

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 2<sup>nd</sup> July 2013

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Auditor-General on the Financial Statements of Jomo Kenyatta University of Agriculture and Technology Enterprise Limited for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statement of Jomo Kenyatta Foundation for the year ending 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General therein.

The Annual Report of the Financial Year 2011/2012 for the Kenya National Commission on Human Rights.

The Report of the Auditor-General on the Financial Statements of the Tea Research Foundation of Kenya for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Mavoko Water and Sewerage Company for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Kenya Agricultural Research Institute for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General-General on the Financial Statements of the Pest Control Products Board for the year ending 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General therein.

The Ethics and Ant-Corruption Commission Report (First Quarterly Report) for 2013.

*(By hon. A.B. Duale)*

The Report of the Departmental Committee on Justice and Legal Affairs on the Vetting and Approval of Njee Muturi to the position of Solicitor-General.

*(By hon. Chepkong 'a)*

### NOTICE OF MOTION

ADOPTION OF REPORT ON VETTING OF NOMINEE FOR THE POSITION OF  
SOLICITOR-GENERAL

**Hon. Chepkong'a:** Hon. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to Section 91 of the Office of the Attorney-General Act, 2012, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on Vetting of Mr. Njee Muturi for the position of Solicitor-General, laid on the Table of the House on Tuesday, 2<sup>nd</sup> July, 2013, and approves the appointment of Mr. Njee Muturi to the position of Solicitor-General.

**STATEMENTS**

**Hon. Speaker:** Hon. Members, there is quite a number of Members whose requests for Statements I received and approved. If they do not desire to seek the Statements, we shall proceed to the next Order.

**BILLS**

*First Readings*

THE FINANCE BILL

THE VALUE ADDED TAX BILL

*(Orders for First Readings read – Read the First Time and Ordered to be referred to the relevant Departmental Committees)*

**MOTIONS**

ADOPTION OF REPORT ON VETTING OF NOMINEE FOR THE POSITION  
OF SOLICITOR-GENERAL

**Hon. Chepkong'a:** Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to Section 91 of the Office of the Attorney-General Act, 2012, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on Vetting of Mr. Njee Muturi for the position of Solicitor-General, laid on the Table of the House on Tuesday, 2<sup>nd</sup> July, 2013, and approves the appointment of Mr. Njee Muturi to the position of Solicitor-General.

Hon. Speaker, the Committee met for a total of four times, ending with one meeting held today, during which we approved this Report. I would like to report that the Report was unanimously approved by the 18 Members of the Committee who were in attendance. The Committee carried out the approval process as required by law. I would

like to particularly thank your office for facilitating the meetings of this Committee; the members of staff of the National Assembly who facilitated the Committee and, last but not least, the Members of the Committee who showed a lot of dedication, all of them having attended almost all the meetings.

During the vetting process which proceeded smoothly, we looked at various issues concerning the nominee. We interviewed him personally and looked at his qualifications, experience and knowledge of the law, in the context of the Office of the Attorney-General. Hon. Members were concerned about the issue of regional balance within the upper echelons of the State Law Office. We have made an observation on that aspect in this Report. We also examined the vision of the nominee and found that he has a grasp of what needs to be done. We also examined the various challenges in that office, particularly noting that the Attorney-General is the advocate of the Government.

Hon. Speaker, we specifically noted the large number of unpaid compensation claims that have been awarded to the so-called “victims of Nyayo House torture chambers” during that era. We were very concerned that the claims have remained unpaid for many years. Therefore, we impressed upon him that if his nomination is approved by this House, he should pay up all the pending claims. We also noted with disappointment that most of the departments in Government have not made any provision for payment of court awards made in previous years. Therefore, there is a huge backlog of court awards which have remained unpaid to-date.

So, we impressed upon him that if this House approves his nomination, he should work extra hard to sort out the matter, so that the Government can be seen to be in compliance with the law. We also asked the nominee a number of questions concerning his working relationship with the people he is going to meet at the Office of the Attorney-General, particularly those who are more experienced than him in that particular Department. We also looked at the issue of the *Mau Mau* reparations and other pending cases which need to be sorted out.

Hon. Speaker, the Committee made a number of observations. We received information and documents from the respective bodies under which the nominee has been serving, particularly from the Law Society of Kenya (LSK), who indicated that the nominee has been of good standing for the 18 years he has been in legal practice as an advocate. We also received a letter of clearance from the Ethics and Anti-Corruption Authority (EACA), which indicates that he has no particular ethical problems that have been reported to them.

*(Loud consultations)*

**Hon. Chepkong’a:** Hon. Speaker, can you save me from the loud consultations that are going on? I still need to move the debate on this Report.

**Hon. Speaker:** Leader of the Majority Party, hon. Chepkong’a requested to be protected. I appreciate that you have an able deputy seated next to you.

**Hon. Chepkong’a:** Hon. Speaker, in fact, the hon. Member sometimes claims that he is *unbwogable*. So, I also have to be protected from that other side of the House.

Hon. Speaker, the Committee observed that the nominee served as the Deputy Director in charge of Coordination in the Office of the Deputy Prime Minister. He also worked in the law firm of Muturi Kigano, during which he represented a number of

clients, particularly in cases of human rights. The particular law firm has dealt with a number of human rights issues. Therefore, he has gained a lot of experience as a result. He also acted as Secretary to the Parliamentary Group for five years, during which he prepared briefs for the then Leader of the Official Opposition, hon. Uhuru Kenyatta. He analysed Bills and prepared various Bills for the Opposition at that time.

The nominee participated in the National Constitutional Conference between 2003 and 2005, as an observer. He was also a participant in the Constitution review process, during which he assisted by providing technical support to the Cabinet Committee on Constitutional Review. He was also part and parcel of the parliamentary staff who prepared the Anglo-Leasing Report by virtue of being the Personal Assistant to the Leader of the Official Opposition then. We thought that was a plus for him since he was also fighting corruption. Therefore, we found that he would bring some noble ideas in the course of dealing with those cases, which have been a nuisance to the Government.

Hon. Speaker, the nominee has participated in a number of conferences, particularly those on leadership. He has been enlisted in a number of visiting programmes to the United States of America (USA) to attend lectures at the University of Boston, Harvard University, Bentley University, Stanford University and the University of Central Florida. Those programmes were geared towards promotion of internal democracy in political parties. He also witnessed the internal democracy in various practices and in primaries in the USA.

In our view, he demonstrated a good understanding of the law by exercising the rule of law as a fundamental asset in the legal profession. Therefore, the Committee found the nominee suitable and qualified for appointment as the Solicitor-General. As I have stated, this decision was unanimously arrived at by the Members of the Committee today. It is, therefore, my singular honour to, on behalf of the Committee, present our recommendation to the House: That, pursuant to Section 91 of the Office of the Attorney-General Act, 2012 and Standing Order No.216 (5) (f) and Standing Order No.199, the Committee recommends that this House approves Mr. Njee Muturi for appointment by His Excellency the President as the Solicitor-General.

Hon. Speaker, I would like to thank the Members of the Committee for participating in a very able manner, and in an efficient and effective way.

With those remarks, I beg to move and call upon hon. T.J. Kajwang' to second the Motion.

**Hon. Kajwang':** Thank you, hon. Speaker, Sir. I am a member of this Committee. Under the doctrine of collective responsibility, I have a responsibility to second this Motion. The nominee went under the vetting process as is conceived in the Public Appointments (Parliamentary Approval) Act No.33 of 2001. He went through the Public Service Commission deliberations and ultimately the criteria and the suitability of a person to be appointed as Solicitor-General is set out in the Attorney-General's Office Act. The basic qualifications in the Attorney-General's Act No.49 of 2012 have been outlined in the report that has been presented.

The functions of the Solicitor-General are also outlined in the report that has been presented. The Committee met and had a personal interaction with the nominee and it was clear that he met the basic professional and academic qualifications that are expected of nominees for this position. The issue that this House must deal with is the extent to which the Constitution has been applied in some of those nominations which come from

the President's office and we as a Committee are alive to. We captured it and it is contained in the recommendations. The Committee noted that the upper echelons of the State Law Office seem not to reflect regional balance and it is hoped that the appointing authority will ensure that this balance is addressed. This is something that the National Assembly as well as the Executive will have to deal with one day.

Hon. Speaker, Sir, according to what came before us as the Committee and according to the professional and academic qualifications that were set before us and after seeing this nominee visually, we formed the impression that he is suitable for appointment as Solicitor-General.

Thank you so much. I beg to second.

**Hon. Members:** Put the Question.

*(Question proposed)*

**Hon. Speaker:** Hon. A.B. Duale.

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. I beg to support this Motion on the nomination of the Solicitor-General. Pursuant to Section 91 of the Office of the Attorney-General Act and after His Excellency the President has forwarded the name of one, Njee Muturi to you, the Departmental Committee on Justice and Legal Affairs is seized of the matter as per the Public Appointments (Parliamentary Approval) Act No.33 of 2011.

Hon. Speaker, Sir, at the outset, I want to say it again here that our country has come of age. It is the first time again in the history of Kenya since Independence that the candidate nominated for the Office of the Solicitor-General must go through a parliamentary vetting process. I am sure there are many people out there in this country – thousands and millions – who even do not know what the Office of the Solicitor-General is all about. I am sure this new dispensation will now put to light what this position of Solicitor-General under Section 91 of the Attorney-General's Act entails. That Section 91 says that there shall be a Solicitor-General who shall be appointed by the President and who will be again approved by Parliament and in this case the 11<sup>th</sup> Parliament.

Hon. Speaker, this particular nominee, Njee Muturi, as I said from the outset, has the legal experience and more so has the political experience. When the Departmental Committee on Justice and Legal Affairs under the able leadership of the Chair, hon. Chepkong'a, looked at this candidate in terms of qualifications, integrity and experience, they unanimously endorsed him for this position. I want to correct my good friend, hon. T.J. Kajwang'. In Parliament or in parliamentary committees, there is nothing like collective responsibility. It is not in the Standing Orders. In the parliamentary committees, you agree, disagree or dissent. I could hear him say that, but it is only within the Cabinet. Under the leadership of Parliament, Members represent different constituencies and interests. It was the feeling of the Committee that the nominee met the requirements of Chapter Six of the Constitution. It felt that the nominee is qualified to hold the office of a judge of a superior court under the Constitution, after looking at his papers. For the Kenyans out there and for this House, I think the main function of the Solicitor-General is to carry out any function, discharge any duty and exercise any power as may be directed by the Attorney-General. This office is the accounting officer of the State Law Office. He organises, he coordinates and he manages the administrative and

the legal function of that office. He assists the Attorney-General of the Republic of Kenya in the performance of his duties as the principal legal adviser. He is the one who signs all Government contracts. So, this is the accounting officer at the State Law Office. He is the closest adviser of the Attorney-General.

**Hon. Member:** That is obvious.

**Hon. A.B. Duale:** Hon. Speaker, Sir, yes, it is obvious to hon. John Mbadi, but to many people it is not.

*(Laughter)*

There are people who ask: What is the difference between the Solicitor-General and the Attorney-General?

He is a member of the Council of Legal Education and co-ordinates the attachment of candidates for pupillage in that office. Of course, there are many Kenyans who leave Kenya School of Law. He performs any other function.

This is a person who puts his signature on huge Government contracts; Government to Government, Government to other private entities and we expect this House to approve him.

**Hon. Members:** Put the Question!

**Hon. A.B. Duale:** The putting of the Question is very suspect; it does not look very genuine.

*(Laughter)*

**Hon. Speaker:** The hon. John Mbadi is on a point of order.

**Hon. Ng'ongo:** I think my point of order is overtaken by events, but I think hon. Duale has been missing me for the past two weeks that I have been away. But I did not speak when he referred to me; I just wanted it on record that I am not the one who uttered the words that you are responding to. So, he has been missing me but I am back. Thank you, hon. Speaker, Sir.

**Hon. A.B. Duale:** Hon. Speaker, Sir. That voice, at least, was a voice from the area around Suba. I am sure the other person from the Suba community today is my deputy on this side. Maybe there is another Suba.

**Hon. Speaker:** Hon. Nicholas Gumbo.

**Hon. (Eng) Gumbo:** Thank you, hon. Speaker, Sir. I stand on a point of order. Considering what the Leader of Majority Party is talking about is basically in the Report, will I be in order to ask you to put the Question?

**Hon Members:** No!

**Hon. Speaker:** Let him finish.

**Hon. A.B. Duale:** The call for "put the Question" today is not a genuine one, it is suspect.

**Hon Members:** How!

*(Laughter)*

**Hon. A.B. Duale:** I want to debate. The Public Service Commission received 16 applicants and they shortlisted 10. Out of those 10, one Njee Muturi was among them. Based on the performance at that interview---

*(Loud consultations)*

This is a very important agenda and I want you to protect me because I want to have a lot of time to debate this Report.

The 10 people who were interviewed by the Public Service Commission, to be more serious, three names were submitted to the President. They were Muturi Njee, Muthoni Kimani and Nathan Ronoh. The three of them are very competent Kenyans. His Excellency the President submitted the name and nominated Njee Muturi to be considered for appointment.

The Committee used the Public Appointments (Parliamentary Approval) Act, (No.33 of 2011) to make sure---

*(Loud consultations)*

Hon. Speaker, Sir, I want you to protect me from my purported deputy. The Committee used that Act to gauge whether the candidate meets the integrity test. They asked: Does the candidate meet the experience?

**Hon. Members:** Yes!

**Hon. A.B. Duale:** I am so happy that after the Thursday incident, the CORD Members are very eager to support. I am exercising my mandate as the Member of Parliament for Garissa Township and as the Leader of Majority Party on the Floor of the House.

*(Loud consultations)*

If I am given time and the chorus is stopped, the House will move. On the integrity issue, the nominee met the criteria. On his qualification, I am looking at the observations made by the Committee on his curriculum vitae (CV).

**Hon. Ng'ongo:** Thank you, hon. Speaker, Sir. I stand on a point of order. I did not want to interrupt the Leader of Majority Party who is really enjoying himself. Our Standing Orders are very clear about repetition. If you listen to the Leader of Majority Party, he is now resulting to pure repetition. Could we find him out of order and if he has concluded his presentation, he should allow other Members to also make their contributions.

