

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th June, 2014

The House met at 2.30 p.m.

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

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-
Ms. Munene Mary Wambui.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have quite some lengthy Communication, and I would like us to have a sufficient number of Members in the House. So, it will be done a little later.

So, let us skip this and move on to the next Order.

PETITION

Hon. Speaker: Yes, hon. Agostino Neto!

RECOGNITION OF TITLE DEEDS IN NAROK SOUTH

Hon. Oyugi: Thank you, hon. Speaker. The petition that I am about to present was handed over to us by the members of the Mau settlements as a human rights caucus when we visited them about two months ago. The petition is for the recognition of land title deeds and removal of caveats on land title deeds. It reads as follows:-

“We, the undersigned citizens of the Republic of Kenya and duly registered owners of specified properties situated in Narok South, Narok County, draw the attention of the House to the following:-

THAT, on diverse dates before 2005, over 15,000 Kenyan families comprising mainly members of the Kipsigis community bought land in Tendwet Location area, also known as Sierra Leone in Narok County. Those properties were formally known as “Enkaroni and Enekishomi Group Ranches” and were purchased on a willing seller, willing buyer bases, and for which land titles were issued.

THAT, about the year 2005 and thereabout the Government, through its agents, including the then District Commissioner, Narok, and the Officer Commanding Police

Division, Narok; started harassing, intimidating, threatening, provoking, inciting, detaining, arresting, trespassing into, demolishing and banning the petitioners' properties in the various parcels of land.

THAT, the petitioners went to the High Court, Nairobi, and filed Civil Case No.664 of 2005 – the case of Kalesoi Farmers Cooperative Society and six others versus the then County Council of Narok.

THAT, the High Court in the said case ordered that all acts done over the petitioners' land were in violation of the rights to property by the defendants and were, therefore, null and void.

Your humble petitioners are, therefore, praying that the National Assembly, through the Departmental Committee on Lands:-

(i) helps the petitioners in getting back their land and gaining recognition of their title deeds and lifts any caveats on the said titles, so that the petitioners may enjoy their right to property; and,

(ii) allocates funds to the said petitioners' communities to aid in the construction of schools, hospitals and other public amenities on the said parcels of land to help the petitioners realise their economic, social and cultural rights.

Your petitioners will ever pray.”

Thank you.

TRIBUTE TO THE LATE HON. JOSEPH NGUGI NYUMU

Hon. Speaker: Hon. Members, you will recall that yesterday I did communicate about the passing on of a colleague, hon. Joseph Ngugi Nyumu, on 21st May, 2013. In that communication yesterday, I did indicate that the late hon. Nyumu had presented a petition relating to Muthanga Farm. I indicated that I would allow hon. Members some 30 minutes today to make any comments that may have any relevance, because the Committee responsible has already tabled its Report. They would use the occasion to also give personal condolences to the family, relatives and friends of the late hon. Nyumu.

I will give the first opportunity to the Chair of the Departmental Committee on Lands, hon. Alex Mwiru. Please, make brief comments.

Hon. Mwiru: Thank you, hon. Speaker.

On the matter that has been raised through the petition by hon. Neto, the Committee is ready to pursue the issue in accordance with the Standing Orders of this House. I undertake that we shall investigate the matter thoroughly and present a report to this House as deserved.

On the matter of Muthanga Farm, when the hour comes, we shall also be able to contribute on the same because we have already laid our Report on the Table of this House.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Cyprian Iringo!

Hon. Iringo: Thank you, hon. Speaker, for giving me the opportunity to convey my heartfelt condolences to the family and friends of our departed colleague. On my behalf and that of the people of Igembe Central in Meru County, we sincerely mourn our departed colleague. We wish the family and the constituents of Gatundu South and the

nation at large strength to bear the great loss. It is a great loss to lose a young legislator – a colleague we had interacted with well. He was an astute debater in this House. As it goes, he was up to the task of being a good legislator, in that he had already petitioned this august House, on behalf of his constituency, on matters which are thorny.

I believe that whatever legacy and whatever business he left unfinished in the House, we, as his colleagues and those people who had interacted with him, we shall endeavour to complete it to the best of our ability and to the extent to which he could also have wanted it to go. I strongly feel for his young family. May God give them the best of strength to face these hard times!

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Francis Waititu!

Hon. Waititu: Thank you, hon. Speaker. I also rise to be together with my colleagues in the Eleventh Parliament for losing one of us. The late hon. Nyumu was my neighbour in Kiambu County. Gatundu South and Juja Constituency are neighbours.

Hon. Speaker, we also thank you, the President, the Deputy President and all the Members of Parliament who attended the funeral. It was a good show of the Eleventh Parliament. After we lost hon. Ngugi, Members of Parliament started to raise funds immediately for his funeral. It is true that you raised a lot of money, which helped us in Kiambu County. We have seen the togetherness of the CORD and Jubilee coalitions. This shows that if we stay united not only when one of us has departed, we can run this country together.

I thank all the Members from the CORD and Jubilee coalitions who joined us as we visited his family and subsequently proceeded with the burial arrangements in Gatundu. We are also grateful for the money that you gave us for the expenses. We know that most of the Members of the Committee on Education, Research and Technology were weeping in front of me when I broke the news to them. That is the way to go. So, I thank everybody in this House. I know that those who did not join us were committed elsewhere. Some had sent their condolences.

May God bless this House for the unity that I saw during the burial preparations of hon. Ngugi!

Thank you.

Hon. Speaker: Yes, hon. Steven Mule.

Hon. Mule: Thank you, hon. Speaker.

First and foremost, I would like to pass my condolences to the people of Gatundu. May God rest his soul in eternal peace and give his family ample time to recover from the big loss.

Secondly, as a Member of the Human Rights Caucus, I have just heard the Chairman of the Lands Committee giving an undertaking on the petition that was presented by hon. Neto. However, he has not given specific time. We should bear in mind the fact that the people of Mau have been sleeping in the cold for the last six years. This matter is a bit urgent. We need to have a specific time frame, so that we can put this matter to rest and enable those people to enjoy the best of their lives.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Kimani Njuguna!

Hon. H.K. Njuguna: Thank you, hon. Speaker. I would like to thank all the hon. Members of this House, on behalf of the late hon. Joseph Ngugi. As you all know, I was the Chair of the funeral committee. On behalf of his family, I would like to pass a special and sincere recognition for the role that you, hon. Members, played towards the journey of resting him. We thank you for your generous contribution. To be very honest, in terms of cash donations, we received over Kshs2 million. In terms of check-off system, we received over Kshs3.3 million. This was one occasion when I saw Members of Parliament united in grief. It did not matter what political party one came from. It was a very good example that we set for the constituents of Gatundu South. I would only wish that we could show leadership in other areas in the same way we were united during the send off of hon. Nyumu. For sure, your generosity touched the family and the constituents of Gatundu South.

Hon. Speaker, I would like to thank you. When I came to your office, you went outside the call of duty to assist and within a short time; we were able to put systems together. The Clerk of the National Assembly and all the Members that I appealed to, in terms of assistance, I thank you more sincerely, on behalf of the family. This morning, I was with the wife of the late Ngugi Nyumu. She requested me that if I get a chance, I tell you all, hon. Members, that she was touched by your generosity and the way you condoled the family in one way or the other.

As I said, hon. Jose was very close to me. In terms of the cause for humanity, he was running Bridgestone Rehabilitation Centre, showing that he had a big heart for the people of this nation.

As the Chair of the funeral committee, I appreciate and thank you more sincerely for your generosity.

Thank you, hon. Speaker.

Hon. Speaker; Yes, hon. Nicholas Gumbo!

Hon. (Eng.) Gumbo: Thank you, hon. Speaker, for giving me the opportunity. On my own behalf, and on behalf of the people of Rarieda Constituency, I would like to send my condolences to the family of our departed colleague, hon. Ngugi. Inevitable as it is, death is always a very painful experience, especially for those who are left behind. I have no doubt in my mind that all of us seated in this House, at one point or the other; we have had to experience this most personal and very painful experience.

Hon. Speaker, it is in this vein that I wish to truly, sincerely and from the bottom of my heart, join the people of Kenya in empathising with the people of Gatundu South and his family. I saw his distraught mum. I was very close to my mother when she was alive. Every time I got into problems I could see the pain she went through. I can only understand and even try to imagine the pain that the mother of our departed colleague is going through. We fight for the happiness of the people we lead. I want to believe that the late hon. Nyumu was doing everything to fight for the happiness of the great people of Gatundu South. My appeal to the great people of Gatundu South is that, when the election date comes, may they elect a selfless individual who will carry the leadership and the footsteps of hon. Nyumu.

As I conclude, we witnessed the coming together of all of us during the passing on of our colleague. My appeal to all of us is that may the passing on of our colleague serve as a foundation for unity, not of just this House, but of the whole country. This is

because in truth, the problems that confront us do not discriminate. They do not know whether you are in CORD or Jubilee. In poverty, insecurity, high cost of living and so on we are all together. When we come together as a country, I believe we can achieve a lot for our country.

Hon. Speaker, I want to end by praying that may God's peace be upon his family and the great people of Gatundu South; Kiambu County and Kenya at large. May we pray that the Almighty God rests the soul of our departed colleague in eternal peace.

Thank you.

Hon. (Dr.) Pukose: Thank you, hon. Speaker for giving me this opportunity. On my own behalf and on behalf of the people of Endebess, Trans-Nzoia County, I sincerely wish to send my condolences to the people of Gatundu South, following the death of our brother, hon. Joseph Nyumu.

Hon. Speaker, Sir, it is not just a loss to us as Jubilee Coalition, but to us as a House because he was a brother and colleague. We shall miss his contributions quite a lot. I know it is a difficult time for the people of Gatundu South as they ponder the next thing to do and also about the family of the late colleague. He has left a young family and this was somebody who was energetic. He woke up and went to the bathroom and in the process of showering, it happened.

Hon. Speaker, it is only God who knows what is going to happen next to each and every one of us. But while we are here, we must make our positive contributions. We must realize our strengths and weaknesses and see how best this country can be governed. It should be governed in a way that everybody has a good roof under him, good education, good health facilities and enjoys the fruits of our effort.

Hon. Speaker, we know insecurity is a major issue at this moment and one of the key issues that is bedeviling our country. Everywhere you go, Kenyans are wondering what next. We know the President is taking this issue very seriously, going by the advertisement we have seen. We hope even in the security budget, they will allocate enough money and resources to our men in uniform. Also, our men in the intelligence should be allocated enough money so that they can serve this country diligently and to the expectations of many Kenyans.

This country belongs to all of us and this generation and the future generations will judge us, especially this House on how we contributed to make sure that this country is safe for everybody.

Hon. Speaker, the petition that has been read by hon. Oyugi about our people in Mau who have been there for the last six years – people who bought land; people who invested their money and at the end of the day they have been evicted and are on the road being rained on. This is a key issue that this House needs to take up with the seriousness it deserves. We have had several petitions presented here in his House.

In my own constituency, I have members from my community who bought private land within the forest; they were evicted and the matter has been presented to the Departmental Committee on Lands and up to date nothing has been done. We hope that the Committee will look at it seriously and give justice to Kenyans wherever they are. Kenyans look upon us and more so to this House to show leadership and we have no choice about it. We must show leadership that can take this country to the next level.

Thank you, hon. Speaker and God bless us.

Hon. Simba: Asante sana, Bw. Spika. Nataka nichukue nafasi hii nitume rambirambi zangu kwa wananchi wa Gatundu Kusini kwa sababu ya kumpoteza ndugu yetu, Mhe. Nyumu. Hayati Nyumu alikuwa rafiki wangu wa karibu sana wakati tulikuwa pamoja katika Kamati ya Elimu, Utafiti na Tekenolojia.

Bw. Spika, nataka kusema mambo mawili kuhusu hayati ndugu yetu, Mhe. Nyumu. Hayati Mhe. Nyumu alilala akiwa ni kiongozi mchanga na ilikuwa mara yake ya kwanza kuingia katika Bunge hili. Tukiwa katika mkutano wa kwanza, katika chumba kidogo pale ndani, tuliguzia swala la Wabunge wale wa kwanza kupata malipo ya uzeeni. Akiwa mmoja wa wale wamelala; katika uongozi wake, huu ndio wakati ambapo tungeangalia swala la kupata malipo ya uzeeni, hata kama ni kuingia siku moja na uondoke katika Bunge hili.

Bw. Spika, nataka kusema kwamba ingekuwa vyema kama wale waliokuwa katika safari rasmi kule nje, wangetoa msaada wao ili kuisaidia familia ya ndugu yetu Nyumu. Ninasikitika moyoni kwamba wale waliotutangulia humu ndani hawakuwa na mikakati kamili ya kuhakikisha kwamba tupo na njia mwafaka ya kukusanya fedha kidogo kidogo za kusaidia wakati kama huu; hata kama nikupitia kwa njia ya malipo ya check-off system. Ningeomba kwamba tuliangalie swala hili. Tuwe na kiwango fulani ambacho tutahitajika kutoa wakati kama huu, kinaweza kuwa shilingi 10,000 ama 20,000. Jambo hili litasaidia sana familia ya wale watakuwa wametuaga. Kwa wale wanashughulikia maslahi yetu, tungeomba kwamba washughulikie swala hili kwa sababu ya wale wenzetu ambao watatuacha kwa kifo.

Mungu aibariki familia ya ndugu Nyumu na wale ambao alikuwa akiwawakilisha Bungeni. Asanta Sana.

Hon. (Ms.) Kajuju: Thank you, hon. Speaker. I take this opportunity to condole the family of hon. Nyumu. Most importantly, I want to say that I was extremely touched when I learnt that our departed colleague was born the same year I was born. I then started panicking and wondering whether my agemates have started a journey of going to meet their maker. I pray to God that it does not happen soon; although we know it must happen.

Hon. Speaker, what is most important and what I received with a lot of humility is the fact that when the Deputy President was offering his condolence at the final service of our colleague, he said hon. Nyumu was the only Member of Parliament for whom the President of this Republic of Kenya voted for. I wish I would have claimed that space as well, because then I would have been more proud to sit in this Parliament.

