwa makadirio ya kujenga shule, wanajenga chumba moja la laki tano. Pesa zingine zote zinarambwa.

Hii Hoja ambayo imeletwa na mwenzetu katika Bunge hili inahusu mambo yanayoathiri mwananchi kila uchao. Katika upande wa pili, ndugu yangu alisema wanarekebisha. Hatuwezi kukaa tukisema tunarekebisha wakati mambo yanaenda kombo. Tunapoteza Ksh700 bilioni kila mwaka. Wakifanya hesabu zao, hawawezi kutupatia uhakika wamefanya kitu gani. Kama alivyosema ndugu yangu, Mhe. Waluke, ndio maana kuna miradi mingi imekwama. Ilianzishwa na iko msituni. Nyasi imemea kule wakati kuna sehemu ambapo jumba kama lile linahitajika. Wakikuja kufanya hisabati, wanapata kuwa pesa nyingi sana zimetumika pale, lakini hakuna uwajibikaji kuonyesha jinsi ilivyotumika. Hiyo ni dhahiri kuwa pesa zimeingia katika mifuko ya watu.

Ardhi nyingi ya shule za upili na vyuo vikuu imeibiwa na watu kwa sababu hawana hati miliki. Tukiangalia kanda za Pwani, haswa Mombasa, shule nyingi hazina hati miliki lakini ni za zamani sana. Ukiuliza, unasikia kuna mtu fulani amechukua kipande kidogo cha ardhi ndani ya shule ama anajenga jumba lingine pale. Ndiyo maana ninapongeza sana Mhe. Wamboka kwa kuleta mjadala ambao utaona shule zetu na sehemu za masomo yaani *institutions*, zinaangaliwa vizuri na kupatiwa *title deeds* zao.

Tukiangalia mambo ya ugavi wa kazi, kama walivyosema wenzangu nami pia natilia pondo. Kuna makabila ambayo utayaona katika kazi fulani kwa sababu, pengine mkubwa anayeongoza ni kabila lao na wengine wote wanaachwa nje. Ninazungumzia watu wangu wa Pwani. Hata kule Mombasa kuna raslimali zetu lakini wanaozimiliki na kushikilia hatamu ya uongozi ni wale walioajiriwa pale na sio sisi. Wanaotoa ajira utapata basi wanatoka sijui wapi na wanashukishwa Mombasa. Pengine ni watoto ambao wanapewa *trainings* badala wachukue watoto wa Mombasa; basi wanatoka sehemu nyingine na kuwamwaga kule. Hii ni kuonyesha sisi tunadharauliwa.

Ningetaka kuelezea Serikali hii, vile mliyohidi mtatetea haki ya wanyonge, sisi twataka kuona. Kule Pwani tunamiliki asilimia 70 za raslimali zetu kama ilivyo katika Katiba. Asilimia 30 inarudi kwa wengine na hatuwezi kukataa kwa sababu ni sheria. Watoto wetu wamekosa shule za kusomea. Lakini unapata sehemu zingine hapa Kenya pengine barabara inajengwa na kipande kidogo kutoka hapa mpake pale kinachukua mamilioni ya pesa na barabara haijaisha.

Mradi unaanzishwa na unapata umeduduma, pesa zimeliwa, wanabadilisha *contractor* na kuleta mpya. Haya ni mambo tunayopigana nayo. Tusipoangalia kwa kina, itakua Mkenya analipishwa ushuru mwingi sana lakini pesa zinaingia kwenye mifuko ya watu ambao hawana shukrani. Yule maskini atalipishwa ushuru mkubwa sana na kuna matajiri ambao wamekaa mahali na wanazidi kutajirika kila uchao na maskini anazidi kuwa maskini kila siku.

Nilazima tuwe na *regional balance* katika mgao wowote ule. Ikiwa Mombasa ama kule Kilifi bado maendeleo hayajafika vizuri, wakiangalia ule mgao pengine watu wa Meru wameendelea vizuri. Ninasema kwa mfano ndiyo Mbunge wa Meru asinitoe jicho hapa. Ikiwa pengine maendeleo ya Nairobi yameshika kasi, basi waangalie sehemu ambazo yale maendeleo hayajafika ili waweze kukeza huko ili Wakenya wote walipe ushuru na kila mmoja apate haki yake.

Mhe. Spika wa Muda, nikimalizia, ninataka kuzungumzia mambo ya elimu, *docket ya education* na ningependa imfikie Waziri wa Elimu. Sisi akina mama wa kaunti, arobaini na saba tunahangaika sana. Ukiangalia kuna mgao uliingia kwao yaani pesa za kugawa sodo. Jana na juzi nimetoka mashuleni nikipiganyana sodo kutoka kwa mfuko wangu. Ukiwauliza wanakuambia hawajawai pata sodo. Hayo ndio makadirio tunasema yanawekwa kwenye bajeti lakini pesa hazifiki mashinani kufanya kazi ambayo inatakiwa kufanya.

Ninawaomba kwa sababu akina mama wa kaunti arobaini na saba, wamehangaika sana na wenzangu wako hapa watasema. Hizi pesa za sodo, ziletwe katika *docket* yetu. Kaunti ni

kubwa, mgao wetu ni mdogo sana na Wabunge wana mgao wao alhamdulillah mzuri sana. Lakini sisi tumepewa kaunti kubwa kuzunguka na pesa kidogo wakati pesa zingine zinaingia kiholela katika *dockets* ambazo hatuoni zafanya kazi gani.

Ikiwa wanaweza kuelekeza mapeni katika *docket* moja ile waulize mama Zamzam, kama mama kaunti tuliweka pesa za sodo, hebu tupatie hesabu tuangalie umepeleka skuli ngapi, zimebaki ngapi na ziliisha vipi? Lakini, tunavyozungumza watoto kule Mwakirunge wanatumia matawi ya mnazi kujihifadhi katika mambo ya hedhi. Kwa sababu gani? Skuli za kule hazijafikiwa na sodo. Mamilioni yalitangazwa hapa katika Bunge hili yametoka ili kuweza kununua sodo. Sisi tunaomba, hata zikija katika *docket* yetu ya *gender*, waangalie vizuri ziwe zitafikia akina mama wa kaunti arobaini na saba kwa sababu tunaelewa haya maswala.

Mambo ni mengi lakini mimi husema ukweli na nitarudia kusema ukweli siku zote. Wapwani tunahangaika na mambo ya *title deeds* zetu ambazo zinaibiwa humu Nairobi. Mabwenyenye wanaangalia ni shamba gani kule Mombasa ambalo halina *title deed*. Mzee wa miaka mia moja amekaa katika shamba lake na anafurushwa. Anaambiwa kuna mtu amechukua lile shamba na yeye ndiye ana *title deed*. Sisi tumesema mara nyingi, hii serikali iangalie wakaazi wa Pwani ndiyo waweze kupewa hati miliki na kujiona kama Wakenya. Isiwe kuwa Pwani si Kenya. Hatutaki kuimba wimbo huo. Tunataka tuseme Pwani ni Kenya tukipata hati miliki.