**Hon. Members:** Yes!

**Hon. Speaker:** Yes, avoid repetition.

**Hon. A.B. Duale:** I am serving my second term and I know the Standing Orders very clearly. I have raised four fundamental points. I have just finished one on the integrity and I am at the qualifications bit of it. This is a report of this Committee. I am not a Member of the Committee. I am obliged to make sure I use my report. The Committee's observations on the academic qualifications of the nominee were that Njee

Muturi holds a Bachelor of Arts Degree in Economics and Political Science and holds a Bachelor of Laws (LLB) degree.

**Hon. Members:** Yes!

*(Loud consultations)*

**Hon. A.B. Duale:** Hon. Members of the House are intimidating me.

**Hon. Speaker:** Hon. Members, allow the Member to finish what he is saying.

**Hon. A.B. Duale:** Hon. Njee Muturi is a Member of the Law Society of Kenya and the East African Law Society and he has been a Deputy Director in charge of Co-ordination in the Office of Deputy Prime Minister.

I think the Standing Orders are very clear. This House needs dignity. We are 349 hon. Members; we are not in a classroom. I am sure my colleagues will agree with me. If you came for a chorus answer, then you are in the wrong place. Let me be very frank, if you have not read the Report, let hon. Members listen and we give each Member his time to contribute. I can continue now because I have made my point. The same nominee has participated in the International Visitor Leadership Programme of the United States of America in many core courses that pertains to it.

This Office of the Solicitor-General, who is the Accounting Officer in the State Law Office, must be transformed. We must have a Solicitor-General who will make sure the Kenya Government does not sign the so-called Anglo-leasing, Goldenberg and dubious contracts that the Kenyan taxpayers used to lose a lot of money on. With no doubt in my mind, with his integrity record, with his academic background and above all under the new Constitution, when we have only the State Law Office headed by the Attorney General, he will perform well. This country had the Ministry of Justice and Constitutional Affairs and the Attorney General; there was a lot of overlapping. We have a State Law Office and the Principal Legal Government Advisor.

There is even one time when we had two parallel governments and we did not know who to advise. Do you advise one principal or the other? This is one Government, one State Law Office and a Solicitor-General who is nominated, vetted and approved by Parliament. In my honest opinion, one Njee Muturi, a man whom the Committee found to be suitable for this position, went through competitive bidding with the Public Service Commission.

**Hon. Nyenze:** On a point of order, hon. Speaker. I am wondering whether the Leader of Majority Party, whom I respect very much, is in order to take more time than he is supposed to. He has spoken for a long time and there are very many other hon. Members who would wish to contribute. Is he in order to keep talking for nearly 30 minutes and repeating himself?

**Hon. A.B. Duale:** Hon. Speaker, I am very shocked. You are the one who directs how the House runs. The Leader of Minority Party should read the Standing Orders. When my time is over, the Speaker will inform me that it is over. We have only one Speaker.

The problem started with the Public Service Commission, our reputable commission that went through the vetting. The criteria for approval of the nominee needed an application form, tax compliance certificate, clearance from Higher Education Loans Board (HELB), police clearance, clearance from the Law Society of Kenya, of

which he is a member, and clearance from the East Africa Bar Association. I would like to inform my colleagues that in the name of Njee Muturi under the new dispensation and the Jubilee Government, we have a man who meets the criteria for him to be appointed as Solicitor-General.

I can see there are many Members coming in to debate this Report. I want to conclude and give a chance to my colleagues to contribute.

**Hon. Ganya:** Hon. Speaker, I want to appreciate the work of the Departmental Committee on Justice and Legal Affairs. This job was assigned to them about two weeks ago and within a very short time, they have come with a report to this House, so that we can approve the appointment of Mr. Njee Muturi to the position of Solicitor-General of our great nation. As Members, not many nominees are known to us by name or individually when we undertake this kind of function, which is a constitutional mandate. Mr. Muturi is known to the political class. He is a fine gentleman.

If you look at the Report of the Committee, he is suitable and has suitable credentials and experience. He is a lawyer, political scientist and man of letters. The Report also clearly states that he is a man of integrity. In terms of vetting, as the august House of this Republic, we look into whether the person is suitable, competent and whether he is a man of integrity. He passes those tests. We are given this noble constitutional opportunity to make decisions on behalf of Kenyans who do not sit in this House. It could be me or you 10 years from now. We have an obligation to accord Kenyans the right to serve this nation, if they are suitable and are men of integrity; if they are competent for the position they have been nominated to by the President, they have a right. Whether we are in the minority or in the majority, we have an obligation to ensure that Kenyans, who have been given this opportunity, if they pass the vetting tests, are accorded the respect and dignity to serve this nation.

For that reason, I support the Report. I support the appointment of Mr. Njee Muturi to the position of Solicitor-General of our Republic.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Speaker, for giving me this opportunity. I am very happy that today, for a short while, I was the acting Leader of Majority Party, and I am still the acting Deputy Leader of Majority Party. I am happy to sit here purposefully and advise the Leader of the Majority Party, so that he can sufficiently advise the President on issues such as this one.

I know Mr. Muturi well. He is a gentleman, good man, good lawyer and very unsuitable for this position. I do not support his appointment. I will give my reasons. He has done the work that is quoted in this CV excellently. He is a very good political analyst, political advisor and has cumulatively five years experience in law. If you look at the State Law Office - and I was an officer there - there are officers who have many years of experience. I will give you one such officer, namely Muthoni Kimani. She was my senior when I was at the State Law Office. This kind of appointment kills the morale of the people who have worked for years. The State Law Office pays poorly. So, anybody who works there works because they hope that one day somebody will recognize their work and service to this country.

Ms. Muthoni Kimani has worked there for years. When I went there, she was already a Senior State Counsel. She has been through many interviews and every time, she is left out; perhaps, it is because she is a woman. Let us not pay lip service to the women of this country. I would have advised that she be appointed the Solicitor-General.

I am not saying that Mr. Muturi is not qualified. He is very well qualified for another job, but not this one. He should have been a State House Comptroller, a Private Secretary on Legal Affairs or, at worst, the Attorney-General because the work of the Attorney-General is to advise, although I think he is also not very appropriate for that position. He is a very good man. I know him personally. I do not have any vendetta, but I just like stating things as they are.

In those very brief reasons, I say nothing touching on his integrity. I do not know if he has issues of integrity; as a House, we need to be serious. We cannot be a conveyor belt. Unfortunately, the Leader of Majority Party has left. He should go and advise Mr. President that he needs to get people who are suitable for certain positions. Let him consider giving my dear friend, Mr. Muturi, the job for which he is suitable, and which is legal-political. This one is mainly legal and administrative work, and should have gone to Muthoni Kimani.

I do not support.

**Hon. (Maj. Gen.) Nkaiisery:** Hon. Speaker, I also stand to support this Motion. Mr. Njee Muturi is a fine individual, a young dynamic Kenyan who meets the criteria for the office that he has been nominated to. I have known Mr. Njee Muturi for over 10 years, and I know that he is a man of integrity. He is a man who meets all the requirements for this office. He was a Personal Assistant to the former Leader of the Official Opposition, when I was in the Opposition. So, he is a good manager. He is a person who can manage the State Law Office. He is just going to be the Accounting Officer. If Njee Muturi was in a position to manage the Opposition for this country as PA of the Leader of the Official Opposition, and that was 10 years ago, he should have actually acquired tremendous experience.

Hon. Speaker, I wish the Leader of Majority Party was here. It is very unfortunate. In this Government, there are only two groups which do not boycott duties; they are the Executive and the Diaspora. The rest of the people in this Government are rioting; teachers are not in class. We need guys like Njee Muturi to give legal advice to this Government. We need people who understand the dynamics of management. So, I would like to urge my colleague--- I was actually shocked when my friend, the Leader of Majority Party, was talking in circles and waiting for the tyranny of numbers to arrive.

*(Loud consultations)*

Any fine Kenyan should not wait for the tyranny of numbers to arrive. I was telling my friend here that this is a fine Kenyan, and we do not have to wait for those guys, so that we can approve his name; any good Kenyan must get the good job.

With those few remarks, I support.

**Hon. Sumra:** Thank you, hon. Speaker, Sir. Personally, all I know is that I have been associated with this man. He is an approachable person and he has been handled in a big way publicly. He is a no-nonsense man, a very sober person, and I think he is the best suited person for this position. He is a trusted person.

Here in Parliament, we do not want to bring in something called politics. Yes, my colleagues said that somebody else is more qualified, but I have associated with Njee Muturi, and I think he qualifies for the job and we should approve him for it.

Thank you very much; I support the Motion.

**Hon. (Ms.) Ghati:** Thank you, hon. Speaker. I think even if the tyranny of numbers has arrived, I still want to oppose. I am opposing the appointment of Mr. Njee Muturi because the immediate former Solicitor-General was one Wanjuki Muchemi. The Speaker of this National Assembly is J.B. Muturi. Is it a coincidence that we find that the Office of the Attorney-General---

*(Loud consultations)*

Protect me, hon. Speaker.

**Hon. Chepkong'a:** On a point of order, hon. Speaker. Just to inform the hon. Member---

**Hon. (Ms.) Odhiambo-Mabona:** She has not asked for your information!

**Hon. Chepkong'a:** I am on a point of order, hon. Odhiambo-Mabona.

The name "Muturi" refers to a Kenyan coming from a particular region, which has nothing to do with the Speaker.

*(Applause)*

When we interviewed Mr. Njee Muturi, we found that he comes from Nyeri County. We all know that the hon. Speaker does not come from Nyeri County. Is it in order for the hon. Member to allege that the Speaker comes from the same clan as Mr. Njee Muturi?

In fact, I have a lot of respect for the hon. Member, but where she was leading to--  
- I think she has her geography and ethnicity wrong. In fact, what she was saying is that--  
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**Hon. Member:** On a point of order, hon. Speaker, Sir.

**Hon. Chepkong'a:** I am on a point of order, hon. Speaker, Sir. Is it in order for the good hon. Member to claim that, in fact, you could be having some ties with the nominee, when she knows that you do not come from his clan, neither do you come from his tribe? Could she be ruled out of order? Maybe, she could have asked for more information from the Committee, which she can happily get. The Report is very clear and it has the curriculum vitae of the nominee.

**Hon. Members:** Let her finish!

**Hon. Chepkong'a:** I am sure she will be allowed to finish when I finish with my point of order. I have a lot of respect for her and you know that.

**Hon. (Ms.) Ghati:** Hon. Speaker, Sir, I was coming to this point. We are talking of an office. The Committee has said that those are the same people who sign Government contracts and tenders. Those are the same people who advise the Attorney-General. We have over 42 communities in this country. When the President gets an opportunity to appoint, there are communities with qualified people. I come from a community that voted for the President, but we have never been given any Government appointment. Why does the President not appoint members from other communities? We have smaller communities in this country, and we are talking about regional representation. When we talk about regional representation, this Government has failed on that.

With those remarks, I oppose the appointment.

**Hon. Member:** On a point of order, hon. Speaker, Sir. Is the hon. Member contributing in order to tell this House and this nation that the previous Solicitor-General was Wanjuki Muchemi? Are we also saying that we have second class citizens in this country? Is Njee Muturi not qualified to be appointed to be the Solicitor-General?

**Hon. Member:** *Hata Wakikuyu ni watu!* We have some people pedaling rumours and ethnic hatred.

**Hon. Member:** Hon. Speaker, Sir, an hon. Member has just said that Njee Muturi has post qualification experience of five years after attending the Kenya School of Law (KSL). When you look at his CV, the nominee was admitted to the KSL in 1995. That is about 17 years ago. Was that hon. Member in order?

Thank you, hon. Speaker.

**Hon. Speaker:** Let us have hon. Amina Abdalla. I am going to dissuade people from using the Dispatch Box, because from there, I am not able to control the time. Since you might take five minutes, I will allow you to use it. If you go beyond that, do not be surprised if I tell you to sit down.

**Hon. (Ms.) Abdalla:** Thank you, hon. Speaker. That is the advantage of being well known by the Speaker.

*(Loud consultations)*

I beg to support this appointment, and I want to declare that I have worked extremely closely with the nominee when he was the PA to the Leader of the Official Opposition. I want to state that one of the reasons why qualified Kenyans refuse to take up political appointments, so that they can advise our leaders, is the repercussions of being labeled partisan or not suitable for the position.

I am saying this because when I served on the Committee on Justice and Legal Affairs with hon. Odhiambo-Mabona, we worked hard to justify that hon. Members of Parliament who are lawyers did not need continuous education because they are continuously doing legal work when they amend and propose legislation. So, I feel sad when hon. Odhiambo-Mabona says that the whole period during which Mr. Njee Muturi has been involved in legal work is five years, yet at an individual level, I know that he has made so much contribution to major legislation that governs major institutions in this country.

*(Applause)*

Hon. Speaker, Sir, the nominee has a great legal mind. He made extremely useful contribution to the previous Anti-corruption and Economic Crimes Act. He was a Personal Assistant when we uncovered the Anglo-leasing mess. We are giving the job to somebody with knowledge in political repercussions of signing bad Government contracts.

With regard to qualifications and questions of integrity, this is a nominee whom I have no doubt will deliver. It is very rare for me to come out and openly support a lawyer. They are individuals who disappoint easily. However, in this case, I have spent 10 years with him, and I know this individual can deliver and will deliver.

Finally, on the issue of regional balance---

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Speaker.

**Hon. (Ms.) Abdalla:** Hon. Speaker, Sir, you know I would not need to answer that point of order because she has just misled this House that this nominee has five years of legal experience, when the fact is that the man was admitted to the Bar in 1995. Unless she has problems with mathematics---

On the issue of regional balance, hon. Speaker, I want to agree that---

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Speaker, I am not actually standing on a point of order on the issue that hon. Amina is raising, which is---

*(Hon. Abdalla remained standing in her place)*

**Hon. Speaker:** The two of you cannot be standing. One of you should resume her seat.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Speaker for reminding hon. Amina Abdalla of the Standing Orders.

I want to state that I am not actually rising on a point of order on what hon. Amina Abdalla is saying. I am a lawyer of several years of experience and I know it when I say that somebody has five years of experience.