Hon. Speaker, most importantly, as a mother, I know where the widow of hon. Nyumu has been left. She is there with very little children who need to be taken care of. I agree with hon. Arati that it is upon this House to make sure that we take care of that family. I do not see why the standard of living that hon. Nyumu had set for his family should go down at any one point in time; having served as a Member of this Parliament. It is upon us to make sure that the dreams that our departed colleague had for his people, either through the good people of Kiambu County or this Eleventh Parliament, are realized.

Hon. Speaker, I therefore, feel the space that our hon. Member left and pray to God that he is going to give his family a lot of strength so that they will accept the loss of

a father, husband, son and Member of Parliament for Gatundu South and Kiambu County. May his soul rest in eternal peace.

Hon. Speaker: Please, we are ending at 3.10 p.m. So just bear in mind your colleagues because too many of you have made requests.

Hon. Aden: Hon. Speaker, indeed, I will be very brief. I want to take this opportunity to join my colleagues in sending my condolences on behalf of the great people of Balambala Constituency in Garissa County to the family and the constituents of our good departed brother, hon. Joseph Nyumu. I want to say that his loss is a great loss to this House and nation having had the opportunity to interact with hon. Jose for the little time we had here. I can say we have lost, not just a colleague, but a great legislator who represented the people of Gatundu South.

I want to end by saying that looking at the petition which he has left behind, it strikes a challenge for us. This young man was trying to strike a balance between settling farmers on their deserved land while at the same time fighting for the plight of squatters who were living in that place. He was a man who had a great heart for the people of this country. He looked into the welfare of our squatters and gave our farmers an opportunity to take the land which they deserved. Not long ago, we saw on television a displaced family whose houses were demolished along the northern bypass. I looked at the face of a very elderly *mama* who was crying on screen and I said, as leaders we need to find a lasting solution to land issues in this country. Thank you.

Hon. Chanzu: Hon. Speaker, I also want to join my colleagues to condole the family of the late hon. Nyumu. I knew him last year when we joined the Departmental Committee on Education, Research and Technology and I found him to be a person who was very humble and likeable. He was somebody who could interact with anybody. Initially, I did not even know he was the Member for Gatundu South until after some time. I had a friend before who was a Member for Gatundu before it was split. When I asked how it felt to be a Member for Gatundu, as a Member of Parliament for my former friend--- It was a great achievement that hon. Nyumu was able to step in the shoes of the President now and he was able to serve very well.

With those few remarks, *pole* to the family and the people of Gatundu. I hope that we shall get a Member of Parliament who will fit in the same shoes that hon. Nyumu has left.

Hon. Speaker: Let me give this chance to the Chair of the Committee on Education, Research and Technology to which the late hon. Nyumu belonged.

Hon. (Ms.) S.W. Chege: Hon. Speaker, as the Chair of the Departmental Committee on Education, Research and Technology, first and foremost, I want to give my condolences and the condolences of the people of Muranga County. I would like to inform this House that the day before hon. Nyumu passed on; he participated from 9.00 a.m. to 3.00 p.m. in a Committee meeting. He was the person who said the prayers that day. Hon. Nyumu was one committed Member of the Departmental Committee on Education, Research and Technology. It is such a great loss to the country and to the people of Gatundu South. I would like to tell the Budget and Appropriations Committee that one of the things that hon. Nyumu was fighting for was to make sure that the Collective Bargaining Agreement (CBA) between the Government and teachers was implemented. So, as we look at the Budget, we are hoping that that part of the CBA that

hon. Nyumu was fighting for is going to be considered. So, what I would like to tell hon. Members is what I have learned from hon. Nyumu's death; that life is not permanent. Many times we spend a lot of our time trying to outdo each other but we never know when our day will come. I want to condole with his family and to tell the people of Gatundu that we are with them and we will support them.

Hon. Maanzo: Hon. Speaker, thank you for giving me this opportunity. I also join my colleagues to condole with the family of the late Member for Gatundu South and wish to state that death comes with such finality and that all human beings are mortal. One day, it will happen to us and, therefore, it is good to be ready when it happens. I also want to take this opportunity to give condolences on behalf of the people of Makueni who I represent and wish the people of Gatundu South together with the family of our departed colleague the best in future and the coming elections.

Thank you.

Hon. Kanini Kega: Hon. Speaker, thank you for giving me this chance to condole and also mourn my good friend, my departed hero, hon. Jose, the MP for Gatundu South. I think I am one of the last Members of Parliament to see the late hon. Jose alive because I am the one who walked him to his vehicle on Tuesday before he passed on. In fact, there is a document I wanted him to sign and he told me that he wanted to sleep over it and we meet the following day so that he could sign it. It is a great loss to the people of Gatundu South. It is a great loss to the people of Kiambu and this National Assembly. Maybe unknown to many hon. Members is that hon. Nyumu was a very kind and philanthropic person. He actually gave out one of his palatial houses in Runda to be used as a rehabilitation center. In fact, when we went for the burial, you could see his footprints everywhere. We could see whatever he has done in that short time. We interacted with him, not just as a colleague here in Parliament but as a friend. I know for sure that hon. Nyumu was your good friend. I remember interacting with him when he brought up the issue of the Muthanga Farm which he passionately pushed. I believe that since I am also in the Departmental Committee on Lands we will finish what he started. I also know that the people of Kieni are mourning at the same time because the in-laws come from Kieni. At this juncture, I want to wish the family of hon. Nyumu all the best. We know for sure that God is with them.

With those few remarks, I wish to say that may his soul rest in eternal peace.

Hon. F.K. Wanyonyi: Thank you hon. Speaker for giving me this chance. Colleagues, friends of our late hon. Joseph Ngugi, let us just accept that death is a cruel thing but must come. I just want to take this opportunity on behalf of my own family and people of Kwanza and Trans-Nzoia County to send my condolences to my brother, the late hon. Joseph Ngugi. Just as we were closing, in the rest room here, I joked with him. When I heard the news, I could not believe he is the same man I talked to last. The family and the people of Gatundu South, my condolences and please take heart and hope to get another Joseph Ngugi to come and represent the great people of Gatundu South.

Thank you.

Hon. Speaker: Hon. Gichigi

Hon. Gichigi: Ahsante sana, Mhe. Spika. Hata nami nataka kuungana na wenzangu kwa niaba yangu mwenyewe na watu wa eneo bunge la Kipipiri kupeana rambirambi zangu kwa familia, ndugu na jamaa wote ambao wametoka Gatundu Kusini

na pia wenzangu katika Bunge hili. Marehemu Mhe. Ngugi alikua rafiki yangu, alikua mmoja wa wale ambao nilikuja kujuana nao baada ya kuchaguliwa na kuingia katika Bunge hili. Tulijiuliza ni vipi sisi kama Wabunge wapya tutaweza kusaidika. Wakati niliona mtu ambaye ni wa rika langu ametuacha, nikapata hofu kidogo kua kazi hii yetu labda wakati mwingine inatusukuma. Nafikiria heshima ile ambayo tunaweza kumpatia ndugu mwenzetu ambaye ametuacha ni kutimiza wajibu wetu sisi tulioachwa kwa bidii, na kuhakikisha Bunge hili linatimiza kazi yake. Naomba Mungu aipatie familia yake nguvu kustahimili kumpoteza ndugu yetu na pia waweze kua na amani. Tunaomba watu wa Gatundu waweze kupata mtu ambaye ataziba pengo lile ambalo limeachwa na marehemu ndugu yetu.

Ahsante, Mhe. Spika.

Hon. Speaker: Very well. Next Order.

Hon. Members, you know with 30 requests and we only had 30 minutes, you should appreciate. Let us just be satisfied with what has happened. Next Order!

PAPERS LAID

Hon. Keynan: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday 4th June, 2014:-

The Public Investments Committee Special Report on the Procurement of the Tender for the Proposed Kenya Bureau of Standards Coast Regional Offices and Laboratories in Mombasa.

Hon. Speaker: I want to encourage all committees to lead by example. I am sure I am not saying anything that you do not know. I want to encourage all committees and committee chairs to also be regularly seen on the Floor laying Papers and reports of what you have been doing including those that have had occasion to visit other parts of the world. Tell us what you learnt that is of value to this Parliament. If you also saw wild animals and anything or any attraction that would add value to the work of Parliament, also do a report.

(Laughter)

Please, we know when you travel out there, you are not travelling there in vain. You are doing so on behalf of and for the benefit of the institution of Parliament. I just want other committees to emulate what the Chair of Public Investments Committee has been doing for the last one year and a few months. Leader of Majority Party, have the Floor.

Hon. A.B. Duale: Hon. Speaker, I want to thank you for that guidance. I served in the last Parliament; I was in Energy Committee with my good friend, hon. Gumbo. Every time we went for a trip paid for by Parliament, we had a deadline of two weeks within which to table a report. I want to say that since the beginning of the Eleventh Parliament, I have not seen any report tabled by Members who have benefited from these trips. So, that challenge is to the chairs and Members.

I beg to lay the following Papers on the Table of the House today, Wednesday 4th June, 2014:-

The Special Audit Report on the Judicial Service Commission and the Judiciary from the office of the Auditor General.

The Report of the Auditor General on the Financial Statements of the Public Complaints Committee on Environment for the year ended 30th June, 2013 and the certificate therein.

The Report of the Auditor General on the Financial Statements of the National Environmental Tribunal for the year ended 30th June, 2013 and the certificate therein.

The Report of the Auditor General on the Financial Statements of the Constituency Development Fund Board for the year ended 30th June, 2013 and the certificate therein.

The Report of the Auditor General on the Financial Statements of the Kenya Citizens and Foreign Nationals Management Service for the year ended 30th June, 2013 and the certificate therein.

The Annual Report of the Parliamentary Service Commission for 2012/2013 Financial Year.

Thank you, hon. Speaker.

Hon. Speaker: Members, even those walking out, you are encouraged to read these Reports. They are not just tabled, they are for every Member. Let us not assume that they are meant only for committees. Every Member is entitled to have a copy and read it so that when debate on those reports begins on the Floor of the House, every Member is able to contribute from position of knowledge and information. The Chairperson of Budget and Appropriations Committee, proceed.

Hon. Musyimi: Thank you, hon. Speaker. I beg to lay the following Paper on the Table of the House today, Wednesday 4th June, 2014.

The Budget and Appropriations Committee Report on the Estimates of Revenue and Expenditure for Financial Year 2014/2015.

Combined Reports of Public Budget Hearings for the Estimates of Expenditure and Revenue held in eight centers on 20th May, 2014 and in Nairobi on 22nd May, 2014.

A compendium of the Departmental Committee Reports on the Scrutiny of 2014/2015 Budget Estimates.

Hon. Speaker: Very well. Hon. Njagagua, you have a point of order?

Hon. Njagagua: Thank you, hon. Speaker. Indeed, it is not a point of order but an intervention. I have seen this afternoon and on many other days Papers being laid on the Table of the House. You have directed that it is prudent for Members to acquaint themselves with the contents of those Papers. At times, we go to Room Eight and find that all the Papers are over because they have been taken. Could you order that they be sent to us by soft copy via e-mail or they be posted on the website so that we can acquaint ourselves with the contents thereof? It is a kind request. In fact, the Leader of Majority Party is saying that Ipads are on the way.

Hon. Speaker: Well, I am informed from the Clerk's Department that most of the Reports tabled here are on the Parliamentary website and therefore can be accessed. I believe everybody here knows how to visit, you do not have to walk on your two feet.

(Laughter)

There are other reports which are tabled here, which do not necessarily require to be put on Parliamentary website. Those are the issues which I know you are anxious about; the provision of the necessary equipment for those who may not have them now. That is at an advanced stage and very soon, every Member will have a copy, at least, some gadget to use. Next Order.

NOTICES OF MOTIONS

ADOPTION OF PIC SPECIAL REPORT ON KEBS TENDER

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

THAT, this House adopts the Public Investments Committee Special Report on the Procurement of the Tender for the Proposed Kenya Bureau of Standards Coast Regional Offices and Laboratories in Mombasa.

Hon. Speaker, before we adjourned there was a small procedural mistake which was made – I do not blame anybody. I want to give notice of Motions of some of the reports that we tabled. We realized that instead of deferring--- I do not want to blame the Leader of Majority Party because we were in a haste of doing so many things. I realized that those Motions were withdrawn inadvertently. Allow me, once again, to give notice of the same Motions.

Hon. Speaker, I beg to give notices of the following Motions:-

ADOPTION OF PIC SPECIAL REPORT ON TASSIA II PROJECT

THAT, this House adopts the Public Investments Committee Special Report on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure Development Project.

ADOPTION OF PIC SPECIAL REPORT ON STANDARD GAUGE RAILWAY

THAT, this House adopts the Public Investments Committee Special Report on the Procurement and Financing of the Construction of the Standard Gauge Railway from Mombasa to Nairobi.

ADOPTION OF PIC SPECIAL REPORT ON RESTRUCTURING OF KPRL

THAT, this House adopts the Public Investments Committee Special Report on the Restructuring of the Kenya Petroleum Refinery Limited.

ADOPTION OF PIC SPECIAL REPORT ON RESTRUCTURING OF TELKOM KENYA

THAT, this House adopts the Public Investments Committee Special Report on Recapitalization and Restructuring of Telkom Kenya.

ADOPTION OF REPORT ON ESTIMATES OF
REVENUE AND EXPENDITURE -2014/2015

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

THAT, this House adopts the Budget and Appropriations Committee Report on the Estimates of Revenue and Expenditure for the Financial Year 2014/2015 laid on the Table of the House today, Wednesday, 4th June, 2014.