Asante sana Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Asante sana kwa kuongea Kiswahili murwa. Mhe. Marwa Kitayama. Basi, Mhe. (Prof.) Phylis Bartoo, Mjumbe wa Eneo Bunge la Moiben, ninatumaini wewe pia utaongea kwa hiyo lugha ili wanafunzi wakuelewe.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I rise to support the report by the Public Investment Committee on Governance and Education and also thank the Chairperson, Hon. Wanami Wamboka, and his team for this bold move of bringing to the attention of Parliament the findings from the Auditor-General.

Looking at the recommendations by the Committee, you will realise they touched on heavyweight issues relating to governance and expenditure in the Republic of Kenya. Recommendation one touches on accounting officers and their inability or lack of capacity in the dockets they hold. This speaks a lot. What needs to be done is, if those officers are still in position of power and holding those dockets, they be vetted afresh so that those institutions can be led by competent public officers.

How can an accounting officer prepare an accounting report without supporting documents? Even primary school children know that when given homework, they are supposed to write and submit. But an accounting officer serving in a serious public office not providing supporting documents especially on issues related to finances is a serious malpractice. Those officers should be subjected to fresh vetting or other competent Kenyans willing to work should be given those jobs.

On cases regarding land, the Ministry of Lands should be swift and ensure every piece of Kenya is documented. Let me give an example of schools where I am a Member of the Education Committee. Some of them were unable to get capitation because they were not registered since they lacked title deeds. How I wish the Ministry would do due diligence and ensure they capture them. I have a case of a school in Moiben within the municipality referred to as Chebarus Primary. Teachers are supposed to get enhanced allowance, for all teachers operating within a municipality in Kenya. Teachers in this particular school have not benefited from time immemorial because their school is not registered and neither does it have a title. In that case, their documents cannot be complete. I think the Ministry should do due diligence.

As legislators, we should not wish to be part of the Government to an extent that we forget our oversight role. The Kenya Kwanza Coalition and the Azimio One Kenya Alliance

Coalition should not think of having a handshake. This is so that the Opposition can continue with its oversight role.

Hon. Speaker, we have projects which are long overdue, and have not been completed, for example, the new Mitihani House which was started 37 years ago.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): Is that Hon. Millie Odhiambo?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order?

(Hon. Millie Odhiambo-Mabona walked towards the Dispatch Box)

Why are you running away from your microphone?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Oh, sorry.

(Technical hitch)

Can you hear me? I think this microphone is better.

Thank you, Hon. Temporary Speaker, for giving me this opportunity. With due respect to Hon. Bartoo, whom I did not wish to interrupt, is she in order to imply that Azimio One Kenya Alliance Coalition is looking for a handshake when we have not asked for any? We are on record that we are not looking for any *nusu mkate*, quarter *mkate* or three quarter *mkate*. We are looking for a full *boflo* –opening of the servers. Therefore, do not be misguided that we want any handshake. We do not want it – and especially, a dirty handshake filled with blood of young Kenyans who have been killed.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, what is *boflo*?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Is she in order to imply that Azimio One Kenya Alliance Coalition wants any handshake? The information is misleading.

The Temporary Speaker (Hon. Peter Kaluma): What is *boflo*?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Oh, sorry. *Boflo* is *hiyo mkate yao* which is... Oh, sorry. I need to speak in English. It is bread. We want to tell them that they should not be delusional as Azimio One Kenya Alliance Coalition does not want a third, a quarter or three quarters of any bread. We want full bread when the server is opened. We do not even want a slice and neither do we want a handshake from hands which are full of blood of the people who have been killed.

Hon. Owen Baya (Kilifi North, UDA): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen, what is out of order?

Hon. Owen Baya (Kilifi North, UDA): I have a lot of respect for Hon. Millie Odhiambo. She is senior legally, and also in Parliament. She is also senior in many other things but I want to inform her that as a legal mind, when it comes to the issue of the servers, she knows that she needs to go to court or somewhere else to have them opened, and probably, they may not be opened. The *boflo* you are looking for is probably after 2027. Please, keep off the talk about *boflo*. We know you are yearning for a handshake, and half of Government. We want to make it very clear that the Government of His Excellency, William Samoei Ruto will not entertain any handshake or *nusu mkate*

(Hon. Millie Odhiambo spoke off-record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, you are out of order. Hon. Owen, which servers are you talking about being opened?

Hon. Owen Baya (Kilifi North, UDA): The servers that only Hon. Millie Odhiambo knows.

The Temporary Speaker (Hon. Peter Kaluma): The server that Hon. Millie Odhiambo is talking about.

(Laughter)

I take it as a light moment between Hon. Millie Odhiambo and the Deputy Leader of the Minority Party, Hon. Baya. Hon. Phylis Bartoo, proceed.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I did not imply that Azimio One Kenya Alliance Coalition should do a handshake. What I was saying is that Azimio One Kenya Alliance Coalition being the Opposition, should continue with its oversight role while the Kenya Kwanza Coalition runs the Government. This is so that, such issues which we are encountering here will not arise.

On the “handshake”, there will be none because elections were done, the Supreme Court pronounced itself on it, and we have a President. So, we should not be talking about “handshake.” The bipartisan talks which should be going on...

(Hon. Millie Odhiambo-Mabona spoke off record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie, you are not recognised. Proceed, Hon. Phylis Bartoo.

Hon. Phylis Bartoo (Moiben, UDA): The bipartisan talks that should go on between Azimio and Kenya Kwanza coalitions should borrow a lot from this document. This Report has a lot of information that needs to be worked on. The Leader of the Majority Coalition, Hon. Kimani Ichung’wah, and his counterpart, should start from this Report.

Let me continue with what I was talking about. I was making a point on the issue of land. The Ministry of Lands should move with speed and ensure that every piece of land in Kenya is documented. I gave an example of some schools in my constituency that do not have title deeds. They did not benefit from the Government support on capitation. In some schools, teachers who are supposed to benefit from enhanced house allowance like those teachers in municipalities are not benefitting because their schools do not have title deeds.

When a school does not have a title deed, it is difficult for it to perform any operation and benefit from the Government. We also have cases of clashes in my constituency because of people who have multiple titles. You will find somebody having a title deed, but they do not possess the land, or another one will be occupying land that he has no title deed. There was a land case in Moiben where people were always fighting over. During the planting season, one team would go and plough the land and during harvesting, a different team would go to harvest the produce. So, there was a big problem. How I wish the Ministry streamlines such institutions so that we do not encounter such problems.

On the issue of incomplete projects, it is something that is very rampant in Kenya. We have a case of the “Mitihani House” that was begun before I became a teacher. Once upon a time, I was a high school teacher and I was told something about Mitihani House which was being constructed. I have pursued education to a doctoral level and I have become a Member of Parliament yet we are still talking about the same project 31 years later. Incomplete projects are a common occurrence in most parts of Kenya. When a project is delayed, a lot of money is wasted. Starting it over again becomes problematic. When the Government plans to do any project, it should set aside sufficient funds and make sure that the project is completed within the stimulated time.