**Hon. Member:** How do you know?

**Hon. (Ms.) Odhiambo-Mabona:** See me privately if you want to know that.

*(Loud consultations)*

**Hon. Speaker:** Hon. Odhiambo-Mabona, do not bother answering those issues.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Speaker, I am a lawyer of several years standing. So, when I say that a person has five years experience I know that it is five years. As a lawyer, I will not engage in whether he has those five years or not. I have looked at his curriculum vitae and he has five years of active practice; I have more.

My point of order is this: Is she in order to impute improper motive on the honourable profession of lawyers, to which I belong and to which the Speaker and the Chairman of the Departmental Committee on Justice and Legal Affairs belong? Is she really in order to impute improper motive?

**Hon. (Ms.) Abdalla:** Hon. Speaker, I would not want to respond to that point of order. However, the truth of the matter is that if you ask some of her legal colleagues here, they will say that the part of her legal experience that should be considered is only when she was in the State Law Office. So, as a non-lawyer, I am unable to---

*(Loud consultations)*

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, hon. Speaker. Thank you, hon. Speaker for giving me the opportunity to respond. Now that hon. Amina Abdalla wants to challenge me on that, I want to tell her that she can look at my CV. I do not boast, but I do I say?

*(Laughter)*

Hon. Speaker, I have a law degree from the University of Nairobi. I have a Master's from New York University. I have Master's in Law and I worked for three years at the State Law Office as a Litigation Counsel. I worked for five years as a Litigation Counsel at the Federation of Women Lawyers. I worked for two years at the International Commission of Jurists (ICJ) as a Legal Officer. I worked as a manager in charge of women and children legal affairs in East and Southern Africa---

*(Laughter)*

**Hon. Speaker:** Proceed, that was a brief interlude. I can actually tell that the two of you are great friends.

**Hon. (Ms.) Abdalla:** Hon. Speaker, what Hon. Odhiambo-Mabona has done for herself, we have not given that opportunity to the nominee because he would have been able to justify the legal work that he was doing when serving in the same positions. In addition to the great CV that my good friend, Millie has presented to us, part of her job description was being an "*Omutatah*" at the gate.

*(Laughter)*

On a serious note, hon. Speaker, on the issue of regional balance, this is a concern that is hitting us on all sides. When we have an individual who has got a position in an institution that other members of his or her community are already serving, how do you expect the institution that interviews to make that decision? I am encountering the same problem in the departmental committee I am serving. We, probably, then need to say that individuals from this particular region are not advised to apply, which is not fair.

So, on this matter, I am sure that my good friend Njee Muturi will sort out the regional balance issues in this office. I want to urge my colleagues to give the professionals who advise our political leaders a chance to serve, so that we can see effectiveness.

With those remarks I beg to support.

**Hon. Aluoch:** Hon. Speaker, sometimes, I get thoroughly amused when my juniors are fighting over who is senior and who is not senior.

*(Laughter)*

However, I have the honour and privilege of serving in this Committee. While I support the Report, I wish to echo the remarks of my Chairman, hon. Chepkong'a and the remarks of the Seconder, hon. Kajwang', on the issue of regional balance and the recommendation of the Committee that the President needs to look at this again. Next time he should look at the wider picture of Kenya.

It has been said and I agree that the nominee is qualified for this position. When hon. Kajwang' said that we have a collective responsibility, I was dismayed when the Leader of Majority Party said that there is no question of collective responsibility in Committees.

We agree that as much as possible, committees should arrive at conclusions by consensus. In the last Parliament, I served in the same Committee and I know of an

instance when the Committee was divided, and insisted on having a dissenting opinion from the opinion presented in the Report. The effect of that was that Parliament was divided. The result was that the Departmental Committee on Justice and Legal Affairs was paralyzed for the rest of the Parliament's life. So, we tried to avoid a repeat of that as much as we could. That is the lesson that should be learnt.

As we look at this, I think the appointment to the post of Solicitor-General is coming at a time when there are serious issues for that office to look at. One of them is the accrual of damages against the Government by courts running into billions of shillings, and which Kenyans cannot access because of the blanket protection provided by the Government Proceedings Act, Cap. 40 of the Laws of Kenya. This is an issue we have taken up with the Office of the Attorney-General, and we are insisting that unless the office is willing to look at proper amendments to that Act, the House will have to deal with it and open the flood gates to execution of warrants against the State. So, that is one of the challenges that Mr. Muturi, if approved by this House, will have to face and deal with as a matter of urgency.

Hon. Speaker, Sir, as we look at the position of the Solicitor-General, we must understand that Kenyans look upon this office as the protector of the public good, and the office should attract good lawyers and retain them in their positions. Right now, the Office of the Attorney-General and the Solicitor-General are like training grounds for lawyers. They get in, get experience and walk out to look for more lucrative positions. This is something that the Law Society of Kenya and all Kenyans need to look at. As we look at this Report, it is important that as much as possible – indeed it is advisable at times to have humour in the House - we must be very serious. If a Kenyan deserves, they deserve. We should not look at regions as if the Office of the Attorney-General is composed of one region; it is important that the Solicitor-General nominee, if approved by the House, carries out an audit of the staffing of his office to find out if it is possible to have regional balance.

With those few remarks, I beg to support.

**Hon. ole Kenta:** Hon. Speaker, Sir, thank you for giving me this opportunity to support the Motion. As a lawyer, I believe that it is time we injected new blood into the Attorney-General's Chambers and more so into the Solicitor-General's position. We might look at Mr. Muturi as maybe somebody who has been close to the President, but I believe that is the more reason why we should support him. We would want to have somebody who is close to the President so that whatever we want, as a country, will be given to us. I believe that Mr. Muturi is capable, as I have interacted with him, and I am sure he will bring the necessary change that we deserve. Parliament has been given an opportunity now to decide who is to hold any office in this land. I believe that the era of those shadowy power brokers is over. We should live to the expectations of Kenyans and give young people an opportunity to serve. It does not matter whether somebody has been in practice for 30 or 40 years. Personally, I believe integrity is what counts, and I believe Mr. Muturi has that. The matter should not be belaboured because we have been complaining about the Attorney-General's Chambers; arrogance of the holders of that office and now we have a chance to start a new.

As my colleague, the lawyer who has spoken before me has said it is important that some of those laws are looked into and the only person who can do so is a new holder of that office. We also need somebody who is accessible, because we have had a

problem. Some people have become institutions in some of those offices. I believe that Mr. Muturi will fit the bill. So, I support and tell this House that I know Mr. Muturi personally, and I believe he is the right person for that office. At the end of the day, we will all be very happy.

Thank you.

**Hon. Ng'ongo:** Hon. Speaker, Sir, first of all, I think when we are in a position to advise the political leadership, we need to advise them properly. What is the work of a Solicitor-General? I have heard mention of him as the Accounting Officer of the State Law Office. That is true. This office is the one that is very instrumental in various Government contracts. More importantly - we have got it wrong in this country a number of times - is that this is the office that is the official Government receiver when it comes to State corporations. With just three functions, then we know that this is a key position. I have not checked the competence, capacity, professional qualifications and experience of Mr. Muturi, but I would have loved to see a more careful appointment by the President because there is something we call perception. The President of the Republic of Kenya must be alive and sensitive to public perception. When we give Mr. Muturi an office of this nature and magnitude, an office that is supposed to be responsible for contracts, and is likely to be accused of corruption, or praised for fighting corruption, he has to be very careful. Otherwise, he may find that his actions make it very difficult for the Government to operate.

You will recall that in 2003, even though the former President, His Excellency Mr. Kibaki is someone whose integrity this country very much knows about, his Government was tarnished because of his friends whom he had put in sensitive positions. Therefore, I would have loved to see that His Excellency the President of the Republic of Kenya, who was voted into power in probably less than four months ago, should have been very careful to avoid--- If he wanted to reward his friend, he should have taken him to a more politically correct office. When he takes his friend to such a sensitive office like this one, and tomorrow by any chance his friend is involved in corruption, let him not accuse us if we tell him he is corrupt himself. This is because, if you ask me, the State Law Office has very competent and qualified personnel. Hon. (Ms.) Odhiambo-Mabona has just spoken about one. There are so many others. What is so difficult in also trying to encourage the people who have been in that system by promoting them?

**Hon. Kabando wa Kabando:** On a point of order, hon. Speaker, Sir. We are discussing a report of a Departmental Committee. This Report is now formally in this House. To my understanding, His Excellency Mr. Kenyatta is not under discussion before the House. The subject matter is one, Mr. Muturi, who applied for a job and the Committee that was unanimously endorsed by this House discussed this matter and now we are discussing the issue. Is it in order for hon. Ng'ongo to raise the matter of Mr. Kenyatta, the President, as being the man who is choosing this man? Is the choice this afternoon not being made by this august House? Is hon. Ng'ongo in order to raise parochial and diversionary issues?

**Hon. Ng'ongo:** Hon. Speaker, Sir, with friends like my friend, hon. Kabando wa Kabando, if you are a President, you do not need enemies. I do not think it serves the President well to have sycophants. As a House, we need to help the President govern this country. I may be in the Opposition, but we want the President to govern this country.

Many appointments have been made which the President would have avoided if he was given the correct advice. We are offering it now for free, but you do not want to take it.

My friend was in the Government for far too long. He contributed very little to the last 10<sup>th</sup> Parliament. So, he does not even know the Standing Orders, and when someone is out of order or in order. I will continue.

**Hon. A.B. Duale:** On a point of order, hon. Speaker, Sir. Hon. Ng'ongo is talking about sycophancy, and I want to jog his memory. It was because of sycophancy in the last Parliament that he was appointed an Assistant Minister in the Office of the Prime Minister. He is a recipient of sycophancy.

*(Laughter)*

**Hon. Speaker:** Hon. Members, let us treat each other with decorum. Let us not use that language. That language is not good. Hon. Ng'ongo is an hon. Member, duly elected by the people of Suba.

**Hon. Ng'ongo:** Thank you, hon. Speaker, Sir. I really do not take offence to such remarks because I am not in doubt of my competence and ability and even by going to the Prime Minister's Office, I was going to discharge my duties and I do not think it was really a reward. In my view, I discharged my duty both in the Back Bench and in the Front Bench perfectly well and that is history.

Hon. Speaker, Sir, what I was going to say, and which I was interrupted from saying is that, there is no demonstration that, that officer who we are vetting today--- I want to remind my friend, hon. Kabando wa Kabando that the appointment did not just find its way into this House. The appointment came from the President of the Republic of Kenya. We know that the Public Service Commission did interviews but I am surprised that the interviews seem to be lopsided, engineered and stage-managed.

**Hon. ole Lemein:** On a point of order, hon. Speaker, Sir. Is hon. John Mbadi in order to say that the appointment came from the President when he knows very well those three persons were shortlisted and the Committee actually picked one?

**Hon. Speaker:** Proceed, hon. Mbadi.

**Hon. Ng'ongo:** Hon. Speaker, Sir, I think I should proceed now because the more we continue with this debate the more, sometimes, we portray that we are not fully briefed and I do not want to expose more Members to embarrassment. This is a House of honourable Members. Let me proceed.

*(Laughter)*

Hon. Speaker, Sir, let me conclude by touching on the issue of ethnic balancing. The President, Executive and Parliament are required by law - through the Constitution - to make sure that the appointments that we make in this country reflect ethnic and regional balance. We cannot run away from that. Even if this appointment has come from wherever, as a House, we are under obligation to follow the law. If we pass the name, violating some of the provisions of the Constitution, we are as guilty as the people who have made the proposal. So, let us not run away from this because I heard hon. Amina Abdalla, who is a very good friend of mine, say that the Committee has no capacity to balance regionalism. That is why vetting goes through this Parliament. Parliament is the

National Assembly. This is not the Senate. The National Assembly represents the people of Kenya. Article 96 talks about the Senate which represents regions. Ours is to represent the people of Kenya in totality and, therefore, we need to be looking across the country and having what we call gender balance, ethnic balance, regional balance and every other requirement, including minority interests and disability. We need to factor them in the public appointments and that is why the appointments come to Parliament. So, in the event that we feel that the State Law Office is going to be overstaffed by people from one ethnic community, we have the right to say no. In my view, this House would do His Excellency--- In fact, we passed all his appointments. I think for this one, this House needs to show displeasure by rejecting this appointment and asking the President to look outside the box and look at other ethnic communities. When will a Suba get appointed in this Government really?

**Hon. Speaker:** Hon. Aburi.

**Hon. Aburi:** Ahsante mhe. Spika. Yangu si mengi kwa sababu nimekaa na Njee Muturi kwa miaka mingi na wana-CORD ambao wako katika Bunge hili walimjua mwaka wa 2001 wakati wa muungano wa NDP na KANU. Njee alikuwa mratibu wetu. Tulitembea na Njee sambamba mpaka dakika ya mwisho. Halafu mwaka wa 2005, wakati wa kura ya maoni ya chungwa na ndizi, Njee alikuwa mratibu wa taifa. Tulimpigia makofi kwa sababu aliweza kutueleza vizuri na tukaenda vizuri na ilikuwa nzuri. Na chama changu cha CORD pia mimi najua ya kwamba kiliendelea vizuri. Yangu si mengi. Nataka kuwaeleze wenzangu ya kwamba hakuna maana tunaita mtu wakati wa vita na vita vikiisha, wakati wa kula, tunampiga makofi.

*(Applause)*

**Hon. Members:** *Toboa. Toboa.*

**Hon. Aburi:** Namuunga mkono Njee kwa sababu nambari ya simu alionipatia mwaka wa 2001 hajabadilisha. Lakini nasema ya kwamba nina imani na wenzangu. Naunga mkono kama vile wengine wamefanya na hii ni mambo ya nchi yetu ya Kenya. Sio jambo la mtu moja. Nasema kwamba sipingi. Nasema kwamba Njee ako sawa kwa sababu namjua.

Ahsante.

**Hon. Speaker:** Hon. Kamama Asman.

**Hon. Abongotum:** Thank you, hon. Speaker, Sir. First of all, I want to really join my colleagues in supporting the approval of one, Njee Muturi, to be our Solicitor-General. I have known Njee for donkey years. I have known him for quite some time and the gentleman is more than qualified to be our Solicitor-General. He is a lawyer who is humble, with very great demeanour and with a gentle mien. So, he is more than qualified to get this job and I want to ask this honourable House to really approve his name because he will serve this country with dedication, commitment, honesty and distinction.