Hon. Speaker, I have no doubt that now that this Report is the property of his honourable House, the House Business Committee (HBC) will give this matter all the necessary attention so that we can prosecute the matters at hand as contained in this Report because the budgetary clock is running. I am informed by the Cabinet Secretary for National Treasury informally that it will be around 12th June, 2014. I would like to beg hon. Speaker, with your kind permission, that when you sit in the Chair you give consideration to this Report so that we can begin to address the issues basically of the budget of the Republic of Kenya as soon as possible.

Hon. Speaker: For the avoidance of any doubt, this Report has been prioritized by the HBC and debate on it will commence tomorrow 5th June, 2014 and if you do not conclude it, we will proceed on with it on Tuesday, next week. I, therefore, urge every Member who cares, to get a copy of the Report and prepare yourselves for debate starting tomorrow 5th June, 2014.

COMPENSATION FOR KENYANS TORTURED
DURING STRUGGLE FOR INDEPENDENCE

Hon. Wangamati: Thank you, hon. Speaker for giving me this opportunity. I beg to give notice of the following Motion:-

Aware that in 2013 the British Government agreed to pay Kenyans who were abused, tortured, maimed and detained by the British colonial forces during the *Mau Mau* uprising from 1952 and onwards compensation of Kshs2.5 billion as an out-of-court settlement; further aware that the compensation was only paid to a section of few *Mau Mau* victims from Kiambu and Nyeri counties leaving out victims from Meru, Kirinyaga, North Rift, Western Province and Nyanza Province--- The fact is that leaders from these two counties initiated a court process claim for compensation to the victims who were eventually compensated. Noting that the struggle for Independence in this county involved various communities in this country and individuals who all fought during *Mau Mau*--- Everybody was involved, both individuals---

Hon. Speaker: Are you giving a notice of Motion? What you are saying now is not in that Motion. Remember, I always go through all the Motions and so I know. You have gone beyond what you are supposed to do.

Hon. Wangamati: Thank you, hon. Speaker.

Everybody was involved including individuals like followers of *Dini ya Msambwa* who took part in the uprising against the colonial government and were also

killed, tortured and detained and, therefore, also deserve equal compensation from the British Government; also aware that the British Government has accepted to release further compensation money on condition that only victims who are still alive and can prove that they were tortured will be compensated from this money; this House resolves that the Government ensures that compensation from the British Government goes to all affected homes and families of the victims who are still alive and even their children.

(Applause)

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I did indicate that those of you who may be standing can resume their seats or freeze or whichever you find convenient. I have this communication to make in relation to premature disclosure or publication of committee's evidence proceedings for draft Report.

PREMATURE DISCLOSURE OF COMMITTEE'S EVIDENCE

On Wednesday, April, 23rd 2014, the Leader of Majority Party rose on a point of order to challenge the admissibility of the Report of the Public Accounts Committee (PAC) on the hire of an aircraft for the Deputy President for a tour of four African nations in May, 2013. The challenge was premised on the premature disclosure and publication by the *Nation* Media Group and the *Standard* Media Group of the evidence and findings of the Committee prior to the tabling of the Report.

The Leader of Majority Party claimed that the Report of the Committee was published by one of the dailies on its headlines for two consecutive days, and particularly on the second day, with factually the entire Report and Committee's recommendations carried almost word for word. He sought to know a number of issues, including the date when the Committee adopted the Report and if it was adopted before the House went on the April short recess, why the report was not tabled then, and whether the Report was tabled within the first 14 days after its adoption in compliance with paragraph (6) of Standing Order No. 199. He also sought to know whether the Members of the Committee or its secretariat could have occasioned the premature disclosure.

He similarly wanted to know if the Report tabled by the Chairperson of PAC is the same Report whose contents and findings the newspapers carried, and if so, what that Act portends to the integrity of Parliament. Reacting to the matter, the Chairperson of PAC, hon. Ababu Namwamba, denied the allegations and affirmed that the Report he had just tabled was becoming public for the first time. He assured the House that PAC did exercise due diligence and was confident of the integrity and sanctity of the Report he had just tabled.

Hon. Members, from the outset, unauthorized disclosure of Committee evidence, documents, proceedings or Reports is not a new thing. Invariably, the motivation to disclose information ranges from carrying favour with a journalist to advancing party political advantage. Again, not all disclosures will necessarily interfere with the work of a Committee and such would not necessarily be considered to constitute contempt.

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However, the disclosure of certain information held by Committees such as in-camera evidence or other confidential documents has a real potential to interfere with the work of Parliamentary Committees by undermining the operations of Committees and should be taken seriously. An unauthorized disclosure of an incomplete Report has even more serious consequences.

Most parliamentary jurisdictions have longstanding rules regarding the custody of records of the House and the requirements for the Speaker to authorize their release. These principles stem from the privilege of houses of parliament to control their own proceedings. Even more, most jurisdictions have adopted a standing rule or order that deals specifically with unauthorized disclosure of Committee proceedings. For instance, in the New South Wales Legislative Assembly, Standing Order No. 297 provides and I quote: “A Member or any other persons shall not disclose evidence, submissions or other documents and information presented to the Committee which have not been reported to the House, unless such disclosure is first authorized by the House or the Committee”.

Similarly, Standing Order No. 240 of the House of Representatives of New Zealand states as follows: “The proceedings of a Select Committee or a Sub-committee other than during the hearing of evidence are not open to the public and remain strictly confidential to the Committee until it reports to the House”.

Our own Standing Orders put such a caveat in Standing Order No. 86 which provides as follows: “No Member shall refer to the substance of proceedings of a Select Committee before the Committee has made its report to the House”.

Despite these provisions, some Committee Members in a number of parliaments have unwittingly continued to disclose information from Committees. Thus, in recent years it has become common for parliaments to place the onus for investigating unauthorized disclosures on the relevant Committees as opposed to a privileges committee or the House itself. This approach requires Committees to determine whether the source of unauthorized disclosure can be determined and whether in view of the Committee Members, the leakage is serious enough to interfere with the work of the Committee and therefore constitute contempt. It is then for the House to determine whether contempt has been committed, and what punishment should be handed down.

Erskeine May, a foremost authority in parliamentary practice and procedures in the book titled, “*The Parliamentary Practice (23rd Edition,*” at pages 776 to 777 notes and I quote: “If Committee evidence or Reports are prematurely disclosed, certain procedures should be followed;

- (1) “the Committee should carry out its own investigations to attempt to discover a source of a leak, in particular by formally asking all Members of the Committee and the Committee staff if they can explain how the leak came about; the committee then decides whether or not the leak constitutes a substantial interference, or the likelihood of such with the work of the Committee, with the entire Committee system or with the functioning of the House; the Committee thereafter informs the liaison Committees so that it may take a view; it is the views of the Liaison Committee that inform the special report of the original Committee to the House to the effect outlining the action it has taken and conclusions it has reached; such a special report would automatically be referred to the Committee on Standards or Privileges without a debate to

the House so that it is then for the Committee to consider the matter and make a report to the House where upon the House will consider its recommendations.”

Hon. Members, of particular noting is step number two as pointed out by Erskine May relating to whether the leak constitutes a substantial interference with the work of a Committee. This is important in terms of deciding what action to take. The type of material that is disclosed is also important in determining what course of action ought to be taken.

The 122nd Report of the New South Wales Senate Committee of Privileges, “*Parliamentary privilege*” unauthorized disclosure of Committee proceedings, of June, 2005 at page 37 consider that, the disclosure of a draft Committee Report would usually not be so serious as to constitute contempt. Exceptions would be disclosures resulting in serious consequences thus the Report quoted above and I quote, “It is up to the parliamentary Committee concerned to undertake the necessary disciplining of its Members other than raising the questions as contempt. It is only in circumstances such as divulging of a draft Report which may jeopardize court proceedings or police investigations that the Committee of privileges would entertain advising other Committees that the matter should be raised as contempt.”

However the disclosure of in-camera or confidential evidence is a much more serious matter and it is usually treated as contempt regardless of the circumstances. The release of its in-camera evidence undermines the operations of a Committee, in that persons providing information or evidence to Committees in confidence may lose that confidence in the Committee process and future witnesses may not be as forthcoming as they would have been. It is often difficult for Committees to determine who is responsible for an unauthorized disclosure and accordingly, it is difficult for any deterrent action to be taken. It is also inevitable that the people with the greatest motive for premature disclosure of evidence or information would be Members of the Committees themselves.

However, I hasten to add that the fact that most unauthorized disclosures are considered to be insufficiently serious to warrant an extensive investigation does not remove the real potential that exists for interference with the operations of Parliamentary Committees, if in-camera or other confidential material is disclosed.

You may resume your seats. Walk in quickly, please, those of you who are walking in.

(The Members at the Bar walked into the Chamber).

(Hon. Mirenga stood along the gangways)

Hon. Ken Obura, you cannot be walking in late and you start standing on the gangways greeting other Members. Members, to quote the Australian House of Representatives Practice, Fifth Edition at page 687:- “A Committee’s or sub-Committee’s evidence, documents, proceedings and report may not be disclosed or published to a person other than a Member of the Committee or parliamentary employee assigned to the Committee, unless they have been reported to the House their publication has been authorized by the House, the Committee or the sub-Committee”.

This is a blanket prohibition which precludes an unauthorized disclosure of all or part of a report or its content.

Members, having established the practice on how incidences of unauthorized disclosure are treated in comparative jurisdictions, I now wish to respond to the issues raised by the Leader of Majority Party. Firstly, I have established that the Report in question was adopted by the Committee and signed by the Chairperson on 3rd April, 2014. Pursuant to Standing Order No.199(6), the Report should have been tabled within 14 days' period, which should have ended on 18th April, 2014. However, as you are aware, the House went on recess on 3rd April, 2014 and reconvened on 22nd April, 2014.

On the question of whether the Report tabled is the same Report on whose contents and findings the two dailies carried, a perusal of the Report reveals that the articles published in the newspapers are an almost accurate and extensive lifting from the Report of the Committee as later tabled in the House. One of the dailies even had the temerity to state that it had in its custody a copy of the Report. The House may wish to note that when the matter was raised by the Leader of Majority Party, the Chairperson of the PAC categorically stated that the Committee was not part of the leakage. He continued to state and I quote:

“I want to assure the House that the Committee has exercised due diligence. We have been careful not to release even a scrap of paper relating to this matter while we were discussing it. This Committee will definitely get to the root source of this leakage, rumour mongering or speculation on this Report. I assure this House on the integrity and the sanctity of the Report that we have just tabled”.

Members, there is no doubt that the Report was leaked before it was tabled in the House. Since it is not possible at this stage for me to determine who may have released the contents of the Report to the media, I wish to send a strong reminder to all Committees that it is in the interest of this House that the evidence received by a Committee, its proceedings, a draft Committee report, should never be disclosed by any person before the Committee has reported to the House. This rule applies to all persons who have access to Committees' information including Committee Members and their staff. It also applies to any witness who gives evidence to a Committee, any person who provides a written submission to a Committee and any person to whom Committee information has been improperly disclosed. This many include another Member, staff of a Member, a public officer or a staff of a media house.

Members, I would also like to warn all recipients of unauthorized disclosures and they should know that they have an obligation to immediately inform the Clerk of the National Assembly or the Committee Secretariat when they receive such information and the circumstances of such receipts. Good manners, as civility, obligates a recipient of such unauthorized information to surrender the information to the Committee secretariat as soon as possible and not disclose the information to any other person, or record or copy it in any other way. Everyone should know that any contravention of the rule against unauthorized disclosure may constitute contempt of Parliament for which this House will not hesitate to take necessary punitive action to mitigate against such breaches. Obviously, the act of leaking the report lowers public confidence in the Committee, the Committee system and brings to disrepute the dignity of Parliament generally.

On the second question of who leaked the Report, I leave the Members of the PAC to be pricked by their conscience even as they carry out investigations as promised by the Chairperson. Regarding the subtitle of the Report, it has also come to my attention that the Committee has baptized the Report “The Hustler’s Jet Inquiry”. Perusal of the evidence adduced and the Committee Report indicate that the words have not been used by any of the witnesses for anyone reading the report to understand its usage. A report of a Committee is normally accorded a formal reference for the record of the House. Any reference to it by any other name is unacceptable and amounts to introducing extraneous issues. I, will therefore, give direction on this matter.

Members, it is not uncommon for the Speaker, who is the Chairperson of all Committees to give such directions as necessary on Committee work if in his opinion, certain matters contained in the Committee Report are likely to contravene the Standing Orders or the practice of the House. Indeed, on 2nd July, 1996, the then Speaker, hon. Francis ole Kaparo, directed that the use of a certain word in a report of the PAC report had flouted the provisions of the Standing Orders and ruled that the word be deleted and substituted with another word. The then Speaker ruled that: “Hon. Members, it has been brought to my attention that certain recommendations of the outgoing PAC contravene the provisions of Standing Order No.76 and I have therefore, directed the Clerk of the House, who is also the Secretary of the Committee to make sure that all recommendations are correctly recorded in accordance with the Standing Orders of the House. Instructions given specifically followed that the word “President” should be deleted from wherever it appears in the recommendations and the word “Government” be substituted in place thereof.

In the instant case of the Report before us today, the use of the word “hustler” in this context is superfluous as the aircraft in question has a clear reference and, therefore, the use of the word ‘hustler’ could not convey the true position on the matter under inquiry. I, therefore, rule and direct that the word “hustler” in this Report is unparliamentary and I direct the Clerk of the National Assembly to cause the sub-title “The Hustler’s Jet Inquiry” to be deleted forthwith and the Report to be republished minus the offending words for consideration by the House.

I thank you, hon. Members.

Hon. Speaker: Next Order.

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

Hon. Speaker: Hon. John Mbadi, I hope you will keep within your Standing Orders.

Hon. Ng’ongo: Yes. Thank you, hon. Speaker.

Hon. Speaker: I hope you keep within your Standing Orders. A ruling of the Speaker can never be the subject of a point of order.

Hon. Ng’ongo: I can never challenge the ruling of the Speaker.

Hon. Speaker: I am sure you are quite alive to the Standing Orders, hon. Mbadi. Proceed.