Concerning the consultancies, the Committee captured it vividly. A lot of the expenses incurred by projects started by institutions are about consultancies. People are always carrying out project conceptualisation, which takes a lot of time and money. By the time the real project is implemented, a lot of the money would have gone down the drain on architectural drawings, consultancies, and exchange of information. It is annoying because at the end of the day, it takes the bulk of the resources allocated. A case in point is an institution in my constituency, namely, Moiben Technical Teachers College, which started as a teachers' training college, but mid-way, it was overtaken by time. We are now re-routing it to the Kenya School of Technical Training College. We are having several technical institutions springing up yet they do not have the capacity. So, we want to start training trainers. Such projects take a long time that even the people who conceptualised the idea, as well as those who are supposed to benefit from them get tired. How I wish the people who work in institutions and carry out the projects do so diligently to ensure that they complete the projects within the shortest time possible. That way, there will be value for money.

Finally, on the issue of ethnic and gender diversity, it is sad that some institutions do not reflect the face of Kenya. Those are the issues that we should be looking at. The bipartisan team should dwell on such issues rather than looking at issues that may be of no importance. This is the crux of the matter in this document. I come from Uasin Gishu County where the saga of scholarships to Finland, Canada and other countries is happening. If oversight was done, parents and students would not have encountered such problems.

I want to thank this Committee for this timely Report. If you look at the date, you will realise it is between 2018 and 2021; a span of three years. We must commend them because it is always good to do due diligence when there is sufficient time as opposed to coming in when things have already gone wrong.

With those few observations, I support this team and thank the Committee once more. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, before I give the next speaker who is Hon. (Dr) Naomi Waqo, the Member of Parliament for Marsabit, let me recognise pupils from the following institutions: Lobo Primary School, Keiyo South Constituency in Elgeyo Marakwet County and Seleng'ei Girls Boarding Primary School, Narok North Constituency in Narok County. The Hon. Speaker of the National Assembly, the Rt. Hon. (Dr) Moses Wetang'ula, welcomes you to the House.

Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity once again as I also congratulate the Public Investments Committee for this Report on governance and education. I also want to appreciate the effort of the Chairman, Hon. Wanami Wamboka. I hope I have pronounced your name well. I congratulate him for the great work he has done, especially the observations the Committee has made. This clearly shows that the Committee did its best and committed a lot of time to come up with the Report.

As we all know, Members of Parliament are very happy, especially Hon. Members on the other side. They have been very busy serving Kenyans in this great House of Parliament as well as participating in demonstrations for the past many days. We congratulate them for finding time to come up with such a document that enlightens the entire nation and is also beneficial to all of us. The Report they have compiled is beneficial to all of us. It has served as a wake-up call because it captures and reveals very many things that have been going on, including funny practices.

In their Report, parcels of land owned by various institutions have not been secured. This is quite strange because if there is a learning institution somewhere, the first thing that ought to be done is to make sure that the land it sits on is secured. The ownership of any piece

of land in this country is very important. Ignoring that bit means you are creating an opportunity for somebody to grab or encroach on the land. That has happened in the past leaving many schools inconvenienced. Both public and private properties have been lost in that manner. So, for it to be cited in the Report that many parcels of land do not reflect ownership by the institutions, it means the issue of ownership has not been captured well. There are many schools which have occupied land that have no titles. In order for us to overcome that problem, I advise that every piece of land occupied and belonging to any school be registered in a proper way.

The Committee also properly highlighted the skewed ethnic diversity within members of staff, especially at the level of senior management. Some of us come from areas that have been marginalised for many years. Even if you do not want to use the word “marginalised”, we will keep referring to it because it is a fact that we cannot run away from. When people speak of these great job opportunities in the country, a miracle has to take place for those of us who come from the northern part of Kenya to be remembered. This observation is true. As an august House, we demand to see the face of this country in every institution and Ministry. There are people who have always been in those positions and it is like they own the entire nation. They head ministries and everything else in this country. The marginalised communities also need their share.

I support the Committee’s Report and say that they have done their job very well. Surely, there must be some action that follows this great Report that has been tabled before us.

The Committee also highlighted the failure to submit supportive documentation to the Auditor-General. We have always complained. This nation has suffered because of corruption, which has been there since Independence. If some of us speak about it today, we are embarrassed because we are leaders. We do not want to get close to anything that has an element of corruption because it has eaten this country. It has become like the cancer that we debated on last week. It is finishing the people of this nation, and is taking the lives of our people. It is finishing our economy and leading us to poverty.

Many institutions and ministries award tenders that often go to families and relatives who do not deliver in a proper way. Can due diligence be followed in every tender job? I want to congratulate the Kenya Kwanza Coalition Government and our President who has come out clear that he will not condone corruption. In fact, as one of Kenya Kwanza leaders, I am very happy with this Report that we have been given today. I will not support any corrupt leader, even if it is my brother or a close friend. I will be supporting any report that you give us. Unless we overcome the problem of corruption in this country, there is no way we will have a better future.

Another observation that has been made is that accounting officers were either ignorant, or non-compliant with very important documents on various provisions of the Public Finance Management Act of 2012 and the Public Audit Act of 2015. If these people were ignorant and non-compliant, why are they in those offices? That is why today we should say that if those officers are still in office, they should leave and create space for others who are not corrupt. We want people who are not ready to ignore important provisions of Acts of Parliament; people who will not destroy this country. A lot has happened. Our country has suffered because we have done many wrong things, but that era is gone. I want to promise the nation today that under the Kenya Kwanza leadership, we will not condone any corruption. Our President will be at the forefront to fight corruption.

For officers who do those things that are not acceptable and remain in offices, I want to urge the Committee to do a recommendation that those officers leave office so that proper investigations are done. If they are not qualified for the job... As we all know, in many of our offices, we have officers who are not qualified. Some have fake certificates. There are people who have great skills in doing just that. Some of us cannot even imagine having a fake certificate, but for some, it is their belief and practice. In fact, all the people holding any office

must have proper certificates and be qualified for the job they are doing. Those officers should vacate office so that we can create enough space for the right people to occupy them. Proper investigations need to be done.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. (Dr) Naomi Waqo, for that submission. Allow me, Hon. Members, to recognise students from the following institutions in the Speaker's Gallery: Friends School from Webuye West Constituency, Bungoma County; Mugunana Secondary School, Tharaka Nithi South, Tharaka Nithi County; and, Kaboson Girls Secondary School in Chepalungu Constituency, Bomet County. The Speaker of the National Assembly, Hon. Moses Wetang'ula, welcomes you to the House of Parliament.

Hon. David Mboni, the Member of Parliament for Kitui Central.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity also to support this Report by the Public Investments Committee on Governance and Education, led by my brother, Hon. Jack.