I thank you hon. Speaker, Sir.

**Hon. Speaker:** Hon. Cheboi.

**Hon. Cheboi:** Thank you, hon. Speaker, Sir. First, I want to say that I support the appointment of Njee Muturi. I have known him for quite some time. I went to the same class with him in the early 1990s together with hon. Kajuju, hon. Njagagua and hon. Gichigi. I have known Njee to be a very competent person. I want to say if there was

anybody who would have competed for the same seat with Njee Muturi, probably it is me and not Mille Odhiambo or even my senior Olago Aluoch.

*(Laughter)*

That is because you see, other than this being a Solicitor-General post, it is also a political job and Njee Muturi has served in the Opposition together with me in KANU those days. He has served again in Government and he knows the intrigues of both sides just like me. That is because I was in KANU which was the Opposition and now I am in KANU which is in the Jubilee Government.

*(Laughter)*

So, we know both parts of the political side. However, let me put it this way: we must understand as Members of Parliament the reason why those particular appointments are brought to Parliament and their sources. It is not the President. The Public Service Commission and the President only does one simple thing – send it from where he is to Parliament for us to come and vet and not to interview. That has been a mistake that has happened in many occasions. We come and look at issues of integrity of Chapter Six of the Constitution and the rest. It is not so much about whether he has really gone to this university or that university.

Hon. Speaker, Sir, let me say this about Njee. He is a fine person. Let us all agree. Let us forget about the politics. Let us forget even about the tribes. I think it is about time that we started defining the regional balance so that we do not make some people disadvantaged. The regions as in the Constitution now are about counties. Let us look at where hon. Cheboi comes from. If I come from Nakuru, do not take me to Kericho and say that since there is somebody from Kericho who has been appointed, there will be a problem with regional balance with either Baringo or Nandi. Those are from those counties. I am from Nakuru County and for Njee; I want to put it this way, he went through an interview. He had the other capacity to apply for as long as you are a lawyer.

I am not going to talk about how many years it is since he was admitted to the Bar. If he was admitted in 1995, he qualifies to be a judge of the High Court. That is what we are looking for. Just because Olago Aluoch was admitted in 1979, that should make us very worried if he was to be the appointee because we are also looking at the youth of this Republic. If we come here as Members of Parliament and say that we must see your wig is worn out and the bag you carry the law books to court in is very old, we will be losing in one direction. We will be losing our youth and probably when Millie Odhiambo comes before us, because I know she is a fine woman and she likes to carry new wigs, we will lose out. I did not want to talk about Mr. Njee further than I have just done. He is qualified. Let us approve him. He has been vetted and he has gone through. He has no integrity issues. He has a degree like everybody else who would have qualified for that position and he qualifies.

I beg to support.

**Hon. Shimbwa:** Mhe. Spika, nakushukuru. Ningependa kulifahamisha Bunge hili kwamba hatuongei kama watu wa CORD wala sisi hatuna ukabila. Tunawawakilisha Wakenya. Tukiona sehemu ambazo tunazotoka haziangaliwi na tumepewa ahadi na

Makamu wa Rais kuwa baada ya kura, hakuna tena mambo ya CORD wala Jubilee, ni lazima tuongee.

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Hon. Mwinyi will be heard!

**Hon. Shimbwa:** Bw. Spika, ni lazima nisikike kwa sababu mimi ni mmoja wa hili Bunge. Kuna mwendo ambao umeanza na unaendelea. Ni juzi tu ambapo Baraza la Elimu ambalo linachagua orodha ya Halmashauri ya Elimu nchini--- Na nitaitisha habari hiyo Mungu akipenda wiki ijao---

**Hon. (Ms) Mbarire:** On a point of order, hon. Speaker. Is the Member in order to mislead this House that his region has not been considered in any appointment? Currently, there are two Cabinet Secretaries from the Coast, namely, hon. Balala, hon. Kambi Kazungu and several other Principal Secretaries. Is he in order to mislead this House?

**Hon. Shimbwa:** Bw. Spika, nayaheshimu maoni ya mheshimiwa aliyezungumza lakini ukweli ni kwamba sisi kama Wabunge wa Bunge la Kumi na Moja, hatutaki kurudi kule ambako tumetoka kama nchi. Tunataka tuwe nchi ambayo kabila zote zimeshikana pamoja ili tulijenge taifa hili. Kwa ufupi, tusiwe na machungu tunapozungumza ukweli. Ni lazima tukubali ukweli. Mkuu wa Wengi ako hapa na ni lazima amshauri Rais wetu. Wabunge wanamuuliza awe kiongozi wa kitaifa kama vile Wakenya walivyomchagua. Kwa ufupi, tunamheshimu. Naunga mkono kuteuliwa kwa Njee Muturi lakini ni lazima uteuzi wote utakaofanyika kuanzia sasa ufanywe kutoka taifa nzima.

**Hon. Ferdinard Waititu:** Jambo la Nidhamu, mhe. Spika. Ningependa kuwajulisha kwamba hata ukienda katika nyumba za kuhifadhia maiti, utaona ni wapi watu wamekufa wengi leo. Pia, ukienda jela, utaona ni nani wako wengi. Hata ukiangalia wezi, utaona ni akina nani wako wengi. Ukiangalia hata kanisani, utaona ni akina nani wako wengi. Kwa hivyo, sio kupenda kwetu, mtu wie radhi.

**Hon. Lentoimaga:** Hon. Speaker, going by the mood of the House and under Standing Order No.95, I wish to request that the Mover be called upon to reply.

**Hon. Speaker:** I have heard what hon. Lentoimaga has said but, there are pending 42 requests for contribution. I must also be sensitive to Members who have been here in the Chamber for a long time. Hon. Nyamweya!

**Hon. Nyamweya:** Thank you, hon. Speaker, for giving me a chance to contribute to this Motion. First of all, I want to inform Members that we are the face of this nation. We have come from all the regions of this country. We are here to represent the feelings of Kenyans. I want Members to ask themselves whether the State Law Office represents the face of Kenya and whether that office, as it is today, represents the face of what we expect Kenya to be. The Attorney-General is Mr. Muigai and the Deputy Solicitor-General is Muthoni Kimani. The Solicitor-General, who we might approve today or not, is Njee Muturi.

I am not disputing his qualifications. I know he is qualified. But he is qualified to be a Cabinet Secretary and not Solicitor-General. He will not get the time because he has spent time with politicians. Three names were presented for nomination to the President. I want to go through the basis of giving that man a job. I have known him from the KANU days. We were with him in KANU. He is a sober and honest man. But the time

for his appointment is not appropriate at this time. Three names were presented to the President. Mr. Muturi Njee is there. He has a basic degree like me in law. We had Muthoni Kimani who has experience, a Master's Degree and has been in that office. Ms. Muthoni Kimani became an advocate of the High Court in 1985 and Mr. Muturi Njee became an advocate of the High Court in 1995. Finally, we have Nathan Ronoh.

The President of the Republic of Kenya, His Excellency Uhuru Kenyatta, is not sensitive to what Kenyans need.

**Hon. Speaker:** Hon. Nyamweya, look at your Standing Order No. 87 so that, as you make your contributions, you are guided accordingly, please. If you want to discuss the personal conduct of the President of the Republic, please, study that Standing Order.

**Hon. Nyamweya:** Hon. Speaker, my apology. I stand guided by you, a very experienced Member of Parliament. For those reasons, time is not right for Mr. Muturi to be appointed to that position. I oppose the appointment so that the appointing authority can get the chance to give somebody who is more appropriate that job.

Thank you, hon. Speaker.

**Hon. Langat:** On a point of order, hon. Speaker, Sir. Is it in order for the hon. Member who was on the Floor right before me to say that, that nominee has spent time with politicians when we have Cabinet Secretaries who have been politicians and the same names were passed by the same Parliament? What is wrong with that nominee that he does not deserve to be given the opportunity to serve in that office?

**Hon. Angwenyi:** Thank you, hon. Speaker for giving me this opportunity. I rise to support the appointment of Mr. Njee Muturi. First, Mr. Njee Muturi is highly qualified for this job. Secondly, he is a person who has worked with politicians. Some of my colleagues here tend to think that to be associated with a politician, you are committing a crime. So, they are criminals themselves.

*(Laughter)*

Hon. Speaker, thirdly, Mr. Njee Muturi satisfies the regional representation requirement. Mr. Njee Muturi comes from Nairobi. Nairobi has not had a Cabinet Secretary or a Principal Secretary. We now have a Solicitor-General. So, the people of Nairobi, like hon. Arati, should be happy that somebody has been appointed for him.

Fourthly, Mr. Njee Muturi is somebody who has worked through thick and thin. He has worked as Personal Assistant to the Leader of Opposition. He has worked with the Opposition when they were opposing the constitutional review. Do you remember? But I now warn my colleagues who are in that side that, once you serve them and go out, they will give you punches from the back.

Fifthly, Mr. Njee Muturi has created the relationship with the leadership of this country, including hon. Members of Parliament and politicians who are outside Parliament plus the activists. Even Omutata would have said that Mr. Njee Muturi qualifies for this job.

Hon. Speaker, Sir, I cannot see what is wrong when a President appoints somebody, whether he comes from his clan, tribe or region, so long as that person is qualified.

**Hon. Ng'ongo:** On a point of order, hon. Speaker. Hon. Jimmy Angwenyi once taught in my campus and actually, I treat him like my teacher because he taught Public

Finance - one of the units. Although he did not teach me as a student, he was teaching my other colleagues and so, he is my teacher.

Hon. Speaker, this House is entitled to the truth. Hon. Chepkong'a mentioned that Mr. Njee Muturi comes from Nyeri. Now, we are hearing hon. Jimmy Angwenyi telling us that he comes from Nairobi. Hon. Speaker, I am quoting what has been said on the Floor of this House and it is in the HANSARD. If anybody doubts that, it can be confirmed. But is it in order for hon. Jimmy Angwenyi to mislead this House and even go to the extent of ignoring the constitutional provisions of Article 223, which is very clear? It does not even talk about region. It talks about representation of Kenyans by vast communities. Actually, it is about communities not even regions. It goes ahead to talk about members of all ethnic groups.

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

**Hon. Ng'ongo:** Hon. Speaker, Sir, I am on a point of order! What is this now?

**Hon. Speaker:** Let her raise her point.

**Hon. (Ms.) Shebesh:** I am rising on a point of order because hon. Ng'ongo has insisted on the fact that Mr. Njee Muturi is not a Nairobiian. It is about time that this House learns that Nairobi is a county of three million inhabitants during the night and four million during the day. Mr. Njee voted in Nairobi. He has been a resident in Nairobi. He has done his business in Nairobi and, therefore, qualifies as a Member of Nairobi County. He also qualifies to be given a job on representation of Nairobi County. Is the hon. Member in order to keep referring to the fact that somebody should belong to their area of origin and refusing to accept that he can be a Nairobi County resident but fail to vote in Nairobi?

**Hon. Speaker:** Hon. Ng'ongo, continue but, please, conclude.

**Hon. Ng'ongo:** Hon. Speaker, Sir, it is not that I advocate tribalism; I am following ethnic background.

**Hon. Members:** You are!

**Hon. Ng'ongo:** Hon. Speaker, hon. Shebesh is completely out of order. We have a Report before us here. If hon. Shebesh goes to page one of this Report, it clearly indicates the district and county. For Mr. Muturi Njee – and I am not a member of the Committee - it is indicated “Nyeri”. You cannot belong to two counties! This is a matter of record. All of us stay in Nairobi. I work in Nairobi but that does not make me come from Nairobi County. I come from Homa Bay County, hon. Speaker.

**Hon. Nyamweya:** On a point of order, hon. Speaker, Sir. Is the hon. Member in order? I think it is time this House learnt further the background of Mr. Njee Muturi. This prevalent perception that, first of all, a Kikuyu is not a Kenyan needs to be disabused in this House. In addition, if you allow me, hon. Members, Mr. Njee Muturi's father is a Kikuyu, his mother is a Meru and his paternal grandfather is a Maasai. Who then is Mr. Njee Muturi, if he is not a Kenyan?

**Hon. Speaker:** Hon. Angwenyi, you can finish what you were saying. I think hon. Members, you have ventilated on that issue sufficiently. Just conclude on what you were saying.

**Hon. Angwenyi:** Hon. Speaker, Sir, I want to confirm that Mr. Njee Muturi is a Nairobiian. He went to primary, secondary school and for “A” level at St. Mary's School, Nairobi. He went to the University of Nairobi. His grandfather was born somewhere near Kajiado. His grandmother was born somewhere near Narok Town. So, Mr. Njee Muturi

is Nairobi. I would hate the day my children who were born in Nairobi would be called Kisiis instead of Nairobians.

Hon. Speaker, was hon. Raila Odinga, who has been representing some part of Nairobi, born in Nairobi?

**Hon. Members:** No!

**Hon. Angwenyi:** He was not! The people purporting to be representing us in Karen, were they born in Karen? So, what we are saying is this: We should look at the counties where people come from.

For example, the counties of Nakuru, Kericho and Kisii have not been represented, but that man is so qualified. We are not questioning that. Next time they bring somebody who is not qualified, we can question and interrogate it at the Committee Stage. So, that is a fine Kenyan who has been appointed for a fine position.

I beg to support.

**Hon. Speaker:** Hon. Members, I believe you have sufficiently ventilated and the requests are just increasing. So, you will make a decision one way or the other.

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

**Hon. Chepkong'a:** Hon. Speaker, I wish to reply. Since I am the Chairman of the Departmental Committee on Justice and Legal Affairs, it is important that I clarify some things.

Hon. Speaker, we do not have sycophants in this House. For those who have not done law, we have only apologists here. If you are an apologist, you are a defender of something which you believe in its course. A sycophant does not think and so cannot be in this House. Hon. Members need to be guided so that they do not call others sycophants. They can only be called apologists.