Hon. Ng’ongo: Hon. Speaker, actually I appreciate your ruling and I want to raise two issues maybe for the Speaker’s consideration. The first one is with regard to the title of that Report. It is a shock to me that the Report which came to the House was titled “The Hustler’s Jet Inquiry”. The Committee, I remember very well and members of that

Committee will bear me witness, said that we do not want that terminology to appear in the Report. I just want to say that if that Report carries such a heading, then the Clerk of the Committee did not listen to the Committee. You know, we do not see the final report. It is usually signed by the Chair.

Secondly hon. Speaker, and that is where I wanted your direction, you sent me to the United Kingdom (UK) last year and in some jurisdictions there is a clear engagement between Parliament and the media and there are rules governing how the media needs to conduct business of Parliament. This is happening in democracies where we have borrowed from heavily. I was wondering whether we can also as a House, together with the media, come up with a procedure of engagement so that when we have a complaint against the media say about reporting a report of Parliament which has not been made official or misreporting Parliament for that matter, we can engage in a way that does not hurt either parties.

Thank you, hon. Speaker.

Hon. Speaker: Very well. Of course, with regard to the first matter that you have raised, I have looked at the Report. It has the title “The Hustler’s Jet Inquiry” and I have ruled on that. So, no further comments on that.

With regard to our relationship with the media, there is a Parliamentary Media Reporters Group which is housed here within Parliament. So, I think your proposal would be for us to have further and perhaps better engagement for them to understand some of the rules that they may not understand in their own practices, which is also being undertaken by the Parliamentary Service Commission (PSC) through a committee chaired by hon. Gladys Wanga who may not be listening but she is the one.

(Hon. Member stood between the Speaker and hon. Ng’ongo)

Who is this Member? I will tell you hon. Member to just stand where you are standing. Again, it is important just like those who go to churches on Sundays and other days and to mosques on Fridays and other days to be constantly reminded of the faith. For us here in the House, we need to constantly remind ourselves about the Standing Orders, that if you stand between the Speaker and the Member that is either addressing the Speaker or the Speaker is addressing you, you are actually impeding communication. Now, from where you stood I was not actually too sure that hon. John Mbadi could hear what I was saying. So, that is just to remind you.

So, hon. John Mbadi, I was explaining that that issue of media and communication is being addressed by the PSC and we have set up a new committee chaired by Commissioner Gladys Wanga, who at the time I was reporting to you was not with us but at least she got shocked when she heard me mention her name. The mention was in good light that she is the one chairing that committee in the PSC dealing with communication and other outreach work. So, your proposals will very soon be taken on board.

Next Order.

REQUESTS FOR STATEMENTS

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Hon. Speaker: Please hon. Members, we may not allow you to read the entire narrative. Just go to the gist of the matter. Hon. Mwangangi.

DEGRADING STATE OF NGONG AND NAIROBI RIVERS

Hon. Kilonzo: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources concerning the degrading state of the Ngong and Nairobi rivers. These rivers are polluted with garbage, industrial liquid toxic waste, agrochemicals and petrochemicals among others. This situation has occasioned the spread of water borne diseases, lose of sustainable livelihoods, reduced availability and access to safe portable water which affects the livelihoods of Kenyans and further affects the sustainable use of the environment.

Hon. Speaker, the Chairperson should inquire into and report on the plans in place to avert this risk posed to the people within the rivers' reach and the environment.

Thank you, hon. Speaker.

Hon. Speaker: Chairperson, the hon. Amina Abdalla or the Deputy, hon. Alice Nganga.

Hon. (Ms.) A.W. Ng'ang'a: Thank you, hon. Speaker. The Chairperson stepped outside but she gave me permission to respond. We will deliver the response in three weeks' time because right now we are dealing with the Mining Bill and the Water Bill. So, in three weeks' time the Member can get his response.

Hon. Kilonzo: It is okay, hon. Speaker. Thank you.

Hon. Speaker: Very well. The second one is from hon. Omondi Anyanga. Omondi Anyanga reported that his card is "misbehaving" today.

Hon. P.E.O. Anyanga: Hon. Speaker, it is now on. I can proceed.

Hon. Speaker: You know sometimes hon. Members want to go to the Dispatch Box thinking that it is prestigious.

GOVERNMENT PROGRAMME ON ESTABLISHMENT OF IRRIGATION PROJECTS

Hon. P.E.O. Anyanga: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives regarding the Government programme on establishment of irrigation projects of arable land for food production in this country.

Hon. Speaker, the Chairperson should inquire into and report on:-

(i) the status of irrigation projects in every district stating the scope of work done so far and how much was allocated for these projects; and

(ii) state the details of the contractor to undertake the projects and the companies sub-contracted and give a list of the company's directors and their professional qualifications.

Hon. Speaker: Hon. Nooru, the Chairperson.

Hon. Nooru: Thank you, hon. Speaker. I think it is common knowledge that we are moving towards irrigation rather than depending on rain fed agriculture which is not sustainable anymore because of the climatic change. We are targeting the entire country and not specifically a few counties. We are going to give a response to this Statement within three weeks. I request the indulgence of the Member that we do a comprehensive answer. So, I request for three weeks. Thank you.

Hon. P.E.O. Anyanga: Thank you, hon. Speaker. I think I am in agreement because he has confirmed to this House that he is going to bring a detailed report.

Thank you.

Hon. Speaker: Next, hon. Omondi.

Hon. G.W. Omondi: Hon. Speaker, the closure of Mwer Administration Police Camp in Alego Usonga Constituency was a very hot matter and as such, as I was drafting the statement request, I engaged the Chairperson of the Departmental Committee on Administration and National Security, hon. Abongotum, who took it upon himself to call Mr. Arachi, the Deputy Inspector-General of Administration Police (AP). He also took it upon himself to call the Siaya County AP Commandant and this matter has since been resolved. The APs have gone back to the Camp and there is no problem now, as far as their removal is concerned.

Thank you.

Hon. Speaker: Therefore, are you withdrawing your request?

Hon. G.W. Omondi: Yes. I am withdrawing my request because the APs have since moved back to the Camp after the intervention of the Chairman of Administration and National Security Committee.

SUSPENSION OF MR. MOHAMMED GARISSO KOMORAH BY KAA

Hon. Sane: Thank you, hon. Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing concerning the suspension of employees by the Kenya Airports Authority (KAA), without following due process. I am particularly concerned with the suspension of Mr. Mohammed Garisso Komorah on 29th June, 2006.

Hon. Speaker, in the statement the Chairperson should inquire into and report on whether the suspension by the Kenya Airports Authority was within the labour laws and the collective bargaining agreement. He should state how long the suspension stands.

Thank you, hon. Speaker.

Hon. (Eng.) Mahamud: Hon. Speaker, we will give that answer to the hon. Member in one week's time.

Hon. Speaker: Is that okay, hon. Sane?

Hon. Sane: It is okay, hon. Speaker. Thank you.

Hon. Speaker: Very well. Hon. Ken Okoth, hon. Member for Kibra. The hon. Member is absent, statement request is dropped.

(Statement request dropped)

The Member for Samburu West, hon. Lati Lelelit.

Hon. Lati: Thank you, hon. Speaker. My request for statement is directed to the Departmental Committee on Administration and National Security.

(Loud consultations)

Hon. Speaker, I can barely contribute, there is a lot of noise in the House for some reason.

Hon. Speaker: Order, hon. Members! Hon. Jimmy Angwenyi, you are an old Member, allow hon. Lati Lelelit to be heard.

Hon. Lati: Thank you, hon. Speaker. My request for a statement is directed to the Departmental Committee on Administration and National Security.

KILLING OF UNIVERSITY STUDENTS LEADER IN MARALAL TOWN

On 31st October, 2013, a very unfortunate incident happened in Maralal Town. University students were demonstrating peacefully in response to cattle that had been stolen from Marti. The cattle were being transported with full authorization of the OCS, Marti. On that same day, a student leader, Thompson Lekishorimongi, whom I proudly referred to as “Tomkish” was killed by the OCS, Maralal.

I would like the Chairman of the Departmental Committee on Administration and National Security to help us get into the root cause of this very important question. He should state the following:-

- (i) why there was no occurrence book filled in Maralal, after Tomkish was killed;
- (ii) why the OCS, Marti, who was involved in cattle rustling has not been arrested;
- (iii) whether there are any plans by the Government of Kenya to compensate the family of Thompson Lekishorimongi; and
- (iv) more importantly, I would like to ask the Committee to help us by getting into Maralal to investigate this matter.

Thank you.

Hon. Speaker: This is to hon. Asman Abongotum Kamama.

Hon. Abongotum: Thank you, hon. Speaker. First, I want to thank hon. Washington Omondi for the compliments he gave to this Committee.

Hon. Speaker, this matter is extremely grave because it involves students who were demonstrating and one of their leaders was killed. Therefore, we will fast-track this matter and give a response in ten days. I also want to report to the House that this matter is also being handled by the Independent Policing Oversight Authority (IPOA) which is investigating it and we will get their report. We are willing as a Committee to visit Maralal and establish the true facts of this incident.

Thank you, hon. Speaker.

Hon. Lati: Thank you, hon. Speaker. I did not hear whether he said it will take him two weeks or one week. I did not hear the timeline.

Hon. Abongotum: I said ten days.

Hon. Lati: Ten days is perfect. Thank you, Chairman.

Hon. Speaker: Very well. The hon. Member for Wajir County, hon. Fatuma Ibrahim Ali. Is she here in the Chamber?

(Hon. (Ms.) F.I. Ali raised her hand)

Here we do not raise hands in the Chamber. I am directing after I have looked at your request for statements. You want the Chairperson of the Departmental Committee on Finance, Planning and Trade to give a statement regarding payment of mileage allowances to nominated members of county assemblies. This is not a function that is overseen by a Departmental Committee of this House. That is a matter that can only be dealt with in the other House. Are they sitting? Today is Wednesday; that is where this statement should, honestly, be sought. This is not a function of the National Assembly. You want the Chairperson to inquire and report on why there appears to be discrimination against the nominated members of county assemblies to equally access these mileage claims.

She says the secretary of the Salaries and Remuneration Commission recently sent communication to all clerks of the county assemblies regarding the payment of mileage and special duty allowance. Hon. Fatuma Ali says that, that letter clearly says that the nominated members are not entitled to any mileage claim due to lack of a defined geographical area that they represent. Incidentally, majority of these nominated members are females. So, you want the Chairperson to give reasons why this appears to be discriminatory against the nominated members. “What informed the formulation of such policy decision on these members’ allowances, yet they travel around their counties to meet their unique interest groups? Measures, if any, to harmonize all payments of mileage to all members of county assemblies, regardless of whether they are elected or nominated.”

This, surely, is a matter that should actually be dealt with by either the Senate or county assemblies. I, therefore, rule it out of order and it should not be asked.

(Statement Request ruled to be out of order)

Let us proceed to the next Order.
You are out of order! Hon. Members, we cannot deal with matters of members of county assemblies’ allowances and claims here. We are getting into an area that is murky.

BILL

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(Hon. A.B. Duale on 3.6.2014)

(Resumption of Debate interrupted on 3.6.2014)

Hon. Speaker: Who was on the Floor? Hon. Nyamweya, you have a balance of five minutes. Do you intend to proceed?

Hon. Nyamweya: Hon. Speaker, thank you for giving me a chance to contribute to this Bill. From the outset I said that I am opposing this Bill because we need guidance, in the sense that the Leader of Majority Party who has signed this document is against certain paragraphs. He is going to sit here in the House and convince hon. Members so that we can support him. It is going to be done by a vote and if we find that the Leader of Majority Party, who is supposed to whip hon. Members to support this Bill is against the Bill from the outset, I do not understand why some of the paragraphs found their way here. Fundamentally, why I am against this Bill is because there is Section 61 which they want us to introduce. Until such a time that a law relating to imposition of rates and charges is enacted---Urban areas and cities may continue to impose rates and charges under the law for the time being. What exists at the moment is the rate used by the national Government. Why we formed counties is not for them to levy rates; it is not for them to cause misery to the people on the ground. If you look at this section, it is not minor; it is a major amendment which we want to give to the county governments. I come from Kisii County. The other day they came up with a finance bill and they were taxing the *boda boda* people Kshs100 per day or kshs50 per day. It is not possible and so when it comes to what they want to do or how they want to raise their rates, the amount they want to ask for is not the reason why we have a government on the ground.

I have soapstone carvers in my constituency and each one of them was supposed to pay Kshs1,000. You go down to the place where they are mining soapstone, you find they have put a rate of Kshs1,000 per year for someone who has a *shamba* for soapstone mining. So, when you see what they imposed as tax for the ordinary person on the ground, this cannot be classified as a minor amendment. It goes to the very core on how somebody who rides a *boda boda* lives. Every day he wakes up to go to work, he waits on the way and before he has even ferried one passenger, he is told to pay Kshs40 from nowhere yet the roads are not maintained. So, the first thing is that I will oppose it because of that section,

Another point is the Transition Authority (TA). The TA may have its challenges; it may have a few problems; it may have teething problems; they have not been perfect in their work but if you remove it and yet we have not put in place clear structures on how devolved governments are going to work, what we will be doing here is killing devolution.

Another point why I am against all these amendments is that there are major parastatals in this country. These parastatals are doing research, have manpower and they have employees who have nowhere to go. This amendment is bringing us a section where they want us to delete the Acts which formed those organizations. These are organizations that have resources; they have not told us who is taking the resources; they are not telling us who will be liable for the liabilities; they are not explaining anything but they want us by the stroke of a pen--- If we pass this Bill, we will not have fisheries and marine research institutes. If we pass this Bill, we will not have the wildlife research institute at the stroke of a pen. This cannot be taken lightly by hon. Members because those organizations exist as entities. They perform certain functions and if we have to delete them, there must be clear procedure and policy to give hon. Members more time to

debate on these issues so that we may understand what is going to happen to them; whether they are going to be retrenched, whether they are going to be transferred to other departments and whether they have the capacities to do that. We cannot sit here and pass a law which is going to sack quite a number of Kenyans; which is going to make existing organizations--- I am even worried that they may do this to Kenya Rural Roads Authority (KERRA), the Kenya Urban Roads Authority (KURA) and all the organizations using a stroke of a pen through miscellaneous amendments. So, I will oppose the amendments because it is mischievous of the Attorney-General to bring these major amendments through the Statute Law (Miscellaneous Amendments) Bill. These are issues that hon. Members need time to talk about.