Hon. Jack is a first-term Member, but he is competent enough. Any Member who comes to Parliament, as long as he or she is learned and has gone to proper schools... I like what Hon. Waqo has said that for as long as you do not have fake degree certificates, you can do well in any Committee. I also want to say that Hon. Jack is...

The Temporary Speaker (Hon. Peter Kaluma): Did you suggest that some Members have fake papers?

Hon. David Mwalika (Kitui Rural, WDM): I am not saying that, but you know...

Hon. Julius Rutto (Kesses, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order?

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. Indeed, you have alluded to the real issue. This is an honourable House and all Members are duly elected. They discharge their mandate on behalf of the people. Does the Member imply, in relation to our Standing Orders, that some Members are fake? It is on record. I should ask you to call on the Member to withdraw that statement forthwith as he proceeds to prosecute his matter.

Hon. David Mwalika (Kitui Rural, WDM): Actually, I will not withdraw. I was quoting what Hon. Naomi Waqo said. You should deal with the scholarship scandal in Uasin Gishu County where you were the County Executive Committee (CEC) of Finance.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Mwalika, a Member cannot stand on a point of order and you raise an issue which may call for another point of order.

(Laughter)

I thought you were going to say that you did not mention a specific Member in terms of fake material. General presentations do not undermine your presentation. Introducing places outside Parliament becomes a problem. In terms of fairness to your colleague, you should withdraw that part.

Hon. David Mwalika (Kitui Rural, WDM): Let me withdraw that part. I thank the 12th Parliament for dividing the Public Investments Committee (PIC) into three so that the workload can be reduced. I want to do my presentation in two parts, a general overview of parastatals in this country and report findings on the education sector.

Since Independence, we have formed over 260 parastatals across all sectors in this country. They were supposed to bridge gaps which the private sector could not perform wholesome. They include parastatals like the Kenya Power (KP), the Kenya Electricity Generating Company PLC (KenGen), the Kenya Ports Authority (KPA), the Central Bank of Kenya (CBK), and the Kenya Revenue Authority (KRA). At their inception, they were very

strategic. However, others have become obsolete. There is a parastatal called the Kenya National Trading Company (KNTC). Despite knowing about its existence, I only heard about it recently. It was supposed to do distribution of commodities, especially food in the country, but it was overtaken by events.

Most of these parastatals are a burden to the Exchequer. I sit in the Committee of Finance and National Planning. Do you remember KQ? We gave it Ksh40 billion to bail it out. Very many parastatals have become a headache. We need to relook at these parastatals and see if they are relevant. If they are not, we just sell and forget about them. Currently, they are taking a lot of money from the Exchequer, which could be used for important social economic provisions like water, especially in the Arid and Semi-Arid Land (ASAL) areas.

I like the findings the Committee has come up with. At times you wonder how these accounting officers were recruited. If you are an accounting officer, you must have qualified accountants doing your work. If you are a CEO of a parastatal, you should have knowledge of basic accounting principles so that you can understand and appreciate accounting. This points to what the Report is stating, that people are recruited based on ethnicity and corruption. That is why we have found ourselves in the place we are in. We employ unqualified people to positions. We should employ competent people so as to get value for money. That is why most parastatals are non-performing. They cannot account for money given to them. I think the current administration should start employing qualified people.

On the unsecured/untitled land holdings, this is room for corruption. Most schools and colleges have lost land because they lack title deeds. The Government should come up with a policy where Government institutions are given titles free of charge. If you ask poor parents of a primary school in my constituency to raise Ksh200,000, where will they get that kind of money? So, Government should give schools and institutions title deeds free of charge. They should not be charged. Why charge a Government institution money which will go to the Exchequer and tomorrow take the same money to the school? My proposal is that we should not charge Government institutions for title deeds.

On long outstanding constructions, these are works which were unplanned. If there was proper planning, we would not have incomplete buildings. Budgets should be planned in such a way that there is provision to complete projects. This country is having debts because of many uncompleted projects yet we borrowed money from donors. We are paying for something we are not benefitting from. So, the National Treasury should give enough allocation for completion of projects.

Lack of equity in employment is a serious issue and we are seeing this in the power sector. Currently, the Cabinet Secretary for Energy, the CEOs of Kenya Power, Kenya Pipeline, and the Kenya Electricity Generating Company (KenGen)...

Hon. Members: They all speak the same language.

Hon. David Mwalika (Kitui Rural, WDM-K): Yes, they all speak the same language. So, we are repeating what we have been speaking about. Kenya belongs to all of us and we need to base our employment on competence and not tribes. We also have to take care of...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka, Nominated Member.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. Before I give my remarks in support of this Report, I would like to take a minute on behalf of the people of Nyamira because yesterday was a dark day in our county. We lost the Leader of the Majority Party of Nyamira County Assembly, Hon. Elijah Osiemo to a road accident. I would like to express my sincere condolences. He not only comes from Nyamira County, but my home constituency of West Mugirango. I also ask Kenyans to join us in praying for Hon. Duke Masira and Hon. Priscilla who are both hospitalised at the Aga Khan Hospital in Nairobi. We wish them quick recovery.

Having said that, I proceed to support this Report. A lot has been said about the chairperson of the Committee - he is a first-term Member who has proved very competent. I would also like to inform this House that I have known Hon. Jack for over 20 years. Both of us have been under the tutelage of a very competent politician in this country; the Rt. Hon. Raila Amolo Odinga. So, it is no surprise that he is as competent as he is. He comes from a very good school of political knowledge and also a school that tells you that you must always be accountable to your people.

There are recommendations that the Committee has made. In this country, we have a body called the Law Society of Kenya (LSK) that oversees lawyers. There is also a body that oversees doctors. For us accountants and certified public secretaries, we have the Institute of Certified Public Accountants of Kenya (ICPAK) and the Institute of Certified Secretaries (ICS). These are the bodies that ideally are meant to oversee and ensure that accountants in place are doing their work. One thing I wish to know is whether the accountants who are not doing their job well are registered members of ICPAK. Two, are they paying for continuous training? One of the recommendations says that the Government should build the capacity of these people, but I know the Government does not have the capability of training and re-training accountants. This should be done by the body that oversees them. Therefore, I just want to encourage the Committee that even as they make a recommendation that they need to go for continuous training, they should also ensure that they are guided and are registered as members of the bodies that oversee accountants in this country.

Secondly, accounting is a very sensitive discipline. An accountant oversees and checks if there are any spill overs and any embezzlement being done in institutions. Those institutions need serious committees. These are the committees that oversee education, especially higher education in our country. How do we know that there is no public embezzlement of funds? How do we know there are no gaps in terms of institutional management when we already have people who it is claimed are not competent in what they do?

We have been told by the Committee that Section 8 of the PFM Act is not being followed. This is an extremely serious offence. It is like saying that an advocate who goes to court to testify or to support a matter is not following the regulations in the law. Therefore, they should be disbarred when they do not do that. It is a serious offence. I hope the punitive measures that the Committee is proposing will serve as a lesson. The measures ought to be a very strong message to anyone who tries to go against them.