In replying, I would like to state as follows: When we were vetting Mr. Njee Muturi, we were guided by the law. We were guided by the Constitution as the supreme law of this land. Article 27 of the Constitution states thus: "The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status---" So, we were guided. Irrespective of what we have just stated, we read that together with what hon. Mbadi has just referred us to, that is, Article 232 with respect to fair representation across the country. Now, Njee Muturi was not going to be discriminated because of the fact that, probably, he comes from a region which is not indicated in that particular manner.

Hon. Speaker, many things have been said. We considered the suitability and qualifications of Njee Muturi. We have noted the fact that he has worked before for the President of this country. Let us not make him a friend. He was his employee. I think things should be made clear. By merely working under somebody, he or she does not become your friend. When working under a politician, you also do not lose your ambition to become somebody. Mr. Njee Muturi still has remained a lawyer just like me. He was still registered at all times as an advocate of the High Court of Kenya. He has never been struck off from the roll of advocates. We have confirmation from the Law Society of Kenya that he still remains as an advocate of Kenya today.

Mr. Njee Muturi is an advocate of the High Court of Kenya, with a good standing of 18 years experience. We considered him suitable for this position. In the Committee, he received bipartisan approval from Members of the Committee. We did not have any dissenting opinion or objection to his suitability.

I beg to move that the Report of the Departmental Committee on Justice and Legal Affairs be approved.

*(Question put and agreed to)*

#### ESTABLISHMENT OF PUBLIC DATABANK FOR BRIGHT/NEEDY STUDENTS

THAT, aware that bright students from poor family backgrounds who score seventy per cent or more of the total marks in the Kenya Certificate of Primary Education (KCPE) fail to join form one in every year for lack of school fees; noting that if such trend is not checked, bright students from poor families will be left out of the learning process hence ruining their future; aware that Article 53 (I) (b) of the Constitution guarantees every child the right to free and compulsory basic education; recognizing the need to identify bright students from poor backgrounds and support them in pursuing and completing their studies in public secondary schools; this House urges the Government to establish a public databank of all bright and poor students to be in the custody of the County Director of Education, and such information be disseminated and made available to the public institutions including the respective Constituency Development Fund Committees which shall take into consideration when disbursing bursaries and such other institutions that may be willing to support such students.

*(Hon. Kinoti on 20.6.2013)*

*(Debate concluded on 26.6.2013)*

**Hon. Speaker:** Hon. Members, the Motion on Order No.11 by hon. Gatibu Kinoti had been concluded. What remained was voting. By the time the debate was concluded there was no sufficient quorum in the House. Therefore, I will put the Question.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware that bright students from poor family backgrounds who score seventy percent or more of the total marks in the Kenya Certificate of Primary Education (KCPE) fail to join form one in every year for lack of school fees; noting that if such trend is not checked, bright students from poor families will be left out of the learning process hence

ruining their future; aware that Article 53 (I) (b) of the Constitution guarantees every child the right to free and compulsory basic education; recognizing the need to identify bright students from poor backgrounds and support them in pursuing and completing their studies in public secondary schools; this House urges the Government, to establish a public databank of all bright and poor students to be in the custody of the County Director of Education, and such information be disseminated and made available to the public institutions including the respective Constituencies Development Fund Committees which shall take into consideration when disbursing bursaries and such other institutions that may be willing to support such students.

#### ESTABLISHMENT OF DISASTER PREPAREDNESS AUTHORITY

**Hon. (Ms.) T.G. Ali:** Hon. Speaker, Sir, I beg to move the following Motion:-

THAT, aware that dozens of families in the country especially in Isiolo County have been marooned by floods; concerned that the flooding menace has led to immense negative impact on the economy which *inter alia* include widespread destruction of property, crops and infrastructure such as bridges and roads hence curtailing the movement of people and goods from one place to another; deeply concerned that flooding has led to outbreak of waterborne diseases in some parts of the county; this House urges the Government to speedily establish a Disaster Preparedness Authority (DPA) to handle issues of such magnitude, and hasten the rehabilitation of all the infrastructure destroyed by the floods.

Hon. Speaker, I know there is no flooding now. However, we know that floods and drought are the most dangerous and costly of all natural disasters. In April and May this year, six counties hit the national media as the most affected areas. Those counties include Isiolo and Mandera. Floods have been affecting parts of this country, for example, Kano Plains in Nyanza Province, Budalangi in Western Province, and lower parts of Tana have been greatly affected by floods for the last five decades.

**Hon. Kaluma:** On a point of order, hon. Speaker. I need to seek your guidance. There is a Motion that the hon. Member moved before this House last week on Wednesday to discuss the ongoing strike of teachers. You gave guidance that once we are through with the urgent business, then we can discuss this Motion. I plead that we bring this Motion because it was urgent then and it is still urgent now.

**Hon. Speaker:** You may resume your seat so that you may be guided. On that particular day when a number of you, including the Mover, decided to forfeit the chance to move the Motion, then it became spent. As of now it is *functus*. Hon. Kaluma, do not look at me as though I am speaking Greek. It was your Motion. I had directed that you would move it when the business then being transacted was over. By the time the business on that particular Order was concluded, you were nowhere in the Chamber. You know certain behavior has consequences.

**Hon. Kaluma:** Hon. Speaker, the happenings of that day are known to everybody. It is not something that I need to go to. However, by 6.30 p.m. on that day, the House was suspended. When the Speaker resumed his seat, the indication was that we were to

complete the Appropriation Bill and issues related to it after which we would adjourn. So, it was clear to me based on that direction that I could not go into that Motion that day any way.

**Hon. Speaker:** You see you were not in.

**Hon. Kaluma:** You gave the indication when the Speaker resumed the seat.

**Hon. Speaker:** Hon. Kaluma, wherever you were---

**Hon. Kaluma:** Hon. Speaker, we have matters of reputation on some of these things. When something is said concerning such a matter as this, it is important---

**Hon. Speaker:** Just resume your seat! Hon. Kaluma, even when you were supposed to have raised that matter if, indeed, you wanted to canvass it, you did not.

*(Hon. Ouma consulted loudly)*

Hon. Ouma, you cannot sit in your place and start arguing. Look at the Order Paper, which business we are on. Hon. Kaluma for three days you always approached the Chair and you would always be given an opportunity. It is the case that on Thursday when business on the Appropriation Bill ended, you were not in the Chamber. That is a fact!

**An hon. Member:** He ran away!

**Hon. Speaker:** You were not here to move your Motion. If you still want to move it, again, you know the procedure but it cannot be now. The time should have been when we began the Sitting. You had not given any indication but if you still want to move Motion for the adjournment of the House to debate that matter, just follow the procedure. Approach the Chair tomorrow and let us have the business indicated that it is going to be moved. You see hon. Ouma wants to do it on your behalf and that is why he remained around.

*(Hon. Kaluma consulted loudly with hon. Speaker)*

Hon. Kaluma, you are out of order now.

Hon. (Ms.) Ali, T.G. proceed with your Motion!

**Hon. (Ms.) T. G. Ali:** Floods have great impact. They are associated with relocation of elements at risk, for example, moving schools from flood areas; decongestion of slums and changing settlement patterns. This imperatively leads to disruption of economic structures and livelihoods. In addition, because of the culture of people that most of them are unwilling to relocate from their ancestral land, disease outbreaks, for example, in my area there are waterborne diseases, affect them. During the floods, Isiolo County was greatly affected; about 8,000 people were affected and according to the Kenya Red Cross report dated 11<sup>th</sup> April, areas like Basa, Gafarsa and about five divisions were marooned. Roads were completely cut off hence making the area impassable and inaccessible. That led to the Government's quick action where they were given food through the Kenya Army planes. Some of the areas that were affected by the Ewaso Nyiro River when it burst its banks include Kombola and Burat and agricultural products were affected. School roofs were blown away and due to that, the Ministry brought together all the PSs who sat and discussed the emergency and how that area could be attended to. I know there is some money that was set aside to ensure that all

the roads or bridges that were affected were to be repaired. I know that the money was allocated but it has not been disbursed to date.

So, this issue needs to be looked at closely and because we lack the DPA to handle such issues, the issues have not been moving. I am moving this Motion so that the Government can quickly establish the DPA and hasten the rehabilitation of all infrastructure across the country that was affected by the floods.

With those few remarks, I beg to move and ask hon. Tuya to second.

**Hon. (Ms.) Tuya:** Hon. Speaker, Sir, thank you. I rise to second this Motion that has been moved by my sister, hon. (Ms.) Ali, T.G. As she has mentioned, we may not be having floods in the country at the moment, but it is needless to say that the amount of destruction and devastation that this country or the citizens of this country have continued to suffer year in, year out as a result of floods that affect, not only the north eastern counties that have been mentioned, but many parts of this country, is immense.

As I second this Motion, I wish to mention that the problem of flooding in this country is not only destroying infrastructure, but we know many lives have been lost because of poor infrastructure. We know that livelihoods have been affected by flooding in this country and, as I support this Motion, it is in the spirit of the Government tackling a menace that can almost be predicted every year. So, I wish to support this Motion and call upon hon. Members to do so.

With those few remarks, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Several hon. Members appear on my list of those who want to speak, but they are not in the House. The first one is hon. Benjamin Kipkorir Langat, followed by hon. Clement Muchiri Wambugu, hon. Peter Njoroge Baiya, hon. David Gikaria---

**Hon. Member:** Hon. Gikaria is present!

**Hon. Gikaria:** Thank you, hon. Speaker. I rise to support the Motion on disaster preparedness, which has been brought here by hon. Galgalo.

I agree that disasters have brought a lot of destruction in this country. Disasters are not just caused by floods. There are other issues like wind, especially within my area of representation. I support the Motion because this country has had a history of not taking serious matters into consideration. Consequently, it becomes an emergency whenever we attend to a situation that has already happened. As the Jubilee Government has indicated in its Manifesto, we need to be a digital people who are prepared for any eventuality. It is quite in order for us to have an institution that will assist us in disaster preparedness.

As my sister, hon. Tiyah Galgalo has said, when disasters like floods happen, they cause a lot of destruction. Of course, compensation is one of the things we need to think about but, more importantly, as the Motion has stated, we need to think about how best we can be prepared to respond to disasters. If we can have the proposed disaster preparedness authority in place, we can address such issues as and when they arise, without having to look for emergency interventions from elsewhere. Of course, floods have destroyed most of our infrastructure, especially roads. If the Government had an institution similar to the proposed body, instead of going for the emergency interventions

that we normally chase after, such a body would have been allocated money to enable it address such situations.

With those remarks, I beg to support.

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

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

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

**Hon. Kipyegon:** Thank you, hon. Temporary Deputy Speaker. I also rise to support the Motion, especially given that it seeks to address the problems that Kenyans encounter whenever they are faced with disasters like floods.

Disasters do not just happen on our roads. While I was a student in the Nyanza region, I realized---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Members! I will accept interventions as they come in. I can see an intervention from hon. Okoth.

### QUORUM

**Hon. Okoth:** Thank you for the opportunity, hon. Temporary Deputy Speaker. I would like us to clarify whether there is quorum for us to continue conducting any business at this point in time. There is no quorum.

**The Temporary Deputy Speaker** (Hon. Cheboi): I confirm that there is no quorum. So, the Quorum Bell should be rung for ten minutes.

*(The Quorum Bell was rung)*

I can see that some hon. Members are walking out and that is not allowed. Please, hon. Members, let us maintain order. I can particularly see hon. Okoth is on his way out. Hon. Obura, I hope you are not walking out. Otherwise, you will be attracting some attention from the Chair. Kindly, do not walk out.

**Hon. Mirenga:** *(off-record)*

**The Temporary Deputy Speaker** (Hon. Cheboi): No, you cannot walk out, hon. Obura, until the 10 minutes are over.

The Quorum Bell can now be stopped. We have quorum. Hon. Members, take your seats. Hon. Kipyegon, proceed.

**Hon. Kipyegon:** Thank you once again, hon. Temporary Deputy Speaker.

I support the Motion mainly because of the effects of floods, and especially the devastation that they cause. Just like the Mover has said, floods that occur in many parts of this country normally cause a lot of damage. I was just describing a situation at one time. When studying in the Nyanza region, we used to experience a lot of flooding which would, sometimes, even threaten to carry away people. The damage that is normally caused by floods includes loss of lives and property. When flood water sweeps across it, sometimes, carries away buildings and other properties. Floods sweep away homesteads, which leave some people with nowhere to live.

All that happens due to several issues. Of course, we know the natural phenomena involved. It normally rains in the whole country. However, there are some areas which are prone to flooding whenever it rains. Those areas include the north eastern part of Kenya, Narok County and Budalangi, among others.

Hon. Temporary Deputy Speaker, Sir, I think the major cause of those floods in some areas like Narok is poor drainage. If the national Government and the county governments can put in their budgets a certain amount which can be used to divert the water before it bursts the banks, I think we will be saving a lot of damage that is caused by floods.

Hon. Temporary Deputy Speaker, Sir, I also believe that the Government can establish a disaster preparedness authority which can also be looking at all those causes. It should not only look at the damage that has been caused, but also at how we can avoid those particular floods. So, I support the formation of the Disaster Preparedness Authority majorly because most of the cities, towns, villages and people have suffered great damage because of the floods in our country.

Hon. Temporary Deputy Speaker, Sir, we do not even think of saving the water which normally flows during those particular floods. You can imagine right now several parts of this country are almost facing drought and yet, a few months ago, those areas were flooded. The Government should, through the proposed Disaster Preparedness Authority, find a way of collecting the water either by using water pans so that, immediately after the floods, those areas can also benefit from rain water.

So, the formation of the Disaster Preparedness Authority is not only to prepare itself for the floods but, it should be formed to look into the aftermath of those particular floods. That way, we will not just whine about the effects of those particular situations, but we will benefit from the floods which occur in those particular situations.

Hon. Temporary Deputy Speaker, Sir, otherwise, I stand to support. I was discussing with my governor the other day that we should not let towns like Narok scare away investors because everybody knows that in that town, during the rainy season, people have to move to higher grounds. I think it is time we addressed this particular issue so that our towns, villages and areas near huge rivers are safe. I support this particular Motion. Thank you.

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

**Hon. Onyura:** Thank you very much, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion. I want to thank the Mover of this Motion, honourable Galgalo, for bringing it. I strongly support the Motion. It is high time that we had a Disaster Preparedness and Response Authority. What we need to do is to ensure that there is proper planning. The Government should, all the time, be in a position to act proactively rather than a knee-jerk sort of action. So, with an authority like that, we will be having well prepared and well trained personnel who can respond at the shortest time possible to the various disasters.