This also brings in another issue of governors, that they will decide the place that will be their municipal council. That should be the responsibility of the county assemblies at the county level. How do you give one person such responsibility? The responsibility of a governor, the way I understand it, is to manage resources which have been voted by the county government so that the services--- The reason why we formed the county governments is so that Kenyans can enjoy the fruits of better roads and water supply. That is the purpose of devolution. The purpose of devolution was not to increase tax or bring misery to ordinary people. I expect the people who have been made governors to be lenient. For example, instead of taking Kshs40 a day from the *boda boda* people, they should contribute that amount to form a kitty for a co-operative society so that at the end of the month, somebody may have saved Kshs1,000. If they are 20 of them, then they will have saved Kshs20,000. If they are 100 of them, then they will save Kshs500,000. They should form a co-operative movement but if we allow the county government to behave like the national Government, then there will be no need for us to have voted for devolution in the first place.

Those are the reasons I have and I am asking hon. Members to look at the reasons given, weigh them properly and you will find that they exceed minor amendments. You will find that they touch on the life of a farmer at home who is going to pay levies. If you look at the Act, they want to bring amendments which give power to the Ministry of Agriculture to impose restrictions on exports of agricultural produce. They have come with a list of the items they want to impose. It is fine, you can impose restrictions but you must also provide how that farmer is going to sell his products. You must provide a mechanism of how the farmer, if it is coffee or tea, is going to earn his money. So, when you look at the entire section, you will find that the amendments are major. They require more time for hon. Members to go through them before we pass them. I urge hon. Members to be very serious on this. Let us look at them and see whether they merit as such miscellaneous amendments. These are major amendments which are coming through the back door. So, I urge hon. members to reject all these so that proper Bills---

With those few remarks, I beg to oppose.

Hon. (Ms.) F.I. Ali: Hon. Speaker, I am really disturbed because this request for statement was signed by the Speaker of the National Assembly---

Hon. Speaker: You are out of order again. We are in debate. Hon. (Dr.) Pukose!

Hon. (Dr.) Pukose: Thank you hon. Speaker for allowing me to contribute to this Statute Law (Miscellaneous Amendments) Bill, 2014. Some of the amendments here are good. My problem is in terms of lumping them together. If they had been separated,

then we will be able to look at them and say: “This is good.” When you look at how the Bills have been lumped, I oppose it. That is because for one, when we look at the Criminal Procedure Code where, currently, we have big challenges in terms of arresting criminals who are terrorists, they are taken to jail and the next day, they have been given bond and they are out causing insecurity again. That is a very big challenge and a nightmare to the Government and we understand. Our Constitution provides that bail is a right to anybody. But when that bail threatens the security of the nation, then it becomes a challenge. That is because when a criminal or a suspected terrorist is arrested, taken in and the next day the terrorist is out and going about his activities, then the security of this nation is at stake. When you look at the other amendments--- Initially, many of these miscellaneous amendments that have been brought were in the initial miscellaneous amendments, which were rejected by this House. For record purposes, six months have not lapsed.

Hon. Speaker: Order, hon. (Dr) Pukose! The current Statute Law (Miscellaneous Amendments) Bill proposes to amend the following laws:-

The Land Adjudication Act Chapter 284.

The Urban Areas and Cities Act No. 13 of 2011.

The Transition to Devolved Government Act No. 1 of 2012.

The County Government Act No.17 of 2012.

The Agriculture, Fisheries and Food Authority Act No.13 of 2013.

The Crops Act, No.15 of 2013.

The Kenya Agricultural and Livestock Research Act of 2013 No. 17.

I suspect that the Penal Code or the Criminal Procedure Code which you are referring to now deals with issues relating to bail and it could be in a different Bill and not this one.

Hon. (Dr.) Pukose: I think it might have been mixed up from the Office of the Clerk. What I have here, which is a voluminous one, has several of them.

Hon. Speaker: It is not that one. When I saw the size of the one you are holding, I got a bit curious.

Hon. (Dr.) Pukose: It is quite big! Then I think I am out of order.

Hon. Speaker: Yes. Hon. Members even as hon. (Dr.) Pukose resumes his seat because he was looking at the wrong Bill, the number of laws being proposed to be amended, as you can tell, are very few. Most of you are saying the same things. Indeed, in the interest of time and to allow the House to transact other businesses, if we can minimize repetition so that we live within the provisions of Standing Order No.106 on being repetitive, tediously so, either repeating yourself or what others have said, it will be good. Even as I give you a chance to contribute, bear that in mind. That is because the issues we are raising now are the same that were said yesterday. Those who contributed yesterday said the same things. You can say other things in other businesses pending before the House. Hon. Gichigi is not there?

Hon. (Dr.) Pukose: He is not there.

Hon. Speaker: Hon. (Ms.) Nyokabi Kanyua. Or you place your cards and---

Hon. (Ms.) Kanyua: Thank you hon. Speaker, my apologies for the one minute delay. I want to support this Bill and I want to support the Statute Law (Miscellaneous Amendments) Bill and to really support that a couple of laws are amended in this fashion

every once a year. I support this law, especially the one dealing with urban cities, and the change of criteria to really cover more municipalities and urban cities in terms of the criteria that was passed by the law. I think that it is important that the criterion is reviewed so that many more of our urban centers are able to fall within the criteria of urban cities and municipalities.

I rise to oppose the disbandment of the Transition Authority that is captured in the Bill. We have a lot of expectations on the Transition Authority. We had expectations that the Transition Authority would help us to un-pack devolution. We had a lot of expectations that the Transition Authority would help us track the assets that are in our counties. At this point, allow me to thank the former President, hon. Mwai Kibaki, for having set up the co-ordination mechanism in our counties through the offices of County Commissioners. What we had not foreseen all of us with the devolution is the appetite that the governors would come with. When governors came in, many of them wanted to share the assets that are in our counties. It is in fact the County Commissions who stopped the governors from taking over some of the assets of the national Government that would have been laid to waste. One of the expectations on the Transition Authority is related to the assets that are available in our counties and that belong to the Government and has, over time, been misused. So, as I oppose the disbandment of the Transition Authority, it is with the view that some of these tasks that are in the law are still to be done. We need to fund the Transition Authority; we need to allow it to continue. It has a limited period in law and it needs to perform its functions. It needs to unbundle the functions that remain to be sorted out in the counties. By disallowing the amendments on the Transition Authority, we will be saving that Authority so that it can continue with its work. The inter-governmental committee that is envisaged to come in, can come after the term of the Transition Authority. We disallow the amendment. Let the Transition Authority finish its work and then, at a particular point in time, as the Transition Authority is no longer in operation, we can have the inter-governmental committee. I say this as somebody from Nyeri County, where we have a Level 5 hospital. We are still hoping that this Assembly will find a solution to the funding of Level 5 hospitals in our counties. It is one of the functions that still remain to be unbundled within the wider devolution concept, and the Transition Authority will continue to work on that. I support the Statute Law (Miscellaneous Amendments) Bill, but I do not support the disbandment of the Transition Authority. I urge that the particular clauses that relate to the disbandment of the Transition Authority are deleted from this Bill. The rest of the laws that are modernizing the laws that have been passed by this House are allowed to continue. I thank you hon. Speaker and do support with the condition that the Transition Authority is not disbanded.

Hon. Speaker: Hon. Katoo ole Metito, the Majority Whip.

Hon. Katoo: I stand to support this Miscellaneous Amendment Bill. As my colleague hon. (Dr.) Pukose was saying, the meaning of the “miscellaneous amendment Bill” is an amalgamation of several statutes that are amended through one piece of legislation. It cannot be brought in separate pieces. Like on this one, there are seven statutes or Acts of Parliament that are being amended and these amendments are not major amendments as opposed to what the Member for Bomachoge has said. It is not a major amendment that requires going through committees or the respective Ministries.

Let me just talk about three proposed amendments. One is on land. The amendments are not major. Actually, they are just meant to align with the current realities, especially with the current Constitution.

When you look at the amendments proposed on the Land Adjudication Act, it is just a matter of removing some few words to align with the current constitutional order. For example, trust land is being replaced with the words “community land”. This is in recognition of the fact that it is communities that own land as shown in the new Constitution. This Act was passed when full devolution was not yet in place and that is why “trust land” was used.

The other amendment is about county councils. In the Land Adjudication Act, county councils were referred to as so. In the current reality, they are referred to as county governments. Those are the things that are being cleaned. Ministers are now called “Cabinet Secretaries”. So, we are replacing the old words with new ones to suit the current reality. When we go to the Third Reading, we need to realize that, as much as we have recognized the Cabinet Secretary at the national level, there are land matters which have been devolved and that is why we are putting in place the county land management boards. At the county level, we do not have Cabinet Secretaries. Rather, we have County Executive Committee members. That reflection also needs to be taken into account.

The other amendment that has been proposed deals with land adjudication committees at the district level. Currently, the Act states that the District Commissioner (DC) will appoint not less than ten people. The DC has been given a blank cheque to appoint even 100 people. The proposed amendment is coming up with an upper limit; that is, not more than 15 people. So, those are very small amendments that are understandable and I would not expect much opposition from Members.

Another thing that requires correction as we go to the Third Reading is the fact that, in National Government Coordination Act, 2012, we no longer have District Commissioners. So, even in this proposed amendment, it may not be correct to use the name “District Commissioner” in Section 6(1). We need to align it with the National Government Coordination Act. They are now referred to as “Deputy County Commissioners.” That is another proposal as we go to the Third Reading.

There are amendments proposed for the County Governments Act, 2012. This is very important. Look at the proposed amendment of Section 4(2) which is about county executive committees coming up with county symbols in a consultative way. They have then to be approved in the county assemblies. This is in line with the Bill that was passed here in the last Session, although it has not been assented to. I understand that there is a Memorandum from the President to this House. It is the Bill that was sponsored by hon. Keynan; the National Flag, Emblems and Names Act. This miscellaneous amendment is about county executive committees coming up with county symbols. There are three symbols - the coat of arms, the county flag and the county seal. It is good that the county governments get legal advice. Recently, I read about a county - I think it is Lamu County - where the county assembly passed legislation that allowed the Speaker of the County Assembly to fly the national flag.

Hon. Speaker, you know that in the County Governments Act, 2012 in Clauses 12 to 14, it is stated clearly that there will be county symbols. Those are: The county flag, county seal and coat of arms. It is stated that those symbols should be very distinct. They

should not have any resemblance with the national symbols. If, therefore, a county assembly passes legislation that contravenes the national legislation, then that will be unlawful. I think the Constitution is clear that national legislation takes precedence. There is need for counties to seek legal advice as they come up with laws. I am sure that the law that was passed by the Lamu County Assembly contravenes the County Governments Act.

Section 5(2) is set to be amended by this Statute Law (Miscellaneous Amendments) Bill. It talks about county governments coming up with establishment for staffing. My advice is that they consider the ballooning wage bill both at the national and county level. We should not use the county government as a forum to reward people through employment at the expense of development. You can find almost 100 per cent of a county's budget going to recurrent expenditure.

We should also try to have an inclusive county Civil Service. We also need to consider the national image. There is no need of localizing staff such that 100 per cent of them come from that county. We will be losing the sole purpose of a unitary system as a Government, if we do so. It is actually good to come up with legislation whereby a certain percentage of staff should only come from that county, and the rest should come from other counties.

There is also a proposed amendment to Section 26(2). It proposes that the number of wards in a county should be limited to a minimum of ten. Currently, the Act gives a minimum of 15. The number of electoral wards in a constituency is five on average. There are some counties with only two constituencies. An example here is Lamu and Isiolo---

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, we want to do business before the House. We have actually discussed this Bill. There is no sentence that I hear which is not a repetition of something that somebody has said. If you were not in the Chamber yesterday, you should have read the HANSARD. That is because you will find yourselves repeating what Members have already said. Let us have people who are giving new perspectives only. The hon. Member for Maragua, do you think yours is a new perspective?

Hon. Mwangi: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I will be very brief.

The Temporary Deputy Speaker (Hon. Kajwang'): I will be really looking at repetition because it is in the Standing Orders.

Hon. Mwangi: Hon. Temporary Deputy Speaker, it is better for us to pass those amendments. Some of the things which are supposed to be happening in our county assemblies are awaiting the approval of this National Assembly. In my county, we have not even changed the land control boards that were there before because we have not changed some of the laws. Therefore, we should pass those amendments.

However, I still have a problem with the export of macadamia and bixa. When we give a window to the Cabinet Secretary to issue permits, we are creating room for nepotism and corruption. Why should we not come up with a law which will allow all the people to import those crops? This is a problem that we have even today. We have not been able to export our coffee and tea to many countries outside just because we have been confined to a few countries. We should come up with a law which will allow us to

export more. This should be a very good law. It will help us to create jobs for our youth, so that they can avoid engaging in alcoholism.

The other issue is the creation of cities and municipalities by the governors. We should not cause disunity in our counties. We should give this role to our MCAs to come up---

The Temporary Deputy Speaker (Hon. Kajwang’): With a lot of respect, that particular issue has been covered very well by a speaker who spoke before you.

Mr. Mwangi: Thank you, hon. Temporary Deputy Speaker. I have deliberated enough.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, most of the issues that I wanted to canvass have been canvassed; except to say that noting the mischief that sometimes goes on with the Statute Law (Miscellaneous Amendments) Bill, those of us who come from areas whose economy is predicated mainly on fishing, maybe, as we move forward, time has come when we must prepare comprehensive Acts to regulate fishing especially now that we are going into aqua-culture.