I also like the fact that they are recommending that only projects that have guaranteed funding should ideally be funded. We do not need to have a situation where we are having too many stalled projects because of no funding, or in other situations funding has been provided, but because it has not been accounted for properly, we do not know where the money has gone. Right now, we have situations even in county governments where there are many pending bills for roads, but those roads are not even there. So, people are claiming money for things they have not done. So, I just want the Committee to go further and check which projects have stalled and whether they were allocated money.

The last issue is on gender, ethnicity and regional balance. Hon. Mboni, my senior, alluded to the matter. It is sad that in this country we have a whole sector, the energy sector, that can conduct its board meetings in one language because we have every person leading that particular sector coming from one community. We have had situations in the last nine months - and I want to be frank about this - where we are having employment opportunities, including those of principal secretaries going to one community.

Hon. Temporary Speaker, this is an issue that we have to speak about.

Hon. Julius Rutto (Kesses, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order?

Hon. David Mwalika (Kitui Rural, WDM): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order?

Hon. David Mwalika (Kirui Rural, WDM): Thank you very much, Hon. Temporary Speaker. I respect my counterpart because she is a Certified Public Accountant (CPA) like myself. Of course, she understands the Standing Orders on evidence for every statement we make. I wish the Member substantiated the statement she has made that one community runs the energy sector and they prosecute matters in their vernacular language. That statement is very misleading.

The Temporary Speaker (Hon. Peter Kaluma): You asked for substantiation. Hon. Mayaka, substantiate.

Hon. David Mwalika (Kirui Rural, WDM): Yes, this is because the energy sector has several SAGAs in it.

The Temporary Speaker (Hon. Peter Kaluma): No. Do not respond. You need not have done that. Hon. Mayaka, substantiate or withdraw.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, you know some of these issues are just a google away. For example, the CEO of Kenya Power, the CEO of the Geothermal Development Company and the CEO of the Energy and Petroleum Regulatory Authority all come from one community.

The Temporary Speaker (Hon. Peter Kaluma): Which community?

Hon. Irene Mayaka (Nominated, ODM): The Kalenjin community. It is true. It is a google away, Hon. Temporary Speaker. Why are we denying these matters? The CEO of the Kenya Pipeline Corporation also comes from same community. That is why I am saying all these people can actually conduct their proceedings in one language when having a meeting on energy. They come from the same community.

Hon. Owen Baya (Kilifi North, UDA): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya, what is out of order?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, you know it is very unfortunate to think a person is from a certain community just because that person bears a name that resembles another person's. How do you know that person is from a particular ethnic community? We should not use names as a basis to say people are from the same community. For example, the name Kaluma exists in my community! So, if there is another person called Kaluma, it does not mean that Kaluma is Luo.

(Loud consultations)

The best thing is for the Member to withdraw her remarks or substantiate.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Owen. Hon. Irene, what substantiation requires of you is to give us the names of the members of the community you are talking about and confirmation of the community they belong to. If that is absent, I will require you to withdraw that part of your statement.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I will bring you the specific names tomorrow. You will allow me to table them in this House.

(Applause)

The Temporary Speaker (Hon. Peter Kaluma): Would that suffice?

Hon. Irene Mayaka (Nominated, ODM): Yes, together with their identity cards and lineages to show their tribes. Their details, including their villages, are public knowledge. I will bring the information here tomorrow.

The Temporary Speaker (Hon. Peter Kaluma): I know the Standing Orders allow presentation of such information. Is it to the next date? However, Hon. Irene Mayaka, is this something that should actually take our substantive time tomorrow?

Hon. Irene Mayaka (Nominated, ODM): Yes. It is. It is a serious matter because it is a substantive matter in this Report. It is on gender, ethnicity, and regional balance in this country.

The Temporary Speaker (Hon. Peter Kaluma): I thought we were debating the Report concerning the education sector and not the energy sector.

Hon. Irene Mayaka (Nominated, ODM): This is a point in the Report. It is part of the Report.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka, in line with our Standing Orders, when Parliament sits tomorrow, you will be substantiating the statement that critical leaders in the energy sector come from one community.

Hon. Irene Mayaka (Nominated, ODM): Much obliged, Hon. Temporary Speaker. I will do that.

The Temporary Speaker (Hon. Peter Kaluma): Parliament sits tomorrow afternoon. The Speaker who will be presiding will grant necessary leave that you do so.

Hon. Irene Mayaka (Nominated, ODM): Much obliged, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): You may proceed to conclude.

Hon. Irene Mayaka (Nominated, ODM): I kindly request that the clock be turned back to amber because my time has been stolen by very many people. That was my very last point.

The Temporary Speaker (Hon. Peter Kaluma): Wind up. We are running out of time.

Hon. Irene Mayaka (Nominated, ODM): I would like to reference back to Point 25 in the Committee's Report. It speaks to failure to adhere to gender, ethnicity, regional balance, and other considerations in staffing. That is where I was referencing my point. Hon. Temporary Speaker, you know very well that I am a very sharp girl. I do not just say things that I do not know. I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Fatuma Mohammed, Member of Parliament for Migori County, followed by Hon. Beatrice Adagala in that order.

(Hon. Millie Odhiambo-Mabona spoke off record)

Hon. Fatuma Mohammed (Migori County, Independent): My time is running, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, you will certainly get time to speak. In fact, everybody in the House will get time.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Temporary Speaker. May I use my time first to register my apology as the Chairperson of the Special Funds Accounts Committee. We had a sitting today at the Boma Hotel and unfortunately it took a lot of time. We finished our meeting at 1.45 p.m. For that reason, we were unable to reach here in good time to present our Report. Please, do not mark us absent. We had the Principal Secretary for the State Department of Petroleum and the Director-General for Energy and Petroleum Regulatory Authority (EPRA). Therefore, the meeting took a lot of time. We are sorry about that. We request you to give us a later date to present the Special Funds Accounts Committee Report.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Fatuma, your apology for being out of the House on other businesses when the Report you were to lay was ordered to proceed is granted by the House and duly recorded. You may proceed to contribute to this one.

Hon. Fatuma Mohammed (Migori County, IND): Thank you, Hon. Temporary Speaker. I support the Report. I feel that it left out the disabled. We all know that the disabled

are not given equal opportunities like other Kenyans. I recommend that they also be considered. Equally, there are good disabled people who have gone to school, who have very good papers, but unfortunately, they are not given an opportunity to serve in this country.

The youth equally have an issue with the 10, 15, or 20 years' experience that is a requirement in job advertisements. A young man or young woman who has just left university has no experience other than the experience of class. We lock them out and end up giving jobs to people who have bad experience that does not add value to the office that they are employed. They have said in the Report that there are incompetent officers yet they have worked for years. Why not give our youth an opportunity to work by not asking for several years of experience when some of them were not even born or some were in school?