I personally believe that some of what we consider as causes of disaster is actually a blessing. I consider the waters, rain and sun as among the abundant natural resources that we have in this country. I am aware that there are many other countries where they go for years without seeing a drop of rain. I am also aware that there are countries which will go for days and, maybe, weeks without even seeing the sun. We should be counting ourselves blessed to have those natural resources. What we need to do is to see how we

can harness those God-given resources to assist us. I want to believe that with an authority like that; with the research that they might be able to do and the resources that may be at their disposal, we should be able to reach there.

Hon. Temporary Deputy Speaker, Sir, we should not wait and watch in the news ordinary and helpless Kenyans saying: “*Tunaomba Serikali*”, all the time. We want a situation where those Kenyans will be saying: “*Tunapongeza Serikali*” for having foreseen, planned and dealt with those disasters as they occur. Many times, we have the information we require to make those responses. We have invested a lot of money and resources in agencies like the Meteorological Department and they give us a lot of information all the time. So, some of those things do not just happen suddenly. It is just that we ignore. For example, when this Motion was being prepared, there were floods in that county but now, there is drought. So, we are sure that there will be drought to be followed by rains and floods year in, year out. We cannot be operating like that. We may not have the capacity and the technology, but we can share what other people are doing. Countries like Netherlands, for example, are even below the sea level, but I have never heard that they have been swept away by floods. It is because they manage the water. They are able to manage the various weather conditions. We can also be able to do it here.

With that, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Do we have hon. Clement Wambugu, hon. Kathuri Murungi, hon. Mutahi Kimaru and hon. Jacob Waweru Macharia. Proceed.

**Hon. Macharia:** Thank you, hon. Temporary Deputy Speaker, Sir. I stand to support the Motion by hon. Tiyah Galgalo.

**Hon. Okoth:** On a point of order, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): I understand your position hon. Okoth, but you are next in the contribution. So, you can wait. Proceed, hon. Macharia.

**Hon. Macharia:** Thank you, hon. Temporary Deputy Speaker, Sir. I am saying that I rise to support the Motion by hon. Tiyah Galgalo about the establishment of a disaster preparedness authority. If I would use my constituency as a case study, we do not have serious cases of floods. But most of the time, we have strong uncontrollable water. In the last rainy season, we had to use in excess of Kshs20 million to undertake repairs. I would like to say that, that kind of authority is seriously welcomed. It should be welcomed not only in Isiolo, but other areas in Kenya that experience serious floods. When those floods occur, we get serious wastages in terms of food and serious disruptions in terms of security. That kind of authority will come in handy to ensure that those kinds of disruptions and wastages are prevented. The country and the counties will all be able to prepare for those kinds of disasters and stop the wastage of water.

Therefore, I rise to support.

**Hon. (Ms.) Ghati:** Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion. It is long overdue. We have just come from experiencing floods in this country and so many parts of this country have experienced a lot of destruction that has been caused by floods. So, this is a timely Motion.

However, we have not done a lot to prevent floods, which is a perennial problem. At this time in this country, we should be seriously thinking about next year rather than waiting for floods to occur and then we run there. I come from a county that experiences

a lot of flooding. Up to now, schools have not been repaired. Bridges are impassable. For me, coming up with a fund that supports the repair of the destruction caused by floods should be a priority. Many lives have been lost. Children took a long time to go back to school for the second semester. This is not something that we should be doing. The Government needs to look for long-term solutions to curb the menace. We should not wait and every time there are floods, we rush there with very short-term measures and take foodstuffs, sanitary towels and cooking oil. That is not the solution that we are looking for as a nation. We are looking for long-term solutions that are going to curb flooding in this country.

I fully support this Motion, which is very timely.

**Hon. Okoth:** Thank you, hon. Temporary Deputy Speaker. Very recently, we discussed about the meaning and import of Motions that urge the Government to do anything. But because the Government is not represented in the House, however well intentioned those Motions are, we do not know the follow up mechanisms. So, with all due respect to my colleagues, we want to make sure that the people of this country are well taken care of and a disaster preparedness authority exists. But is this Motion really, the right way to do it? Is it not the work of a committee to come up with a serious Bill in consultation with the relevant Ministries and Cabinet Secretaries to put in place such an authority?

Those are not news. We are not visitors to our country. We know that those things happen year in, year out. Even as we move to the new dispensation of devolution, why debate those things here just a few Members of Parliament? What is the serious import of it? What is the impact of it or we will just debate and discuss for the sake of debating and discussing and once this is done, we will not have helped the people of Nyando or Isiolo in any meaningful way? We should go back and think of ways that we can turn this into useful productive ways to serve our people and not just urging the Government. There are other ways in which we can urge the Government to do that quickly. So, I am concerned about Motions like this which take a lot of time. If we can move Motions that are within the power of Parliament to implement and act upon rather than continuous urging and urging which does not give us the responses that we need, the better.

**Hon. Busienei:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. Let me thank the Mover of the Motion, hon. T.G. Ali. The Motion seeks to establish a disaster preparedness authority. About three months ago, we had very serious floods all over the country. In my constituency, footpaths and bridges were washed away. Children could not access schools because the bridges were washed away.

This Disaster Preparedness Authority is needed not only for floods, but for any other disasters that cause problems in the country. The authority should then be devolved to the counties, so that handling of disasters is easy and there would be no wasting of time as we run from Nairobi to the constituencies.

I support the Motion.

**Hon. (Ms.) Ombaka:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion, which is very timely and important for our entire country. It is not just floods that we experience year in, year out, but we experience many other disasters that equally require national attention. There are a lot of fire outbreaks, diseases, drought, violence and even collapse of buildings.

Many times when this happens, the face of the Government is very limited. You do not see much of what the Government is doing and you tend to see the Red Cross and several Non-Governmental Organisations (NGOs). It is, therefore, very important that the Government comes out strong and supports those NGOs as well as establishing that authority. Those who are normally victims of disasters have to seek medical attention, which comes very late. There is a lot of hunger and food comes too late. There are those who are burnt in fire outbreaks and, again, attention is too late. That is, maybe, because we are not prepared. We are never prepared and disasters are very expensive. That is why this country needs to establish an authority like this, so that in every county, the authority looks after cases of disasters and emergencies.

Maybe, it escaped us to provide for this in the Budget, but it is not too late. I am sure we can make some amendments in the various budgets. It is very critical that when a disaster strikes, we act very fast. Otherwise, we lose lives when we can save them. I want to support this Motion because in Nyanza, we have disasters just like anywhere else. We have floods as well. We have diseases that break out and people panic and move around this and that way. This is a very timely Motion and we need to support it. We need to prepare for disasters by training those who can operate in that area. I am sure we can establish the preparedness in the various Ministries, for instance, Ministry of Health, which can train people to handle emergencies. Sometimes, the public run to help but, they also run into a disaster. When a vehicle overturns on the road and there is a lot of fire, people go there to scoop paraffin. They do not know that is dangerous. So, there is a lot of training that needs to be put in place and members of the public informed about disasters, so that they do not take risks. This is a very timely Motion and I support it.

**Hon. Kemei:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion. Actually, this Motion is long overdue because we know that in Kenya, we have so many issues, especially those which are disastrous.

Hon. Temporary Deputy Speaker, two months ago, when schools were opening, floods were all over the country. In my constituency, we lost several people. There was a lady who was swept away by floods and, unfortunately, up to now, we have not even recovered her body. If we had a disaster management authority devolved to the counties, I believe they would have acted very fast and saved the situation. They would have good swimmers. So, I support this Motion because we need to set up an authority to manage disaster. I wish it had come earlier before we passed the Budget, as we would have set aside some money, even if it were for functions at the county level.

Hon. Temporary Deputy Speaker, apart from the floods, there are many disastrous events that happen. There are fires and road accidents. The other day, we lost eight people in my county because as they were assisting accident victims, a lorry came from behind and rammed into them. That was a disaster! So, if we had people around who could have advised the people that it is safe to run away from the accident scene that could not have happened. They could have put warning signs far away from the accident scene.

Hon. Temporary Deputy Speaker, Sir, apart from loss of lives, we are also losing a lot of water. We have lost a lot of water and then after one, two to three months, we do not have water. That is water that we can conserve and use for irrigation. We can increase our food security.

Hon. Temporary Deputy Speaker, Sir, it is important to set up early warning signs, if we have people who are experienced. In case we know that the disaster is about to happen; we know rains are about to come, we warn our people who are living in lowlands to move to highlands so that we do not lose lives when we know things are about to happen in the near future. We need to move to the next stage and see if we can convert this Motion into a Bill, so that it comes back to the House and we support it. It will become law.

Thank you. I beg to support the Motion.

**Hon. Onyango:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion. This country has been treated to a situation where we wait until a disaster happens and then see people running helter skelter from one point to the other looking for help and, in the process, causing even more problems than solutions. It is high time we had a disaster preparedness authority that is also going to assist us in having data of all danger prone areas. It will demarcate and give early signs. That is the authority that will force people to move out of areas that are considered to be danger zones. That way, we will be assisting our country not only on floods, but even on fire and other kinds of disasters that happen in our country. Some of them are unpredictable, but others are regular occurrences and you can prepare for them.

Hon. Temporary Deputy Speaker, Sir, with that authority, we can have proper planning instead of waiting until a disaster happens and then we start running for help. That will also help this country to budget for disasters instead of waiting to do reallocation of funds.

So, I support and add that it would be proper if a Bill is enacted to give the Motion the force of the law.

**Hon. (Ms.) Chidzuga:** Ahsante sana, Mhe. Naibu Spika wa Muda. Nina matatizo kidogo; ni kama nimepoteza kadi yangu na haijulikani iko wapi.

Nasimama kuunga mkono Hoja hii kwa sababu ina maana kwa Wakenya. Lakini mbona tunangoja mpaka wakati matatizo yanatokea ndio watu waende mbio? Mambo ya mafuriko yamekuwa ni kama kitega uchumi kwa wengine. Wakati mafuriko yanatokea, utaona bajeti kubwa kubwa zinazinduliwa kutoka mahali ambapo hapaeleweki na hizo pesa zitatumika na watu hawaelewi zinatumiwa vipi. Hizo pesa zinazotumiwa wakati wa mafuriko hazingetumiwa kama tungekuwa na mipangilio ya maana. Hayo mafuriko hayangeweza kutusumbua tena katika Kenya hii.

Mhe. Naibu Spika wa Muda, kuna sehemu ambazo zinajulikana wazi kwamba lazima mafuriko yazikumbe kila mwaka. Ni kwa sababu gani Serikali haijachukua hatua ya kuwa na msimamo ama mpangilio maalumu kama vile wa kutengeneza mabawa ambayo yatachukua maji wakati wa mvua? Serikali inaweza kuwahamasisha wale wananchi wanaoathirika na kuwapatia makao katika sehemu ambazo wataweza kuishi bila kuathirika na mafuriko yanapotokea.

Mhe. Naibu Spika wa Muda, pia yafaa tuwe na watu ambao wako na mafunzo maalumu ya kuweza kutokea mara moja na kuokoa maisha ya watu wakati mafuriko yanatokea. Hili neno litakuwa ni hadithi ambazo zitakuwa zikiendelea kila siku kama mjadala na watu watakuwa wanakufa. Pesa zitakuwa zikitumiwa kwa njia ambazo si nzuri, na hakuna chochote kitapatikana kwa manufaa ya Wakenya.

Mhe. Naibu Spika wa Muda, ijapokuwa tutaunga mkono Hoja hii, lakini wakati umefika tuwe na chombo ama taasisi ambayo itaweza kusimamia mambo ya mafuriko na

sio mafuriko tu, lakini pia ajali yoyote ambayo inaweza kuleta maafa makubwa katika nchi hii.

**Hon. M.D. Duale:** Thank you very much, hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Motion. I really agree with hon. Tiyah Galgalo on the issue of disaster, particularly in northern Kenya in relation to drought.

Hon. Temporary Deputy Speaker, Sir, disasters in this country occur everywhere. They include floods, fires, rustling, accidents, *et cetera*. In my opinion, it is good to consider and strengthen the existing institutions. For example, we have the National Drought Management Authority which deals with disasters. It will be difficult to duplicate so many institutions without action. I want to say that for disaster, while it will be the national Government's role to provide policy direction, it is important that, at county level, we have a disaster management committee. Every governor in his county must constitute all the sectors that are involved to support.

Hon. Temporary Deputy Speaker, Sir, all governors should also allocate money for floods and other disasters in areas like Isiolo and Garissa counties so that, even as we wait for the national Government, we can have something being done at the local level to mitigate the effects of disaster.

With those suggestions, I beg to support the Motion.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Tiyah Galgalo, I am sure you want to remove your card because you will have your time. Are you not the Mover of the Motion? I am sure you are. So, you will have to wait.

**Hon. (Ms.) Shebesh:** Thank you, hon. Temporary Deputy Speaker. This is not an issue that just affects the area that she represents, but affects the country. The issue of disaster preparedness and management has been escalated by climate changes. We know that climate change is going nowhere. This is an issue that the Government needs to recognize. It is because of climate change that disasters are happening on a more regular basis. Fortunately, those disasters can be managed if the Government puts in money to prepare for them.

The saddest thing about disasters is that once they happen, those who suffer most are women and children. They are the most vulnerable. Take an example of Budalangi an area which experiences flooding perennially. Families get separated. When people are relocated to go and sleep in tents provided by the Government, they cannot sleep there together because of cultural issues. So, you find that men are taken to the town centres and women and children are put separately in camps. Whenever there is disaster, the Government takes a lot of relief food and other items to the ground. Unfortunately, in some areas, men take the opportunity to use those goods to get other wives rather than deal with the disaster. It has become a concern now.

*(Laughter)*

It sounds like a joke, but that is what was contained in a report that was laid in this House in the last Parliament, when we were discussing the issue of floods in Budalangi. So, it is not just about the Government preparing with regard to economical and structural issues. This is also a social problem. That social problem must be dealt

with. I am not very sure why the Government has placed disaster preparedness in this new structure of Government.