I do not wish to say more than that; except to say that this is something that we are working on and going forward, we want to look at how we can empower the fisher folk so that fishing can become a major contributor to the economy which it ought to have been for the past 50 years.

With those remarks, I support.

Hon. Ogolla: Thank you, hon. Temporary Deputy Speaker. Quickly, I want to talk about three things and I want to believe that they have not been spoken about before. First, we should understand that urban areas are miniature governments under county governments and they are supposed to have their own little governments. They are supposed to have their own funding and administrative arrangements. Considering the numbers that are proposed here, I have a problem with this given the fact that there are some validation reports that had been done before, particularly by the former Ministry of Local Government. I remember when hon. Musalia Mudavadi was the Minister for Local Government, a very serious audit was done and many local authorities were found to be unviable. When the 175 local authorities were validated, it was found that less than 70 were really viable.

So, when we reduce the population that is required of an urban area, we are going to get back to the same problem or even much deeper problem than we had because we are likely to create more urban areas than the 175 local authorities that we had. This is a big problem in the Bill and it needs to be looked into in a very serious manner. The other thing is the whole issue of timing. As and when should we be talking about an urban or a municipality coming in. This is a big problem that we are experiencing now. There are areas which are qualified to be urban areas or municipalities but, for many of them, the governors have not upgraded them. This is something that needs to be considered very seriously.

The other thing that I want to quickly get into is the whole issue of the Transition Authority in terms of transfer of functions. There is a problem when you look at this in relation to what is being discussed at the moment about the county commissioners. The legislation is proposing that, at a certain moment when a county does not have a legislation related to a function that has been transferred to it, national legislation needs

to be put in place. The problem with this is that, when a national legislation is in place, is it the county government, a county commissioner or a coordinating agency of the national Government who is supposed to implement it?

The other problem I have is with the proposed Bill in terms of the Agriculture, Fisheries and Food Act (AFFA). When we exclude fisheries, for example, from the AFFA arrangement---

The Temporary Deputy Speaker (Hon. Kajwang’): With a lot of respect, the AFFA issue also has been well articulated by the Member for Mbita. About three Members have raised that issue.

Hon. Ogolla: Hon. Temporary Deputy Speaker, I can shelve that. But I want to conclude by saying that, in as much as we are saying that some of those things are really miscellaneous, like it has been said before, the amendments here will affect largely the county governments.

I want to bring out the whole issue of the relationship between the number of wards and the number of county executive members. The Constitution mentions this very clearly that there is a relationship between the number of wards and the number of county executive members. When we reduce the number of wards to a maximum of 15, then that negates the whole thing that we set in the Constitution. The Constitution says that there is a ratio of almost one to three, such that when we talk about one county executive officer, it is almost equated to three wards. So, if we do that, then it means that a portion of this proposed legislation is going to contradict the Constitution in a substantive way.

Hon. (Dr.) Ottichilo: On a point of order, hon. Temporary Deputy Speaker. Will I be in order to request you to ask the Mover to reply? What is being said is more or less a repetition.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, hon. Members, this is your Bill. You have the authority to decide how you want to build it. Mine, perhaps, is just to put it before you.

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

Hon. Katoo: Thank you, hon. Temporary Deputy Speaker. In reply---

The Temporary Deputy Speaker (Hon. Kajwang’): For the HANSARD, will you say that you have the authority of the Leader of Majority Party to reply?

Hon. Katoo: Thank you, hon. Temporary Deputy Speaker. On behalf of the Leader of Majority Party, I beg to reply.

I want to thank all the Members who have contributed, particularly the last contributor, the Member for Bondo, who gave very insightful comments. To allay his fears, the Constitution says that the county executive committee should not exceed a third of the county assembly members. So, if you have a 30-member county assembly, then you should have an executive committee of not more than ten Members. If you have a county assembly of 60 members, then you should have an executive committee of not more than 20 members.

The reason why this amendment is coming on the wards is because if the IEBC had set the wards to be about five in a constituency and you have a county with only two

constituencies, then they will have ten county assembly members. The current Act provides for a minimum of 15. That is why the anomaly is being corrected to have the minimum as ten.

Hon. Temporary Deputy Speaker, therefore, I want to plead with my colleagues that, as we move to the Third Reading, they are welcome to bring amendments in line with the observations that they have made.

With those remarks, I beg to move that this Bill be now read a Second Time.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. I can see the Member for Suba is really agitated. I am sure she must have had so much to say about the Bill. But you will have something to say on a more stimulating subject like the *Khat* business which is there. So, Members let us go to the next Order.

Hon. Ng’ongo: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): The Chairperson of the Select Committee on *Khat/Miraa*.

Hon. Ng’ongo: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): I hear you but I choose to be quiet.

(Laughter)

Hon. Ng’ongo: There is no quorum, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Order. You are not on the microphone. Order, Member for Suba! Until you have the microphone and until you are on the seat of the Speaker, you have no authority to control the House from where you sit.

Next Order.

MOTION

ADOPTION OF REPORT ON *MIRAA/KHAT*

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Select Committee on investigation into matters relating to production and trading on *Khat* (*Miraa*), laid on the Table of the House on Thursday, December 5th, 2013.

Hon. Temporary Deputy Speaker, upon a Motion moved by the Chairperson of this Committee, our Select Committee was graciously formed by this honourable House. The membership of the Committee is indicated in the Report. It was a 29 member Committee. Before I proceed, let me acknowledge, on behalf of the Committee, the gratitude and the invaluable support that was accorded to the Committee by the Parliamentary Service Commission (PSC) and the office of the Clerk of the National Assembly towards ensuring that the Committee’s mandate was achieved.

Hon. Temporary Deputy Speaker, further, I wish to assure hon. Members that the observations and findings herein were unanimous and agreed upon by all the members of

the Committee. Let me also thank the Committee members for their undivided loyalty to the Committee and the time that they spent in the course of ensuring that the Committee's Report was prepared and presented to this House on time.

Hon. Temporary Deputy Speaker, on the first sitting of the Committee, it prepared its terms of reference. There were ten terms of reference. If I may summarily indicate the terms of reference, the Committee agreed that it was supposed to comprehensively review the actions the Government was taking to ensure that *Khat* is a suitable product for export. It was also to consider and view all the research findings that relate to *Khat* and also make recommendations to the House on the necessary action to be taken by the Government towards the legitimizing of the usage of *Khat*.

Hon. Temporary Deputy Speaker, it was also to look at the appropriate legislation to regulate the industry aimed at protecting *Miraa* as a cash crop which is a major foreign exchange earner for this country. Among the other terms of references that the Committee thought through was to look at the possibility of proposing a developmental policy or a legal framework to address the challenges identified as facing *Miraa* as a crop. It was also agreed that the Committee looks at the possibility of searching for other markets for that industry.

Lastly, it was agreed that the Committee suggests alternative crops to *Miraa* growing areas so as to help the community in those areas to diversify their farming.

Hon. Temporary Deputy Speaker, during the sittings of the Committee, various stakeholders were consulted and we have set out the people who made submissions to the Committee and various institutions. Some of them were farmers, consumers and traders of *Miraa*. We also called upon various Government departments, Ministries and semi-autonomous Government agencies. Those included the Ministry of Foreign Affairs, the Ministry of Agriculture, Livestock and Fisheries, the Ministry of Health and Ministry of Education, Science and Technology *inter alia*.

Hon. Temporary Deputy Speaker, we also thought it wise to get some input from various honourable Members of this Parliament. The support came from hon. Mohammed Abdullahi Diriye and hon. M'ruaki who came before this Committee and made their submissions as stakeholders in the industry. We also received various scientists and scholars. We got a lot of input from one Professor Isaac Kibwage who is a lecturer at the University of Nairobi (UoN) among other scholars and doctors.

Hon. Temporary Deputy Speaker, the Committee was also given an opportunity to travel to the United Kingdom (UK) and also to the Netherlands – countries that had issues with the growth and production of *Miraa*.

Hon. Temporary Deputy Speaker, our Report talks about various issues that affect this market and in our summary of findings, some of the issues that we were able to come up with was the fact that in the *Miraa* market or industry, it is a very unstructured business and from the way it is harvested, processed, marketed, consumed and exported, there is no structure that is able to guide its production or its harvesting or its market. We were also able to find out that there is no comprehensive or shared information across Government, Ministries or agencies that we would have relied on to help the Government and the people of Meru County, and among other areas that grow *Miraa*.

Hon. Temporary Deputy Speaker, we also found out that there is very limited research that has been conducted on *Miraa* by various Government research institutions and, therefore, whatever information that we received was not comprehensive.

We also found out that the balance of trade in as far as *Miraa* is concerned is in favour of the marketers at the expense of the farmers. We also found out that there is a huge industry both locally and internationally and *Miraa* could be the biggest foreign exchange earner to this country. From the various Government departments, we also found out that there is no foreign policy that regards either the trade of *Miraa* or the export of *Miraa* to the various countries that it is grown. The Committee also made a finding that the banning of *Miraa* internationally will render many Kenyans jobless since it is a source of livelihood. It would also result in the escalation of crime at local and international levels because it would render a number of persons who rely on *Miraa* jobless.

Hon. Temporary Deputy Speaker, we also felt as a Committee that there was a possibility of a strained relationship between various governments if the ban was effected.

One of the items that we relied on during our Committee sittings was a report that came from the Advisory Council on Misuse of Drugs. That Committee was formed in the UK to look at issues on whether *Miraa* is or is not a drug. That Committee from the UK found out that, as a fact, *Miraa* on its own did not have any effects, either health or any social effects on the person. The Committee, therefore, picked that report of the Advisory Council on Misuse of Drugs as one of its guiding tools in the course of the work that it did.

Hon. Temporary Deputy Speaker, this Report in Chapter 1 goes ahead to explain what exactly *Khat* is in its biological and scientific terms, among other issues. That is what it means to people who grow it.

Hon. Temporary Deputy Speaker, this Committee looked at the history of *Khat* since 1970s and the engagement of the Government in as far as *Miraa* is concerned, throughout the terms that were there and through the presidents who have been leading Kenya. There has not been any major support to this industry by the Government.

Hon. Temporary Deputy Speaker, one of the issues we had to deal with was the imminent ban of *Miraa* by the United Kingdom (UK). One of the issues that gave birth to this Committee was the threat by the UK to ban *Miraa* in July, 2013. One of the issues that the UK was raising about *Miraa* as a crop or *Khati*, as they call it, was that, it would destabilize the communities living in the UK and therefore, expose them to vulnerable situations. We also sought to be guided by the Third Report of the Advisory Council on the Misuse of Drugs. The Committee decided *locus in quo*; to visit the areas that grow *Miraa* and we visited Meru County. As a Committee, we were able to engage farmers, consumers and traders of *Miraa*. When we visited farms as a Committee, we found that *Khati* on its own takes around five to seven years to mature. It can be inter-cropped with other crops among them beans, yams and maize.

Hon. Temporary Deputy Speaker, *Khati* does not require expensive farm inputs to be produced. Therefore, we got various findings from Meru and Embu counties where *Miraa* is grown. In the Embu local language, it is commonly known as *Muguka*.

The Committee also involved various stakeholders within Meru and Mbeere in Embu County and we were able to get the support of various institutions that they engage with.

A look at this Report shows what various doctors were engaged. They were able to come and advise us. Most importantly, the Committee made its observations which are in our Report. Let me go through the observations because I do not want to go through the entire Report.

The Committee found out that *Miraa* farming is a major economic activity in Meru County, which is enjoyed by over 400,000 people. Meru County has a population of around 1.8 million people and those people benefit directly or indirectly from the *Miraa* produce. As a Committee, we also found out that the community has a special connection with *Miraa* as it is not only used during leisure time, but also to conduct important cultural rituals like reconciliation, paying of bride price, among other cultural activities.

Hon. Temporary Deputy Speaker, among other observations as a Committee, the locals were not aware of any side effects of *Miraa* growing, trading or consuming. We also found out that the *Miraa* market is not structured and, therefore, it needs to be structured and to be strategically financed and managed. This could be done through customized banking and Government regulation. We also observed that the *Miraa* market has to be diversified so that the community can also have other crops to relate with. *Miraa* farming will trigger a ripple effect on other businesses in Meru whose clients are *Miraa* growers, traders and consumers. There are very many economic banks within Meru and Mbeere in Embu County that have come up as a result of this crop commonly known as *Miraa*.

Hon. Temporary Deputy Speaker, allow me now go to the recommendations that were made by the Committee. I would like hon. Members of the Committee to walk with me through the recommendations so that you can see our desire to have the market of *Miraa* regulated.

Hon. Temporary Deputy Speaker, in our last page of the Report, you will find nine recommendations that were made by the Committee.

One of the recommendations - and I need hon. Members to understand - is on the Crops Act, 2013, which should be amended to include *Miraa* in the list of scheduled crops. This Act has not been operationalized. It is waiting for the Cabinet Secretary to do so. Therefore, we will be seeking an amendment.

The second recommendation is that *Miraa* stakeholders establish concrete structures that will assist them to address their interests.

The other recommendation is that the Government allocates funds to research institutions to enable them carry out extensive research on *Miraa*. There is no conclusive evidence to show whether *Miraa* is a drug or not. But so far, it is not.

The fourth recommendation is that the Government should petition countries that have banned *Miraa* to lift the ban. There should be a *Miraa* stakeholder's participation to level the balance of trade in the business.

We also recommended that the Government should intervene in support of *Miraa* marketing and trade at both regional and international levels. We also agreed as a Committee that the Government should formulate foreign policies on *Miraa* trade on the

regional and international level. As a Committee, we agreed that the Government should commission an inter-ministerial and multi-stakeholders taskforce to address the legal barriers surrounding the classification of *Khati* as derivatives and psychotropic substances. In this, we shall be referring to the legislation passed in 1994 that deals with psychotropic substances. It is the Narcotic Drugs and Psychotropic Substances (Control) Act, No.4 of 1994.