On the issue of constructions taking too long to complete, it is as a result of corruption. Institutions collude with contractors so that payment is delayed. In the contract, there is usually a clause that says that once you delay payment for a particular amount of time, they should take the matter to court so that they are paid interest. When the matter is taken to court, Kenyans lose their money because the case takes a long time to conclude. Eventually the contractor is awarded. By the time he starts working again, the award is even more than the contract itself. He starts working and when they are unable to pay him, he again runs back to court and the work is never completed in the agreed time. The officers know quite well that this is the problem, but they continue doing it. It happens more in our counties. A contractor who has no capacity to do some work is given a job and takes a small issue to court to buy time. Lawyers are paid for appearance and the county loses money because the project stalls. Eventually the court awards, this goes round in circles and we end up losing our money.

On the issue of one tribe occupying certain offices, it is one thing we can talk about from morning to evening. It is a sad story. I thank God that the people and the students who were in the galleries in this House have left. Had the students heard this, I think they would have stopped going to school tomorrow. Truly, it is unfortunate that one tribe, without shame, or fear of God, can be employed in one particular office. I am not referring to the Kalenjin only. It happens even to Kikuyu, Luo, and other major tribes. The tribes that suffer most are the minority. Look at the Kuria. How many are employed in the Government? I think one. Look at the Pokot, the Mijikenda, and other minorities. Because they do not have sisters or brothers in big positions, they do not get job opportunities. But if a Mijikenda is given an opportunity to serve, the secretary will be a Mijikenda and the officers below will be occupied by members of the same tribe. We need to sober up as Kenyans and debate and not just blame other tribe only. We should also blame our tribes. All tribes are equal. Let us go back to what the Bible and the Quran teach us. Brotherhood is not only where you are called Otieno and she is Atieno, or where you are Kamau and she is Wanjiku. A brother is a brother as long as you share the same country.

Let us give all Kenyans an opportunity to serve in this country. We are having incompetency because as tribe A, I just want to employ my tribesmen. A Member told me, and I am sorry to say, that Kalenjin have been out of power for too long. So, it is about "give us an opportunity to employ our people." I feel sad when I hear such statements. As a Luo, I have never had a Luo president. When will I get an opportunity to employ Luo or a Somali? I find it sad when a Kenyan thinks like that...

(Hon. Joshua Kimilu spoke off record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Fatuma, are you done?

Hon. Fatuma Mohammed (Migori County, Independent): No, I am not done. He has this habit of interfering with people. You had an opportunity to speak. We listened to you. Please, give other people an opportunity to also debate. I am not pointing at one tribe. We are

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45 tribes. We all deserve to get an opportunity. I will continue praying that one day, a Pokot or a Mijikenda or a Somali will become the president of Kenya. The minorities should also get an opportunity so that they can employ their people and we meet somewhere equal. Would that be a wise move? No. For as long as a Kalenjin is president, may a Luo or Fatuma Mohammed, also be a Cabinet Secretary. May Atieno also be a secretary of a Kalenjin, Kikuyu or a person from any other tribe. I say this with a lot of pain. Our children are going to school. Imagine a Pokot taking his or her child to school. The pain of selling her cows because she has never got an opportunity to take a child to school... That child will finish school, but will not get a job because there is no president or director who is a Pokot. It is unfair. Fellow tribesmen, Luo, Kikuyu or any other tribe, tomorrow you will not be in power. In twenty years, your tribe might not be in power. You should think of what will happen to your children and grandchildren if they will be locked out because their tribes are not in power.

I request fellow Kenyans to treat Kenyans as brothers and sisters and stop putting this tribal thing into action.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also speak on the first Report of the Public Investment Committee on Education and Governance, which is chaired by Hon. Wamboka.

Most people normally think that ‘monos’ cannot come up with a report. This Report has been well done. I congratulate Hon. Wamboka and his Committee Members for the good work they have done. They have handled several Government bodies and institutions and come up with a very good Report, which we are now discussing.

Hon. Joshua Kimilu (Kaiti, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I want to discourage points of order because you are eating into time of colleagues. Time is fast running out against the interest I still see from the Members here. So, unless it is critical, like Parliament is going to burn, Hon. Kimilu, I would request you to abandon it. If it is so serious, please, proceed.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker. This is very important. We have been here since 2.00 p.m. Can I move that we speak for only five minutes so that every Member can get a chance to contribute?

The Temporary Speaker (Hon. Peter Kaluma): In terms of procedures of the House, that can only be moved at the beginning of the Motion. Out of your courtesy for one another, I would request Members to consolidate even within three minutes. Let us allow Members who have been waiting to also speak.

Proceed Hon. Beatrice Adagala.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker. He has even wasted my time. I would have been through by now. You are wasting time with points of order. Orders for what?

I want to thank Hon. Wamboka. He has done a very good job. With this Report coming from a ‘mono’, I am very sure that if encouraged, they are going to prove their ability to the so-called ranking Members. Congratulations, Hon. Wamboka. You have done a good job. I commend you on this. I am also requesting that you do not carry stones on the streets. With the kind of work you have done here, you deserve to be in this chamber all the time. Congratulations.

(Hon. Millie Odhiambo-Mabona consulted loudly)

Hon. Adagala Beatrice (Vihiga County, ANC): Hon. Temporary Speaker, protect me from *Gesa Gesa*. Please, *Gesa Gesa*, you are a high-ranking Member. Give me time to speak.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Adagala, you are protected.

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Hon. Adagala Beatrice (Vihiga County, ANC): You have spoken in this chamber for many years. Let me have my time to speak.

(Hon. Millie Odhiambo-Mabona spoke off record)

She is confusing me.

The Temporary Speaker (Hon. Peter Kaluma): What is the relationship between Hon. Beatrice Adagala and Hon. Millie Odhiambo?

Hon. Millie Odhiambo, two people cannot speak at the same time here. Hon. Adagala will speak with your silence.

Hon. Adagala Beatrice (Vihiga County, ANC): I know she is overexcited because she is my aunt. I am a niece to the Suba. She is happy to see the daughter speaking and taking over from her. She is now handing over the mantle to me. I have also noted the time she comes to this House. I will always be here at this time so that you see the mother versus daughter debate.

Let me go back to the Report. This is a very good Report. I want to see the Public Finance Management Act of 2015 being followed to the letter. Most public officers flout these rules and as a result, Kenyans are losing money. Why should a public officer who awards tenders wrongly still hold office? Some companies have been awarded tenders and they do not complete them. We went to Industrial Area to check on a building which has taken years to complete and even the contractors have withdrawn from the site yet a consultant is still there making money and charging the Government for nothing. The oversight committees should be serious and I am sure we are going to save money as a country. At the end of it, this will improve our economy.

I want to ask all oversight committees that oversee State departments and parastatals to be keen on the Auditor-General's reports. So far, we have seen several agencies that have lost money through poor tendering processes. Some of them do not follow the PFM Act 2015. It is high time the oversight committees took charge and worked on the Auditor-General's reports. The officers in charge of these agencies who have flouted the law should be surcharged. The Government should not lose money through such schemes.