The last Government's problem was that we had disaster preparedness spread over four Ministries. There was the Ministry of Water, Ministry of Special Programmes, Ministry of Internal Security and the Ministry in charge of development of northern Kenya. There was tug of war whenever a disaster happened and people did not know which Ministry to go to for help.

So, I am hoping that this Authority will, first of all, clear that mess. More importantly, I would like to ask the Government to put the disaster preparedness and management functions under either the Office of the President or the Office of the Deputy President. This is because once taken to other Ministries, there will always be a fight for resources when disaster happens. So, it is better to focus it where there is no real competition.

I want to thank hon. Tiyah Galgalo for bringing this Motion. It is high time we realized that disasters are here to stay now that we have climate changes. I beg to support.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker. I would like to concur with the previous speaker. It is like we had discussed this matter. We lose a lot of lives to floods, landslides and so on. Unfortunately, it does not take us longer than six months before we hear of this calamity or another. We have also lost lives to road accidents, fires, flooding rivers, broken bridges and so on. A lot of those disasters affect communities that are experiencing extreme instances of poverty.

It is, therefore, high time that we had a disaster preparedness authority that will mainstream interventions against disaster across all other public institutions. In schools, we need our children to be protected especially when they have to cross flooding rivers. In Shinyalu Constituency, we had a situation where children could not cross over from Senende to Shiswa Primary School. They had to stay home until the waters of the river subsided. I know this is happening elsewhere across the country.

It is important to have an authority that is all the time focused on planning and mitigating factors against those disasters. We have had instances of human-wildlife conflicts. This is an aspect of disaster. We need to have an authority that is all the time sensitive about this and sensitizes communities on what they need to do about those eventualities. If we do not do that, then we will pay heavily.

We also lose on economic development. Sustainable development is where projects are completed and their benefits realized. When we have buildings collapsing because they were being constructed without proper planning, then that is not sustainable development. When we have constructions on wetlands and rivers dry up, that is, indeed, recipe for disaster. All public institutions need to be sensitive about our landscapes and environment. Like our traditional African societies, they need to know where to build their houses and manage the environment. We cannot keep on having landslides washing away families and then we dig bodies from soils. This cannot continue happening. This shows that we do not care about our brothers. We do not care who is building a house where.

When you drive along the highways of this country, you are bound to spot families living besides the road. You really wonder what would happen when vehicles lose directions. Those families will be killed. We cannot close our eyes to this and

continue preparing and budgeting for bigger disasters without caring for our brothers living in the streets. Every now and then, they are killed by stray vehicles.

This Motion needs to be taken seriously in terms of what we need to do. We need to put in place that disaster preparedness authority and provide it with resources. We also need to sensitize members of our society through interventions. We could use schools and faith-based organizations. We could also do that through sheer care of each other. Our children are now growing up knowing that nobody cares about them and nobody cares about those disasters. The mitigating factors that they indulge themselves in could be catastrophic. We need to have proactive interventions which are also institutionalized. I like the idea of establishing this authority, but I would like to suggest that the work be mainstreamed through all other development interventions that are carried out by Government Ministries and departments.

I beg to support.

**Hon. Langat:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion which deals with the lives of human beings. I think our priority as a Government is to put things right. First of all, is to set a budget because emergencies are expected at any time and it is very necessary to have a budget towards disaster management. As a Government, it is necessary that it puts this into consideration. The next thing is that there are people who live in dangerous places and it is right for the Government to look for solutions like land to resettle those people. I remember in Nandi County, about five or seven years ago, there were some dangerous places where people were living on hills. They were moved from the hills to the lower areas and they were resettled. Trees were planted on the hills and it is now a forest. The problem was solved because there were landslides; stones rolling into houses and killing people. There is now a solution and for more than five years, we have not had any problem. It is also necessary to have a disaster management team because this is one of the courses offered in the university. We have so many people who have qualified in this area. I think it is necessary to set up a team that will be looking into disaster management because fire can be expected at any time and so are floods. About two or three years ago, we were talking about climate change. I remember that in Kuresoi where you come from, some people were displaced. People were living in the forest but when they left and trees were planted, within three or four months, it was raining. I also failed to understand at that time what it meant that there was a change of climate all over the world. It was not caused by that area alone but it was known that there was climate change. They even announced that there would be drought followed by heavy rains. You do not move people when you are expecting heavy rains. It is better that sometimes as politicians, we should not use politics. Let us not use the lives of our people and politicize things which are clear.

When I talk of politics, I know of some areas where people were displaced by politicians and they planted tea and the displaced are now living in bad places. This is causing problems because people own tea estates while others live in bad places. It is better to be considerate. I have lived in Denmark which is also a flat area. I have also lived in the Netherlands for quite some time. The Netherlands is below sea level but you never get any floods because they have gauged and known the volume of water. They have also expanded their rivers because it is better to expand rivers to accommodate more water than to wait until the rivers overflow and kill people. It is better for us to build

dykes like they have done in Budalangi. We are aware that rivers always overflow but it is necessary to build dykes along the rivers so that when it rains, however much, the rivers will not overflow. Those are the right measures to put into consideration because we have to look for a lasting solution and not to wait for emergencies. We have known that the worst thing is corruption because money is allocated, but people want to take advantage. They fail to provide a lasting solution. It is necessary for us to have a Bill that will put in place those measures.

This year we are aware that even areas where we plant maize, it is not doing well right now and so we expect famine next year. It is necessary for the country to be prepared right now to buy the maize that is available and store it for next year because we are very sure that most of the areas that normally produce maize had so much rain and some of the farms were over-flooded. Getting seeds and fertilizer was also a problem and so we are very sure that next year, we will have a big problem. Our Government should be prepared rather than wait for the famine and start looking for where to get maize. This is necessary because being concerned and prepared matters a lot; prevention is better than cure. It is better for the Government to take steps and see what to do so that when we get to next year, we do not face the same problems.

With those few remarks, I beg to support.

**Hon. Mulu:** Hon. Temporary Deputy Speaker, Sir, I rise to oppose this Motion. I am not opposing it because the issues being raised here are not important, but it is because I do not think the establishment of a disaster management authority is going to be the solution. When we look at what is happening in this country today, we have a number of institutions which can handle the mandate of disaster preparedness, for example, the issue of roads and bridges. We are all talking about roads and bridges being washed away by floods. But if you look at what is happening, we have the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KeNHA) which are charged with such responsibilities. I want to give an example. During the last rainy season, a number of drifts were washed away in my constituency. I went and talked to the roads engineer and he was ready to do all the necessary repairs, but he did not have the money. He requested for the funds to do the work but he was not allocated any money. So, what I am thinking and my position is that even if you create this authority, it will be another way of overloading the Government. It will increase our administrative expenses; recurrent expenses will be more than what they are today and instead of focusing on the problem, we will have another authority which is not financed and which will be crippled in terms of operations. So, what I would propose is that, instead of us thinking of creating another authority, the Government rationalizes the functions and it is made very clear who will be in charge of what. At the same time, let funds be provided for when we have such problems. For example, when we look at rivers, we have a number of authorities. We have the Tana and Athi River Development Authority (TARDA) and the Ewaso Nyiro North Development Authority which are supposed to take care of things like flooding because they manage specific rivers. But you find that when those things happen, their hands are tied because they do not have money. They have not been allocated any money to do their work and instead of saying that we establish a new authority, we would be better off to propose that we find a way of forcing the Government to give more resources to those authorities so that they can do their work efficiently.

The other thing is that if you analyse some of the existing authorities, you will realize that some of them have serious governance malpractices, including corruption, mismanagement, nepotism, *et cetera*. I do not think that if we create more authorities we will be able to stop them from doing things in a similar manner. Therefore, I propose that, instead of creating the proposed new authority, we find a way of ensuring that the Government avails resources to the existing authorities, so that when we have disasters, they can take care of those Kenyans who will be suffering. In my view, creating another authority will not help Kenyans. We might be making things worse since we will have to think about hiring more people and, therefore, incurring more Recurrent Expenditure. Instead of channelling that money to help Kenyans, it will go into paying salaries, buying cars, renting offices, *et cetera*, which will not be helpful to Kenyans.

With those remarks, I beg to strongly oppose the Motion.

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

**Hon. (Ms.) Korere:** Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion but, first, I want to thank the Mover for bringing it to the House because it is timely.

As much as I do not come from a floods prone county, I come from a county where when it rained in those good old days, it used to bring happiness to children. This is no longer the case. Rains have turned from being a blessing to almost a curse to some communities. The damage that rains cause on the infrastructure, and the havoc that comes with it, cannot be overstated. I come from a small sleepy village called Doldol. In Doldol, there is a small plain where we used to play when I was a little girl. That plain is now a very big gully. Every time it rains, the gully expands. Sometimes I wonder for how long we are going to just sit and watch as that gully expands. It looks like one day the entire Doldol Township will be swept right inside that gully, if something is not done. I would think that putting in place a disaster preparedness authority is the right way to go.

As the hon. Member who spoke before me mentioned, there are already authorities in place but there are so many management issues in those authorities that we might not even have the faith that they can handle disaster issues in the way we envisage. Therefore, in my view, putting in place a new authority and strengthening it so that it can handle disasters in a professional manner is the way to go. We are not thinking of employing people who have never been in employment. I do not see how the proposed authority will become a burden to Kenyans when it is the lives of the same Kenyans we are worried about. I would want to cite a case where some NGOs and CBOs have made disaster management a full-time activity. They have actually turned the activity into a cash cow. If the Government does not put measures in place to curb such things, we will continue having problems. Some NGOs use the same money that is brought to the country by donors in the name of mitigating disasters to buy pigs and bring them to Parliament Buildings to call hon. Members swine. Therefore, disaster mitigation should not be left to NGOs. The Government should come in handy and put in place an authority to handle disasters. It is not enough to just sit and wait for disasters to happen, so that we can mitigate them. There is need for a lot of research to be done. There is need for a lot of training of the citizens on how to cushion themselves from disasters. We can only do so if there is a body which is mandated to carry out such activities.

With those remarks, I beg to support.

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

**Hon. Emanikor:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion not because Turkana County is prone to flooding, but because it is a necessity for the whole country.

Just to cite Turkana, flooding is just one of the disasters that befall that county. Sometimes I wonder what to call the rest of the disasters because droughts are disasters as well. In terms of insecurity, massacres are disasters. There are fires that come with droughts. They are all disasters. I am aware of a pending Bill on a drought management authority. I tend to think that the “D” should stand for “Disaster” because disaster is more inclusive of all the disasters, rather than dwelling on drought alone. So, when that Bill comes to the House, we should amend it to become the Disaster Management Authority Bill, so that it can handle droughts, fires, flooding and other disasters.

Hon. Temporary Deputy Speaker, disaster management should be part of our lives. Disaster risk reduction should even be included in the school curriculum, so that future citizens of this country can internalise issues of disaster, including disaster risk reduction, preparedness, management and intervention in disasters as well as reducing susceptibility and proneness to disasters. As much as disaster management is a national Government function, the county governments should also factor some money for disaster risk reduction and disaster management in their budgets. We know that the budget for disaster management at the national level is very small. I remember that it was only Kshs5 billion. This amount cannot handle all the disasters in the country. Therefore, county governments should factor in some money for disaster management, disaster risk reduction and preparedness in their budgets.

With those remarks, I beg to support.

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

**Hon. Waititu:** Thank you, hon. Temporary Deputy Speaker. I also rise to support this Motion, having come from a constituency with five rivers.

Hon. Temporary Deputy Speaker, we had a big problem during the floods period. Most of the school-going children could not attend classes due to flooding. We also have an agricultural constituency in Juja, where people have coffee and flower farms. The floods also affected those people who were supposed to report to work. We had about 34 bridges which were swept away by the rains. Floods affect our country so much. We often see the people of Budalangi asking the Government to assist them whenever floods strike in that area. This is a problem which has affected Budalangi for several years. If the Government puts in place a mechanism where we can solve this problem of flooding in Budalangi once and for all, we will be helping the people of Budalangi. Also, there is a time we tried to do some farming in Ukambani and we only built a small dam. Through that dam, and I think the people of Kitui are seeing me live on television, we managed to employ over 5,000 workers when we started planting French beans. When we see this water going into the ocean, it saddens us because we know we can do a lot with it during the floods. As the Government, we should do something and control those floods.

Hon. Temporary Deputy Speaker, Sir, also when those floods occur especially in Murang'a area where there are a lot of landslides so many people are displaced from their homes. This leads to school-going children sometimes not attending classes. So, I am also in support because during floods the people who are on the ground, mostly the Members of Parliament are visited by people. In Juja where I live, people come to my house talking about how they are displaced by the floods. I would also urge the Government during the

allocation of disaster funds to Members of Parliament to increase them so that we get those damaged bridges repaired. If we have those funds, a Member of Parliament can easily repair the bridges and in the process the problems affecting our people are taken care of.

Hon. Temporary Deputy Speaker, Sir, when we talk about floods, I know we can build a lot of dams and also help the Government irrigate so many acres of land. If we direct this water to dams, we can really irrigate and help the Jubilee Government fulfill its promise of irrigating so many acres of land in this country to arrest the problem of food insecurity.

I also support this Motion because as you know very well sometimes water is a problem in this country. When we say we are trying to enable every person access water in this country, this is the way to go. When we tap this water, it will help us in agriculture, irrigation and so many other things.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Nooru, do you say that you have an amendment? You have indicated, please proceed if you have. I cannot see you. You may have to go to the Dispatch Box because you have not placed your card.

**Hon. Nooru:** Thank you very much, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. First and foremost, I would like to thank hon. Tiyah Galgalo for having brought this Motion to the House at this timely hour. My amendment is very minimal. I will just like to propose the following amendment to the Motion with the consent of the Mover. I would like that the Motion be amended by deleting the words after the words “the county” appearing in the seventh line and replacing thereof with the following words:

“This House urges the Government to speedily establish a Disaster Management Authority to handle, prepare and create awareness of the disasters including rehabilitations of all the facilities and infrastructures destroyed by floods.”