Hon. Temporary Deputy Speaker, we also said that the relevant Government Ministries should consider creating alternative markets for *Khati* or *Miraa* in other countries. We made reference to various bibliographies and all that is indicated.

I give my thumbs up to National Authority for Campaign Against Drugs and Alcohol Abuse (NACADA) and to other institutions that came to agree with us that, as long as we regulate the industry of *Miraa*, they shall be there to walk with us. The communities that grow, sell and consume *Miraa* feel that they are being threatened by the consumption of *Miraa*. We should be able to put in place legislation on the times when *Miraa* can be consumed and the age limit at which persons can partake of the crop, among other legislations.

Hon. Temporary Deputy Speaker, therefore, I pray that hon. Members, the same way they supported us during the creation of this Committee, they should support us to ensure that we protect our community. This, generally, has been a neglected crop or a crop that the Government has not stepped in to assist. Leaving the market as it is or failing to adopt the Report means that the crop will be left without any structure. It is safer that we have a structure that regulates *Miraa* instead of an un-structured process that does not assist the people of this country.

Hon. Temporary Deputy Speaker I, therefore, I beg to move and request my good friend, my leader, the Member for Garissa Town who supports me, to second this Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): You are contributing. You are not responding as the Leader of Majority Party. You are seconding as the Member for Garissa Town.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, the Mover is the producer and the Secunder is the consumer.

(Laughter)

I do not consume *Miraa per se*. In my contribution, I will use the word “*Khat*”. “*Khat*” is a Somali word for *Miraa*. Historically, the relationship between Merus and Somalis is because of this plant called *Miraa*. Unfortunately, I am not seeing the consumers here. I can see three or four consumers and I can speak on their behalf. I am caught between a rock and a hard place. Why do I say so? In my own constituency, the biggest support that I get is from the clergy. They abhor and advocate for the banning of *Miraa*. But I have another serious section of my constituency that is composed of professionals, young men and women who trade in this business. Also, because I represent the biggest coalition in this country, and I am a very good friend of the people of Meru, and *Miraa* is a special crop just the way the camel is special to me; *mnazi* is special to my good university colleague, hon. Kazungu; the fish is so dear to hon. (Ms.) Odhiambo-Mabona, the way coffee, milk and tea are dear to the people of the Rift Valley and Central, I have no

choice but to support. Experts have said that approximately Kshs2.6 billion is the foreign exchange that *Miraa* brings to our country. I want to say here that Somalia is the biggest consumer, exporter or importer of *Miraa* from Kenya. When this Committee was visiting London, I was wondering why they went there because the consumption of *Miraa* in the UK is 0.00001 per cent. So, instead of going to London, you would have better safeguarded your market in Somalia and saved the areas that are controlled by the *Al Shabaab*. That is because they will not allow *Miraa* to be taken there.

New Zealand, UK and Japan are the countries that import *Khat*. But why do I support *Miraa*? It is better to chew *Miraa* than drink methanol. It is better to chew *Miraa* than take a local brew that will kill 100 Kenyans. I want to tell the people of Meru that, as much as we will allow the Kenya Bureau of Standards (KEBS) to regulate and standardize, they must be very careful with the guys who are mixing brews with some other things. The moment you even pour methanol, I can tell you for free that I will be the first Member of Parliament that you will lose, including hon. Kubai and the people of Meru. So *Miraa* is a very safe crop. It is a social stimulant. When I was at the university I did a paper – I hope that if you go there you will get it – on socio-economic effects of *Miraa* on the people of northern Kenya. By then, the literature review I used confirmed to me that there were serious side effects. The side effects of *Miraa* are a sharp rise in child labour, resulting to between 56 to 58 per cent transition rate, early exposure to drug abuse in Embu, high cases of indiscipline in our schools, absenteeism, poor academic performance – and I am sure hon. Kazungu will agree with me – gambling, prostitution, family neglect and break-ups. It contributes to about 30 per cent of the divorce rate among the Muslim community. A high proportion of income is spent on the purchase of *Khat* by other users. I do not want to go into this Report because I do not chew *Miraa*. I am not a consumer but because my constituency is a serious consumer, by proxy, I have no otherwise. However small the number of those who consume *Miraa* may be, even if it will be 20 per cent of my constituency, I will support it. This plant must be regulated. We must engage KEBS to give us standard *Miraa* so that we also do not allow our people to chew crops that look like *Miraa*. I am sure there are hon. Members who do not know how a *Miraa* tree looks like and they might end up chewing some other things. So, once we standardize *Miraa* twigs and put them in a polythene paper with the mark of KEBS, then *Miraa* can be sold in Nakumatt.

The Report is also calling for the amendment of the Crops Act, 2013. We have the Statute Law (Miscellaneous Amendments) Bill, the one we have just finished. There is an amendment on the Crops Act. If you are very sharp legislators, I am sure hon. Kajuju and the rest will bring amendments.

But there is a recommendation that amazed me; that we must define Kenya's foreign policy on *Miraa*. That is a very serious foreign policy. Now we have the Ministry of Foreign Affairs, so with the element of international trade, we can take care of *Miraa*.

In a nutshell, I want to thank hon. (Ms.) Kajuju because there were very great Meru leaders in the last Parliament, led by Senator Murungi, the best Governor, hon. Munya and hon. Imanyara who was in the Speaker's Panel. We have my good friend, hon. Linturi. It is great that hon. (Ms.) Kajuju has raised the issue of *Miraa* and pushed for its recognition.

I want to urge this House to, please, support this great lady and the people of Meru County. You have no choice! Because of this Motion, you have no choice but to support Members of Parliament from that community. They stood on the side of their community. If it is sugar in Western Province, we expect hon. Members from the sugar belt in Western Province to stand up. When we see the fishing industry in danger, the hon. Members from the oceans and the lakes must stand up. When the Somali community is discriminated against, I have said it in my constituency that I am proud to be a Kenyan. I am proud to be a Muslim and I am proud to come from the Somali community. I have no apologies to make.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. A.B. Duale, stay away from such---

Hon. A.B. Duale: I am trying to build my case because she is---

The Temporary Deputy Speaker (Hon. Kajwang’): I hope we leave those things we say in the rallies, funerals and weddings. I also did that last week.

Hon. A.B. Duale: Yes, I am only speaking because *Miraa* is so dear to hon. Kajuju and all of us. It is the same way sugar issues are very dear to hon. Ottichilo and hon. (Eng.) Gumbo. The camel is so dear to me and the community that rears it. If you see me defending the Somali community and you have issues with it, then you will have many days to have issues with me because, first and foremost, I will defend the Constitution, the Kenyan people and the community that gave me votes.

That is why you see the 11th Parliament is today discussing *Miraa*. That is because it is in danger as an economic activity and as a crop. That is why you see hon. Kubai seriously listening to me. I want to urge my colleagues; we will stand with the sugar-cane farmers, fishermen, camel keepers and pastoralists. Let us stand with hon. Kajuju and the Members of Parliament from the Meru community on the issue of *Miraa*. It must be a cash crop enacted in law.

I beg to second.

(Applause)

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

(Question proposed)

Member for Rarieda, are you on a point of order?

Hon. (Eng.) Gumbo: On a point of order, hon. Speaker. I will be rising to second this Motion at a later date, being a beneficiary of this important crop. I rise on Standing Order No.97 to request that debate on this Motion be limited to 45 minutes with five minutes for each Member speaking. I am saying this while aware that there will still be an opportunity for us to canvass matters relating to this at the Committee Stage and at the Third Reading.

The Temporary Deputy Speaker (Hon. Kajwang’): Alright then. Do I have somebody seconding that? Who seconds Member for Rarieda? Member for Kitui Central, go ahead.

Hon. Mulu: Thank you, hon. Temporary Deputy Speaker. I rise to support the proposal to have this Motion discussed for 45 minutes and Members' contributions are reduced to five minutes. That is basically because we had discussed this issue of *Miraa* in our earlier discussions. We debated this issue and the recommendations appear to me to be straightforward and quite good for this country.

I second and support the proposal.

The Temporary Deputy Speaker (Hon. Kajwang'): Okay, Member for Rarieda, because you own that Motion, have a look at Standing Order No.97 (3). I know you have approached the Speaker and we have discussed, but I am looking at Standing Orders No.97 (3). How does it sit with your Motion? I am giving you time to look at page 56 of your Standing Orders.

Alright, Member for Rarieda, have you looked at it? Speak to the microphone.

Hon. (Eng.) Gumbo: Yes, I have looked at it, but I was relying more on Standing Order No.97 (1).

The Temporary Deputy Speaker (Hon. Kajwang'): Is it your case that the Motion has been proposed, seconded but has not been debated? Do I hear you on the HANSARD to be contributing in terms of Standing Order No.97 (3)? In what terms?

Hon. (Eng.) Gumbo: The Motion has been moved and seconded and hence the substance of my moving under Standing Order No.97 (1).

The Temporary Deputy Chairman (Hon. Kajwang'): Thank you. Well, Members, this is again your Motion. The Speaker does nothing more than to put it to you to make a decision on it.

It has been moved by the Member for Rarieda that this debate be limited to 45 minutes and five minutes for each Member speaking.

(Question put and agreed to)

Hon. Members, I assume that the requests I have are all on this issue, but probably, you may have pressed your button earlier. Could you refresh it so that you allow other Members who may want to speak on this issue? Thank you. I can see some of you are releasing.

This being the way forward, I can see the Member for Kitui Central. I recognize you because you are the Leader of Minority Party.

Hon. Members: Kitui Central?

Hon. Nyenze: Kitui West.

The Temporary Deputy Chairman (Hon. Kajwang'): Then, the Leader of Minority Party, you may want to go ahead and sort it with the Secretariat because those instruments are stating you are the Member for Kitui Central. Next time go and sort it out.

Hon. Nyenze: I will sort it out. Thank you, hon. Temporary Deputy Speaker, I just want to take my usual 15 minutes because the other Members will take five minutes each as we have agreed with hon. (Eng.) Gumbo.

I just want to congratulate and thank hon. Kajuju and her Committee for the good work they have done. They were committed to all the TORs that they were given. They have done a good job. There are two very important points I want to make on *Khat*. The

Select Committee did a good job and I want to quote what the World Health Organization (WHO) said. The WHO Experts Committee Report on Drug Dependence in its recommendation said:-

“The Committee reviewed the data on *Khat* and determined that the potential for abuse and dependence is low. The level of abuse and the threat to public health is not significant enough to warrant international control of *Khat*.”

Therefore, the Committee did not recommend rescheduling of *Khat* as a bad substance. The body that has the highest authority and the researchers never considered *Khat* or *Miraa* as a threat. There have been many reports from scientists about the negative effects of *Miraa/Khat* on the health of human beings. They say that *Khat/Miraa* contains amphetamines and monoamine alkaloid which are chemical compounds also found in illegal drugs like cocaine. They also went ahead to say that excessive consumption of *Khat* leads to cardiovascular, gastro-intestinal and psychiatric effects. Lastly, they said the negative social effects of *Khat* are related to child labour, drug abuse, indiscipline in schools and poor academic performance.

Let us face the facts, *Khat* is of immense economic importance to this country and, more so, the Merus, Embus and those who live in Central Province. *Khat* has employed numerous Kenyans in various capacities. If you go to my constituency, you will see *vibandas* and small kiosks that belong to people who make money through selling *Khat*. From the data we have, we know that between 2009 and 2011 the Kenya National Bureau of Statistics reported that *Miraa* exports---

The Temporary Deputy Speaker (Hon. Kajwang’): You have one more minute.

Hon. Nyenze: No, I have 15 minutes.

The Temporary Deputy Speaker (Hon. Kajwang’): No, we have reduced the time. We have reduced your time to---

Hon. Nyenze: I am the Leader of Minority Party or so they say. Hon. Kajuju---

The Temporary Deputy Speaker (Hon. Kajwang’): You would rather address the Chair.

Hon. Nyenze: Hon. Temporary Deputy Speaker, I have 15 minutes and all the Members have agreed. I can only reduce it to ten minutes.

(Laughter)

The Temporary Deputy Speaker (Hon. Kajwang’): Unfortunately, you have only one minute to go. Please, do not use it arguing.

Hon. Nyenze: Hon. Temporary Deputy Speaker, between 2009 and 2011, it is shown that *Miraa* exports and domestic consumption was worth Kshs6.64 billion and Kshs8.27 billion, respectively. The contribution to the national economy is immense. When the UK and Netherlands banned *Khat*, the lady who banned it, the right honourable Teresa May, Secretary, did it against the recommendation of the committee. Hon. Robin Van Persie, a Member of Parliament in UK, noted that the ban on *Miraa* will result in strained relations between Kenya and the UK. The Select Committee there recommended that *Miraa* should not be banned in the UK, but Teresa May went ahead and banned it.

The Temporary Deputy Speaker (Hon. Kajwang’): That is all the time we have for you this afternoon. Member for Igembe North, remember you have five minutes only.

Hon. M’uthari: Hon. Temporary Deputy Speaker, I rise to support this Report. It is important to note that as I stand here, I represent the largest number of *Miraa* growers in this Republic. In my constituency, majority of the people depend on *Miraa*. I am also a *Miraa* grower and consumer. Those who have other ideas about *Miraa* should know that all that is myth. If somebody else wants to try it, they can do it. So, all you know about *Miraa* is myth; it is not the truth. I am also glad that I participated in this Committee. The problems facing *Miraa* farmers and growers have also been contributed by the Government of Kenya. This is because to a large extent---

The Temporary Deputy Speaker (Hon. Kajwang’): Sorry, hon. Member. Did I hear you say that because of that, you can stand--- What did you say?

Hon. M’uthari: I said that I am happy that I participated in the Committee’s deliberations and from the Report, it is very clear that the Government of Kenya has never contributed anything in support of the *Miraa* sub-sector, in order to understand the crop and even have a structured way of engagement. We met different departments, Ministries, and even research institutions of the Government. They are very few. To a large extent, that is how we have lost as a country. I can tell you for sure we have lost germ-plasm. In fact, I am afraid that even though *Miraa* is condemned in this manner, somebody can still go and get the substance in *Miraa*. That is because *Miraa* has very many useful properties. Somebody could easily carry out research on *Miraa* and patent the useful properties in *Miraa* and take it away from us. So, we need to move fast.