As I have said, we visited another Government institute in Industrial Area where the contractor has already left yet the consultant is still on site. Instead of my aunt, Hon. Millie Odhiambo, who is a renowned senior lawyer, going to the streets, she should be in this House assisting us to oversee the Government. Once the Government is put in check, I am very sure we will save a lot of money and corruption will be unheard of. The Government will do its job and the Opposition will be overseeing its actions.

I also want to spare a few minutes for my aunt. I know she wants to contribute and I will now oversee her as she talks. I want to leave it there. I support Hon. Wamboka and the Committee. Keep it up, Hon. Wamboka. As a party leader of the Amani National Congress (ANC), I welcome you to the ANC. I do not want you to be an Independent Member of Parliament.

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Joshua Kimilu and Hon. Millie Odhiambo in that order. I request that you contribute for three minutes, so that we can proceed to the next business.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Make your point on this Report in three minutes. It is a record of Parliament.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker. I want to thank Hon. Wamboka and the Committee for the good job they have done for Kenyans. I support the Report.

Getting a title deed for land is a nightmare. I have done it for three police stations in my constituency. Getting title deeds has taken a long time because there are many unnecessary procedures at the Ministry. I cannot get security in my area because of those delays. That is a challenge we are facing as a country.

There are many unnecessary procedures in terms of procurement, which delay our contractors. These people get loans to do the work, and then they are delayed because of funny procedures. It can even take months before they are paid. It then becomes a scam at the end of the day.

With regard to employment, factors such as competence, gender, and regional balance should be considered. It is not just a mere discussion. In our country, in the last one year, only members of one or two tribes have been employed in Government institutions. We have 42 tribes in this country. That is very bad because we will not get quality work. It is very important to consider all tribes in Kenya because no one chooses where to be born. We found ourselves where we are, and it was not a mistake. We all have rights because this country belongs to all of us. It is unfair.

On the issue of security, when Kenyans were busy engaging in *maandamano*, which is their right, the police were shooting and killing innocent Kenyans, which is unconstitutional. That is bad and we should not allow such a thing to happen in our country. The police service needs to be regulated and something needs to be done.

Because other colleagues want to contribute, I want to thank the Committee and I support the Report.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I just want to refer to something that the late Hon. Otieno Kajwang' used to talk about while campaigning. He used to say that when he was growing up, his family used the old system of music. I do not know what it is called. Sometimes it would get stuck so, if they were playing a song called "*Anditi*", the song would just go "*Anditi*", "*Anditi*", "*Anditi*". It would not move from that point until you physically forwarded the music record. On the issues of ethnicity and corruption, Kenya has become an "*Anditi*" system because since I came to Parliament, we talk about corruption and ethnicity every day.

I will start by thanking the Chairperson. I hear people referring to him as a "mono". You are not a mono. You are rightfully in Parliament. You are not a mono because you were elected by your people, who had faith in you. I also encourage him to use his intellectual capabilities to demonstrate. You have been told not to throw stones, therefore, throw your "intellectual stones". You are doing that very well. Do not be intimidated by people who tell you not to throw stones. Some of us have thrown "intellectual stones" and that is why we are here. I do not want to use the phrase "ranking Member" because corruption has made sure that there are no ranks in this House. I just want to read a poem by Henry Barlow that we studied in High School.

I REFUSE TO TAKE YOUR BROTHERLY HAND

Your nails are black with dirt, brother,
And your palms are clammy with sweat,
I refuse to take the hand you extend in help,
I shall not join hands with you brother,
For unclean hands make me uneasy,
For filthy fingernails rob me my pride.

You argue, gesticulating with your once,
impeccably clean and beautiful hands,
That before long it shall not matter,
For 'everybody' is delving and digging,
And all shall have hands dripping with dirt.

That nobody shall Know what clean hands look like,
And there shall be comfort in the dirty crowd,
Are you going blind brother?
I ask how many have the sludge
Or the strong and bold hands like yours
With which to dig and delve?
Brother the hands of many are too weak with hunger,

That is why we are feeding Kenyans with rice and meat.

And for many the sludge is out of reach,
And yet for others the stink is too nauseating!
But all have eyes and hunger fills them with anger,
As they watch your fingernails fill with dirt.

I have heard some Members saying that the Kenya Kwanza Government is committed to eliminating corruption yet we are seeing people being pardoned for corrupt cases. People who have been convicted have been given the power of mercy on corrupt cases. This includes a case where a person who was accused of defiling a child has been let free yet you are telling us that the Kenya Kwanza Government is committed to eliminating corruption. What corruption? Unless you mean that they are committed to entrenching corruption. That way we will be speaking the same language.

On the issue of ethnicity, we passed the National Cohesion and Integration Act, 2008. I played a very significant role in the development of that Act. All that we need to do is to make sure that that Act is implemented. What does it require? Political goodwill. Yet the Majority side are saying that the Opposition are the ones who expect them to implement that Act. There is a law. Implement that law. I have heard a Member who is misinformed telling us that the Opposition should come to this House and oversee the Government. Do you know your role as a legislator? It is legislative, representation and oversight. Do not come here and mislead yourselves thinking you are in the Executive. You are not. Your role is just like mine: oversight. So, oversee this Government and ensure that it does proper work.

Allow me to speak to another issue. I am one of the luckiest Kenyans because I am a member of a minority community as well as a member of a majority community. My mother is Luo and my father is Suba. As Suba, we are a minority. One of the things that I have seen that apply to some communities that call themselves minority is that they have gotten a lion share more than even some majority communities have. They come here every time and say that they are minority and are then given some slots. They keep saying that and each time they are added more and more. Now they have become the majority. You may be minority in numbers but majority in representation. So, what we need to do is to ask the NCIC to let us know representation vis-a-vis population. This way we will avoid people claiming that they are a minority when they are not.

I will give you an example of the first time I came to this Parliament. I was a very proud Suba. That is why I am called *Geza Geza*. In Suba, that means the finest of the finest. So I am the finest and a very proud Suba. When I came here, some people started a propaganda which

they were using to target the Prime Minister then. They were saying that the Prime Minister does not favour the Suba. I have heard them say that again. I want to repeat what I told them then that when Hon. Raila was the Prime Minister, the person who was in charge of hiring people in his office and the Chief of Staff was Hon. Caroli Omondi, now a Member. The Assistant Minister in his office was none other than Hon. John Mbadi, a Suba also. Those two I have mentioned are Suba.

Hon. Temporary Speaker, Mr. Silas Jakakimba - who is another Suba - was managing his diary. There are too many Suba who benefited from that. I am talking about ethnic balance which has been mentioned in this Report.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Baya?

Hon. Owen Baya (Kilifi North, UDA): The Member is on fire and we need to cool her down. She is saying that the former Prime Minister practised nepotism or tribalism by hiring all the people she has mentioned, from the same region. She will later say that other people have hired people from the same community. However, she is indicting that the former Prime Minister only employed people from Nyanza in his office.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. He has tried, but I will give him two out of 10. He did not perform very well in his attempt.