Hon. Temporary Deputy Speaker, Sir, I just wanted to expand the scope of the issues that are to be handled by the authority because what is being destroyed by floods is not only infrastructure. It covers a lot of areas and ranges from issues like schools, institutions, houses and even lives. On top of that, I would like this authority also to handle other disasters like fire, accidents, and clashes as my honourable colleague has mentioned. So, it covers a wide area of our country. Disasters are not only confined to particular areas. There are different kinds of calamities in different regions. Therefore, I would like to propose that amendment so that it covers the entire spectrum of disaster in this country.

As my honourable friends have said, rainfall in this country is becoming a disaster rather than a source of happiness in many regions. In most areas, hills develop gullies which become temporary rivers. Also, our experts who design roads in this country do not do a good job. The drainage system of this country even in towns is wanting. Those people design roads and do not provide for drainages. Most roads in the Arid and Semi-Arid Lands (ASAL) regions are gullies now. They have developed temporary rivers and year in, year out during the dry season you cannot---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Nooru, I want you to be very clear because I want you to really expound on the amendment to this Motion. I am looking at it and I can see that you are creating a Disaster Management Authority in place

of Disaster Preparedness Authority. You have to be very clear so that we know really what it is that you intend to achieve and what is totally different from this amendment you are proposing to the Motion that is already before the House. I am not saying that you have not done it but I just wanted you to be very clear. I want you to be very clear and show the difference.

**Hon. Nooru:** Hon. Temporary Deputy Speaker, I think preparedness, mitigation and awareness are functions of an authority and that is why I wanted to change the name. I want the authority to manage disasters as a whole. Preparedness alone is not enough. If we call it “Disaster Preparedness Authority”, what about the issues of mitigation and rehabilitations? So, I want “preparedness” to remain as a function rather than as an “authority”. So, for that purpose I need to change the name.

I want “rehabilitation” to cover the aftermath of a disaster and “mitigation” to cover the wider scope rather than only confining ourselves to bridges and roads. So, that is the intention of my amendment. It covers a wider scope rather than infrastructure alone. It should include institutions like schools and many other issues.

Hon. Temporary Deputy Speaker, Sir, I was explaining the effects of floods. The case of Sachangwan disaster would fall under this authority. One of my colleagues who has opposed the Motion has said that there are so many other authorities which can do those roads. We want this Disaster Management Authority to be under one roof rather than having it in various Ministries and authorities. We also want it to be given a proper budget. At the moment, it is just by the way. We only run around when there are disasters but there is no preparedness and there are no institutions which are mandated to handle those disasters.

In most areas, even if the fire burns the entire region, there is nobody to extinguish it. Most of the counties do not have the capacity. They do not have even a single fire extinguisher in the entire county. This issue has been downplayed for a long time, and it has affected most of our people’s lives. It now requires attention and should be handled properly.

With those remarks, I ask hon. (Ms) Janet Nangabo to second this amendment.

**Hon. (Ms.) Wanyama:** Thank you, hon. Temporary Deputy Speaker. I wish to second the amendment. I also want to thank my sister, hon. T.G. Ali, for bringing this important Motion.

It is true that floods have been an issue in our country. In fact, let us not just discuss those issues and then the Government does not implement them. It must implement the terms of the Motions that we pass here. As my brother has said, in areas like Budalangi and Namajalala in Trans Nzoia, we have issues there. When floods come, people normally move away from those places and settle in other places. I support this Motion simply because it affects very many people, not only in the areas that I have mentioned, but also in the whole country, for example, Isiolo, as my sister has said. There is a place in Kimilili which is affected by the floods.

I support the amendment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Members, even before I propose the Motion, I want the hon. Members to understand that they can contribute; even those who had already contributed can do so, because this is specifically an amendment to the Motion by hon. (Ms.) T.G. Ali. Therefore, I want you to listen carefully because you want to know the difference. What you will be contributing to now

is the amendment, and not the original Motion, before we come back to the Motion itself, whether the amendment goes through or not.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

Hon. Members, you are now going to contribute to the amendment to this Motion before we vote on it.

Yes, hon. Neto.

**Hon. Oyugi:** Thank you, hon. Temporary Deputy Speaker. I would like to support the Motion as amended. Parts of northern Kenya and various parts of the country are occasionally marooned by floods; there is always need for people to be supported in one way or the other. You notice that half the time, the Government is caught flat-footed, because we do not have an agency. We end up relying on NGOs, and there is no proper management of those disasters when they strike.

A disaster management authority in the manner that the amendment is proposing will be very useful to this country. It should not just be limited to issues of floods. Occasionally, we have had several disasters in this country, things that arise from terrorist attacks, bomb blasts and dangerous fires, as my colleague has mentioned. Those sorts of things need to be managed by a disaster management authority that has the database in terms of who has been a victim and what possible remedies ought to be put in place. A disaster management authority will be able to help in the compensation of the various victims.

We should not just let Kenyans suffer each time there are floods and other disasters. When those disasters occur, the Government forms rapid response teams. There ought to be a mechanism and a method in which all those things ought to be done. My congratulations go to hon. T.G. Ali for thinking through this. I am happy that hon. Nooru has thought that we need not just limit it to Isiolo County, but we need to think about the country as a whole. The issue of preparedness would only be anticipatory. If you want to have an authority that is only for preparedness, it shows that we are anticipating disasters, but we will not be able to deal with it and manage it. That is why the manner in which the amendment is proposed is useful. I support the amendment.

**Hon. Muzee:** Thank you, hon. Temporary Deputy Speaker, for allowing me to catch your eye. We are debating a very important Motion today, because it is just recently when we had floods in this country. The things I witnessed in Malindi Constituency were heart wrenching. We have the Department of Special Programmes which manages some of those functions. I want to support the amendment because of the things that we experienced during the recent floods in this country.

Most of those operations are managed through the Provincial Administration. I know they do a commendable job, but if we are to have a team that focuses on the issue of disaster preparedness, before we try to help victims not just in Isiolo, but all over the country, for instance in the Rift Valley, Nyanza and the Coast, that will be a very good start. I would like to see an authority that works with all the relevant Ministries like the Ministry of Environment, Water and Natural Resources. They could tap some expertise from there for disaster preparedness, prevention and finally executing the issues that affect our populace. We should also manage the destruction that we see. As I speak, a lot

of roads have been destroyed and the focus goes to the Member of Parliament, or the leaders who try to raise funds or work with the Government to ensure that all the roads are repaired. This should be done by a disaster management authority like the one proposed here.

So, I support the Motion as amended and hope that at some point, it will become law that can guide the way we manage disasters. First of all, we need to prepare our people. Most of our people live in low lying areas, where we have rivers and streams, and should be told that there is a possibility of floods which can wreck their homes. They find themselves marooned, but if we have an institution that can warn them and ensure that they move to safer grounds before the disaster strikes, then we will be doing something. I support this Motion. I hope that we will have a law that will provide for the establishment of an authority, and a team that can ensure that our people are prepared when disasters strike. All the operations should be coordinated properly. If there are issues of destruction, they can also be handled properly by the Government.

**Hon. Onyura:** Thank you, hon. Temporary Deputy Speaker. I rise to support this amendment because I feel the Motion is now more inclusive and wider, rather than just talking of narrow preparedness. We are now talking about disaster management in all its totality and description. I think it reads much better than the original Motion.

Hon. Temporary Deputy Speaker, Sir, I just want to add that as part of disaster management, we need to involve our population. We need to create awareness; we need to be able to give civic education to our population for them to be able to understand what this involves, what it is and what is expected of them under different situations of disasters. We need to see which other authorities can co-operate and collaborate with countries that we can work with in terms of training and provision of resources.

I would also suggest that a role be found for the counties. The counties may even be more effective in certain aspects; they understand situations better because they are on the ground. So long as they get the resources and capacity, they can respond even better. So, a role should be found for the counties as well.

Finally, on the issue of corruption, one of the hon. Members expressed concern here; it is really one of the reasons why, at times, some of our efforts and initiatives to try and mitigate or respond to disasters fail.

I support the amendment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Before hon. Waititu takes the Floor, hon. T.G. Ali, you should also speak to this amendment. It is your Motion which is being amended. Since I see hon. Wafula Wamunyinyi has a contribution to make, we might give him the first shot, once the amendment has been voted on.

**Hon. Waititu:** Thank you, hon. Temporary Deputy Speaker, Sir. I also rise to support the Motion as amended. This is because we have a management authority that will broaden the whole thing. When we were contributing without an amendment, the Motion was not as well understood as it is now. When we put the word 'authority' it means there are people who have authority on the disaster management, and whom the House can question, and somebody in this House can answer all the questions about disaster management.

Hon. Temporary Deputy Speaker, we spoke too much and many years passed after flooding in Budalangi was discussed in this House. Floods keep most of our tourists out of this country because they think Budalangi is an ocean in which people live. Now

that disaster management is going to be under an authority, I think disaster management will not be the work of only a Member of Parliament or the county governments. This means that we will be forced even to go to Budalangi with those who will be in charge of the authority and try and help the people.

Hon. Temporary Deputy Speaker, Sir, due to the displacement of our people during the floods, the disaster management authority will be the people with authority; that is why I am stressing so much about “people with authority”. People will not ask questions anymore. People will be allocated money and they will have authority to work for the Government. I think there will be much the authority will do to reduce the problems our people face during floods. When I had problems in my constituency, Juja, I would have gone to that authority, spoken to them and given them my problems at the constituency level.

I support the Motion as amended.

**Hon. (Ms.) T. G. Ali:** Thank you hon. Temporary Deputy Speaker, Sir, for the opportunity. Let me take this opportunity to thank all hon. Members who have contributed to this Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. T.G. Ali, I am not asking you to respond. You are not moving the Motion. The House and I actually wanted to get your thoughts, particularly on the amendment to your Motion. You will still have the opportunity to reply.

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, Sir, I have no objection to the amendment. I think the amendment is in order. I think it is appropriate. I think “preparedness” is a function and I agree with the Mover of the amendment. It should be called “Disaster Management Authority”.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. So, what we will do is put the Question of this amendment to the Motion. As you all know, we are still within the Motion. So, there are some issues that we do not need to go into.

*(Question of the first part of the amendment,  
that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words  
to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the  
words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended, proposed)*

**Hon. Wamunyinyi:** Thank you hon. Temporary Deputy Speaker, for giving me the chance to contribute to this Motion as amended. I wish first to state that I will support the Motion as amended. Before I say anything, I would like to congratulate the hon. T.G. Ali for bringing this Motion to the House; it is a very important Motion. I strongly feel that, as a country, we ought to have had an authority like the one that has been proposed to manage matters of disaster.

Hon. Temporary Deputy Speaker we have experienced a number of disasters in this country, including the Budalangi floods that many others have talked about. However, it has not been possible for the Government to put in place mechanisms that would create order, systems and procedures for managing disasters in this country. It is for that reason that I am congratulating the hon. Member who brought this Motion.

In the recent past, it was not only Isiolo that was affected. We have had problems of heavy rains across the country. Bungoma, Busia and most parts in the Rift Valley Province were affected. Many houses in the rural areas that are situated in the slopes and around rivers have collapsed. When there is a management team that can be held responsible, then we can plan. Those things do not just happen; they are expected. The weathermen warned this country that there was going to be continuous heavy rains but we took no steps. We waited and then many houses collapsed. Many of our roads and bridges were cut off. It was then that we started working on emergencies. I am aware road committees across the country are now working on emergencies, which would have been avoided through good planning. We would not have unnecessarily exposed our people to risks arising from such disasters.

I would like to support this Motion and add that the hon. Member who has moved it should act without delay and bring here a Bill in order for us to enact it. We need to put in place regulations and guidelines with regard to disaster preparedness.

With regard to Bungoma County, I would like to talk about an issue that affects us, and that has to do with the erection of a dam along River Nzoia. This river has been problematic. The people of Busia and Budalangi have been suffering a lot. Along the river, our people have been affected by crocodiles. For us to deal with this situation we need the construction of dykes. If we had Government thinking and discussing with the people who get affected, it would have moved the people living along the river and put up a dam in the area as opposed to erecting it upstream. You want to move one thousand families in Tongaren area, where do you want to take them? It is only fair that---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wamunyinyi you are not specifically asking me to answer that question!

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, you are in the Chair and I am addressing the Chair. There is no other person here whom I will address. I am saying that the Government ought to have looked at this issue fairly. Really, where do you take 1000 people whom you have moved from upstream? You will be rendering such people homeless, yet we already have squatters who were displaced during the clashes. There are also squatters in Trans Nzoia whom you have not settled for all those years. You are moving others from Naivasha yet we still have others who have been existing in our place. Why does the Government do this? All those things must be addressed. We do not want to have unnecessary problems.

If the Government has money for the dam, in fact, I would suggest that they spend that money for the time being on the teachers. This is because that is the immediate problem that we have now. Then later on, the Government can plan to raise more money to construct a dam in Budalangi when we are ready. As of now, the people of Bungoma County and Tongaren, in particular are not ready for the dam.

The effect of disasters is something to be talked about. There are people whose crops have been destroyed in farms. In Trans Nzoia, Kenya's granary, the heavy rains have affected crops in a large scale. The rains have had a serious effect on the crops, and

I am sure we are going to experience food shortage in the country. We already have problems in the National Cereals and Produce Board. Somebody has given it a blow. He has emptied all the accounts and taken off. Now we have the problem of lack of food. There are no stores. There will be no food.

This country must come up with mechanisms and prepare itself to deal with issues as they come up. Hon. Members should support this Motion, so that the hon. Member who brought it brings here a Bill that will see us enact law that will deal with disasters. We will then be able to manage disasters in an orderly manner.

I beg to support.

**Hon. Bitok:** Thank you, hon. Temporary Deputy Speaker for this opportunity to support this noble Motion by hon. T.G. Ali. This is something that ought to have been done in yester years. Disasters occur and then we wonder what we should do, yet we ought to have been prepared to handle them through establishment of an authority like the one that is recommended in this Motion.

With this authority in place, we will be in a position to utilize minds and institutions that will be developed to train people in disaster matters. The country will be able to allocate resources---

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Bitok, you will have your remaining nine minutes tomorrow.

Hon. Members, it is now time to interrupt the business of the House. The House, therefore, stands adjourned until tomorrow, Wednesday 3<sup>rd</sup> July, 2013 at 9.00 a.m.

The House rose at 6.30 p.m.