The former Prime Minister, in fact, he is not former because there has been none after him, is a Luo and he is related to the Luhya. He is not a Suba. Therefore, he was not being biased. Hon. Isaac Mwaura was also nominated. I was just giving the example of Suba. I can tell you how many Kikuyu, Kalenjin and Kamba he appointed. Do not joke with that man, Hon. Raila Amolo Odinga. He has done well for this country. Hon. Owen Baya got his position through him. That is why you still wear blue sometimes because you belong to Azimio in your heart. It is just that you know this side is eating too much and you are also hoping that you will eat. Otherwise, you know very well that nobody is fairer than Raila Amolo Odinga. I can tell you...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, do you want to be informed?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I do not want to be informed.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie has rejected the information. Proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, I am a lawyer with a Master's Degree from the New York University. There is nothing you can inform me on. I am fairly intelligent and knowledgeable on governance and corruption issues. I am also a ranking Member. So, I have a history of this Parliament. I can teach and educate you about things that have gone on and things that are continuing to go on.

In conclusion, we cannot talk about corruption without mentioning that there is a Government that is confused. The Inspector-General (IG) of Police can tell us that there are people who are engaging in human trafficking and he is seated in his office. Why are you the IG? Do you want me to arrest those people? Arrest them and then we can go with you to court for defamation. Jokers!

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Fatuma Masito and Dr Eve Obara, contribute for two minutes each.

Hon. Fatuma Masito (Kwale County, ODM): Ninakushukuru, Mhe. Spika wa Muda, kwa kunipatia nafasi hii. Pia, ninaipatia kongole Kamati hii ambayo imeleta Ripoti hii katika Bunge la Kitaifa.

Kuna mambo ya utofauti wa makabila ambayo inaitwa *ethnicity and diversity* kwa lugha ya kimombo. Mimi nimetoka katika Kaunti ya Kwale ambapo kuna vijana wengi ambao wamesoma vizuri sana. Lakini, kupata nafasi katika wizara za kitaifa ni kazi ngumu sana. Wengi wao hawana watu wa kuwashika mkono. Serikali zilizopita... Pia, tuna wasiwasi kuwa Serikali iliyopo itapatia kipaumbele watu kutoka makabila makubwa. Ningeomba Kenya iwe na uwiano na itambue makabila madogo ambayo hayajawahi kuingia katika daftari za uongozi na ajira za kitaifa.

Tuna jambo linatendeka katika Kaunti ya Kwale. Tuna uwanja mdogo wa ndege ulioratibiwa kuwa uwanja mkubwa. Suala linalotia utata ni kuwa hawajapeana ardhi kwa upanuzi wa uwanja wa ndege mdogo wa Ukunda ambao upo katika eneo la watalii wengi. Wangukuwa wanatua pale.

Mashamba ya watu wa sehemu ya Mkwakwani, Ukunda, yalifanyiwa utafiti 1974 ikaonekana wale wananchi wana haki ya kulipwa ule wanja kwa sababu ni wao. Kulifanyiwa utafiti mwingine mwaka wa 1984. Kukaja tafiti nyingi mwaka wa 1984 na miaka kumi baadaye, hao watu wakaambiwa mashamba yale si yao. Kuna mzungu anayeitwa Mackenzie ndiye mwenye shamba.

Mhe. Spika wa Muda, dhuluma hizi za kijinsia na kibinadamu ambazo zimetendeka haswa katika Kaunti ya Kwale zitakwisha lini? Ninamshukuru mwenyekiti wa kamati ambayo imeleta Ripoti hii na kuangazia pakubwa dhuluma ambazo zinatendeka. Wakwale wamedhulumwa pakubwa na mambo ya mashamba. Wamenyan'ganywa mashamba yao. Ukienda ufuo wa bahari kutoka sehemu inayoitwa Mwembeni mpaka kule Kinondo, utapata mashamba yote yanamilikiwa na watu wa Nairobi. Hawa watu hawajawahi kukanyaga mashamba yale lakini wanayamiliki.

Hizi dhuluma zitakwisha lini? Ni wakati mwafaka wa Serikali iliyopo, ikiwa inajigamba inafanya kazi, kuwasaidia wananchi wa taifa hili. Iangalie sehemu ya Kwale ambayo imedhulumwa pakubwa sana. Hususan, mambo yanayotia uchungu ni mashamba na ajira. Ninaishukuru hii kamati kwa kuileta Ripoti hii. Nimeongea kwa haraka kwa sababu ya kuchunga wakati.

Asante sana, Mhe. Spika wa Muda. Ninaunga Ripoti hii mkono.

The Temporary Speaker (Hon. Peter Kaluma): *Asante*, Hon. Fatuma Masito. Hon. (Dr) Eve Obara.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker, for giving me time to also speak on this Report, which I support. The thread running through it is very clear. It is a demonstration of incompetence, ignorance, and lack of total understanding of even the most basic requirements of running an organisation. Simple!

We have organs supposed to oversee these organisations and they came out clearly telling us submission of documents for audit was not done and even the documents submitted were wrong. Really, can this be a CEO? Several issues have come out very clearly during presentation by Members. I was a bit surprised and taken aback because we seem not to know we have three arms of Government, namely, the Executive, the Legislature, and the Judiciary.

As Members of Parliament, we have a role to oversee the Executive. We have heard people pointing out that the other side has done a good job yet we are all supposed to oversee the Government. Can we all rise up to the occasion and do the work we are supposed to? The

people sent us here to oversee the Executive. We are not apologists for the Government. There is something that came up skewed...

(Hon. Wanami Wamboka crossed the Floor without bowing)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wamboka, where have you come from? Do the right thing as you come in. Just do the right thing.

Hon. Eve Obara (Kabondo Kasipul, ODM): Hon. Temporary Speaker, please, consult silently. Skewed ethnic diversity...

The Temporary Speaker (Hon. Peter Kaluma): I was not consulting, but keeping order in the House.

Hon. Eve Obara (Kabondo Kasipul, ODM): Hon. Temporary Speaker, an issue was raised on skewed ethnic diversity. There is an organisation called the NCIC, which was set up in 2010 after the promulgation of the new Constitution. Must we repeat ourselves all the time about ethnicity? This Commission has generated reports. So, why are we not making use of them to have balance and fairness? This is not about anybody's shareholding in a company. Let that be clear.

Finally, the President told us that a good number of those in position of leadership are clueless and have no idea of what they are doing. Let these people be relieved of their duties and we give the jobs to qualified Kenyans to work.

I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Eve Obara, tomorrow, you will have four minutes when this particular Motion will be enlisted on the Order Paper.

Order, Hon. Members. Hon. Wamboka, Members have great interest in your Motion. We request the House Business Committee (HBC) to schedule it for conclusion tomorrow and hopefully, you will be available. It is not permitted within the Standing Orders to curtail debate when Members are still seeking to speak.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 9th August 2023 at 9.30 a.m.

Thank you.

The House rose at 7.00 p.m.

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