The people I represent – and that is why I cannot compromise on this matter - depend on *Miraa*. Condemning *Miraa* means condemning the people and their way of life. In my community, where *Miraa* is predominant, *Miraa* plays a very important role in most of the cultural activities. This Report presents findings and recommendations. The Government, therefore, needs to take a proactive role in terms of reaching out to other countries, especially those in the European Union (EU), who have come up with legislation against *Miraa*. As you have heard, the Reports by those countries, especially the UK and Netherlands--- I was in the team that went to Netherlands. They do not have any scientific basis or anything serious that proves that *Miraa* is a bad substance. It is because there has not been a proper case and that is why we appeal to the Government of Kenya to consider the *Miraa* issue just like it considers the matter of insecurity in the country. If *Miraa* is banned in parts of Nyambene, I assure you that insecurity will increase and this will have ramifications in other areas. This will mean that the livelihoods of the people will be seriously affected.

The question of appealing to foreign governments through the Ministry of Foreign Affairs is of critical essence. The livelihood of many people is being destroyed just by the stroke of a pen. There was no forewarning and that means that more than 400,000 people who depend on *Miraa*---

The Temporary Deputy Speaker (Hon. Kajwang’): You have less than 30 seconds to go.

Hon. M’uthari: Let the Government of Kenya take responsibility. Let the Government of Kenya defend our people. Let it do so in the same way it is doing with regard to tourism, insecurity and so on. The ban on *Miraa* is a matter of security in Nyambene and Meru, where it is largely grown.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Igembe Central, I am told that you neighbour each other. So, we will take you in that order.

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to support this Motion on *Miraa*. When I speak here, I do so with authority, having been brought up in a *Miraa* growing zone. My constituency, Igembe Central, is one of the main producers of this product. We are debating issues affecting a crop which we strongly support. If anything is done that prevents the people of Nyambene or Meru from selling that crop, then we will be condemning the Amerus who have been living on it for centuries. The Meru community has known *Miraa* for ages. Initially, it was used as a cultural crop. Even today, it is still used for engagements and it has now become an economic crop being sold across the world.

If *Miraa* is banned, the mainstay of our people will be affected. That is why I support this Report by the Committee to which I was a member. *Miraa* needs to be regulated like any other food that people consume when socializing, for example, beer. We have not had cases of *Miraa* having adverse effects like those of alcoholic drinks. Therefore, I strongly believe and agree with our Report that, if *Miraa* is regulated like beer and other stimulants which are consumed, the people of Meru will reap benefits from their crop. They will move in tandem with the current world.

Therefore, I strongly support that *Miraa* should be put in the Crops Act, so that the Government can support it. Lately, there has been a unilateral war by Members of Parliament. We have been fighting the war in the United Kingdom, which has gone ahead to ban the crop. We understand that by 24th June, 2014, we will not be taking any *Miraa* there. This will affect the economic livelihood of our people. I do not know where we are going to take the youth who are selling *Miraa*. We are going to condemn some of them to be idlers. Others will lose their jobs and there will be insecurity. We shall get thieves and others will even join the *Al-Shabaab*. The Government should wake up and help us in fighting for *Miraa*.

I do not want to go the distance that we have been told by the western world, when they said that choices have consequences. I am afraid they want to use *Miraa* as one of the consequences. This is now condemning our country and we should rise up to the occasion. The Government should support us. The biggest challenge now is that if the UK bans *Miraa*, it will also be banned in other places. The United Nations wants to put it in the narcotics list. That will be a disaster to our community. I beg my colleagues in this House to support this crop of ours.

Miraa is not a drug. I chew it and I have had no problem with it. If there are those who use it and it has adverse effects on them, maybe they chew it in large quantities. It is like those who spend the whole night in the bar. They will also have side effects. Otherwise, I strongly believe that *Miraa* does not have harmful elements. This has even been looked into scientifically. Therefore, we should not condemn it to the classes of *bhang*; *cannabis sativa* and other drugs. The cry of the Ameru should be heard by this Parliament and the Government, so that we can protect that sacred crop of ours.

I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): The Member for Makadara, five minutes.

Hon. Kangara: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. First and foremost, I want to thank the Members who supported me when my name was floated, and it was unanimously agreed.

First, I do not chew *Miraa* and when I joined this Committee, I wanted to know what *Miraa* was. I was very negative from the outset until we were indulged further and I learnt what was involved in *Miraa*. The Committee made site visits to Meru and Embu. I wish to inform the Members of this House that some of the issues that we may take for granted, in some areas, they are matters of life and death. When we went to Meru, there was a big multitude of people and no political party has ever managed to get such huge numbers of people. When we interacted with them, most of them feared that *Miraa* could be banned and yet, they have loans in banks. They wondered what would befall them.

They also felt that they have been neglected because the Government has invested in a lot of research in other scheduled crops, but not in *Miraa*. I wish to appeal to hon. Members to support *Miraa* to be included in the scheduled crops, so that the Government may have the leeway of allocating research funds and also supporting farmers. We asked Ministries like Agriculture, Livestock and Fisheries, Foreign Affairs, Commerce, Tourism and East African Region and Health to tell us what *Miraa* is. The Chairperson was a bit diplomatic in her deliberations. But it is a pity that the reports that all those Ministries brought to the Committee were downloaded from the internet.

So, basically, it means that we have no information regarding *Miraa* in Kenya. It is really serious. This is part of why *Miraa* was being banned. When we went to the Netherlands and we were discussing with officials from there, they said that even Kenya Government does not know what *Miraa* is. They were very diplomatic and told us that when *Miraa* was banned in the Netherlands, they had given the Kenya Government ultimatum, through the rules of engagement and diplomatic protocols, to give a proposal on what *Miraa* is. They said that *Miraa* is not chewed by their people, but they were a bit concerned. There was supposed to be a follow up on that report by the ambassador, but she never bothered. Up to date, she has not even bothered.

They are opening their doors in the next two years because they need to see the engagement of the Government to give them a proper write up indicating what *Miraa* is. We engaged them and told them that *Miraa* is a social crop here in Kenya. Communities, especially the Mbeere and the Merus, give *Miraa* as tithes in churches. So, this is not a drug. We also gave them a lot of history and they were shocked that most of that information had not been provided. Therefore, *Miraa* farmers have issues and the Government needs to own up and agree that despite the unstructured way that *Miraa* is grown, we need to come up with a policy. Maybe, we should give alternative crops and come up with incentives as a fall-back position in case of such eventuality.

Hon Saney: Thank you, hon. Temporary Deputy Speaker. In as much as I am sympathetic to the cries of the growers of *Miraa*, especially in Embu and Meru regions, I rise to oppose.

I want to confess that I have been a regular and loyal consumer of *Miraa* for the last 19 years, until last weekend after reading this Report. I want to confirm to the House that there is nothing good in *Miraa* except for those who trade in it and exploit the consumers. From the Floor of this House, having read this wonderful Report that only goes short of banning *Miraa*, I want to reach out to the people of Wajir County,

especially the youth who have been rendered delinquents. I take this opportunity to withdraw from the consumption of *Miraa* and quit the habit, so that I can be an example.

Before going into the impacts of *Miraa*, I want to point out that the Report indicates that the Committee Members unanimously approved this Report. That is not true. Nine members of the Committee Members did not append their signatures to this Report. Another observation that I have made after going through this Report is that only three to four consumers were contacted. Majority of the people who have been interviewed are the traders and the growers of *Miraa*. So, there is that outright bias on the outcome of this *ad hoc* Committee's findings. The Report is very explicit. I like it in so many ways. In as much as the research on *Miraa* is not conclusive, it has indicated that *Miraa* contains two harmful substances, which are very potent, namely, *cathine* and *cathinone*.

One thing that most Members of Parliament may not appreciate is that there are some chemicals that are very potent. That is to say that it is a harmful drug. It is something that can even be compared to cocaine, but the difference is the biomagnifications and bioaccumulation effects of long term use. It is such that it will be lethal overtime. So, in as much as every consequent use of *miraa* will, at least, accumulate those toxic and lethal substances, is sufficient to say that *miraa* is not a good thing and it is a drug.

Hon. Temporary Deputy Speaker, it is clear. Just before Independence and after Independence, our laws have been clear. They have banned *Miraa* based on its negative effects. *Miraa* is not a cash crop neither is it a food crop. It is legal only in *Miraa* producing countries. That is to tell you that it is not something acceptable globally. Except for Somalia, the rest of the *Miraa* producing countries are the ones who produce it. Those are Yemen, Ethiopia, Kenya and Djibouti. It is only Somalia that does not produce it. But it is in the league of the *Miraa* business by being wholesome consumers.

Hon. Temporary Deputy Speaker, the socio-economic and health impact of *Miraa* cannot be exhausted here. The effects are grave. I just want to tell you one thing; the long term use of *Miraa* can even reduce a professor in mathematics innumerate. That is the extent of its implications. It affects the nervous system. It is clear in this Report. The Report has, in all aspects, indicated that it is not a good thing.

Hon. Temporary Deputy Speaker, there is claim in the Report that the proceeds from *Miraa* have been used to put up schools and churches. I agree. Even those who sell cocaine can access so much amounts of money and can build mosques, churches and schools. That does not legitimise that a particular crop or substance is good.

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

The Temporary Deputy Speaker (Hon. Kajwang'): Let this Member be heard in spite of the caustic comments that he may have in opposing the Bill.

Hon. Saney: Thank you for your protection, hon. Temporary Deputy Speaker. I may happen to be the only consumer in the House. I have been a long term consumer. So, I seek your further protection. Truly speaking, *Miraa* is carcinogenic.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much. Member for Seme, are you on a point of order?

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker for giving me an opportunity to deliberate on this. Let me start by congratulating the Chair and the team.

The Temporary Deputy Speaker (Hon. Kajwang’): No. You are on a point of order.

Hon. (Prof.) Nyikal: Yes, hon. Temporary Deputy Speaker. I am rising under Standing Order No.54 which is in regard to making amendments to a Report.

The Temporary Deputy Speaker (Hon. Kajwang’): I see! Do you have an amendment?

Hon. (Prof.) Nyikal: Yes, I have an amendment, but I would like to probably give background information.

The Temporary Deputy Speaker (Hon. Kajwang’): No. Can you speak straight to your amendment first? Can you propose your amendment?

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I wish to propose an amendment to the Report on the recommendations which are in Chapter 4, specifically Recommendation No.8 which reads:-

“The Government should commission an inter-ministerial and multi-stakeholder taskforce to address the legal barriers regarding the classification of *Khat* derivatives as psychotropic substances.”

Hon. Temporary Deputy Speaker, I wish to amend this by deletion of the words “barriers” and “surrounding” and replacing that after the word “legal” with “and scientific basis for”. It will, therefore, read as follows:-

“The Government should commission an inter-ministerial and multi-stakeholder taskforce to address the legal and scientific basis for classification of *Khat* derivatives as psychotropic substances.”

Hon. Temporary Deputy Speaker, I now can prosecute it.

The Temporary Deputy Speaker (Hon. Kajwang’): No. You can explain that amendment in one minute.

Hon. (Prof.) Nyikal: One minute will be too short.

The Temporary Deputy Speaker (Hon. Kajwang’): Just that amendment! You will have time, of course, to debate the Motion.

Hon. (Prof.) Nyikal: As amended?

The Temporary Deputy Speaker (Hon. Kajwang’): No. Now, you just want to inform and persuade Members why you think that, that recommendation should be amended. So, take about a minute or so.

Hon. (Prof.) Nyikal: I will take a minute. All the recommendations that have been given in the Report are sound, but they need to have a basis. The most important is scientific and legal basis. We cannot convince anybody in the world on what we need to do and the rationale for it unless we have a scientific and a legal basis for it. Therefore, this amendment is asking that, that be the basis upon which all other recommendations can be executed.

The Temporary Deputy Speaker (Hon. Kajwang’): Do you have someone to second that amendment?

Hon. (Prof.) Nyikal: Yes. I have hon. Ottichilo.

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

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker. I want to second because science is very important and it is on science that we can make real very serious rational decisions.

I beg to second.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Members, under Standing Order No.54, I am now obligated to propose the amendment.

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

Should I put the Question? Member for Igembe North, do you have a problem with this?

Hon. M’uthari: No, hon. Temporary Deputy Speaker. I agree with the amendment. It is important to come up with a scientific basis because what we gathered during our Committee meetings with various groups is that there is more myth surrounding *Miraa* than reality. So, a scientific basis will assist.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. May I know if the Chair has been consulted on this and if so, does she concur?

Hon. (Ms.) Kajuju: Thank you, hon. Temporary Deputy Speaker. The hon. Member has consulted me and I understand the amendment to mean that we are opening up the basis upon which research is going to be conducted in as far as *Miraa* is concerned. As we said, there are no legal provisions which govern this industry, neither do we have any scientific research. So, I concur that the amendment can proceed. Thank you.

*(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)

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Now, we want to debate the Motion as amended. Member for Seme, now that you are on your feet, I will give you five minutes to canvass your argument.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker and thank you for guiding the amendment process. I must congratulate the Chair and the Committee for the good and comprehensive work that they have done. I note that, really, the basis of the work has been to find facts.

The Temporary Deputy Speaker (Hon. Kajwang’): Just a minute. Member for Marakwet East, are you on a point of order?

Hon. Bowen: No.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. Okay. Then hold it there.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, so, if you notice, a lot of information about *Miraa* has not been confirmed. There seems to be doubts, both locally and internationally, that the work that has been done is not conclusive, and you can see that in the Report. If you look at the summary of findings, you find that in Summary No.2, there has not been scientific proof that *Khat/Miraa* is a drug. If you again look at Summary No.8, it says that *Khat* has medicinal value. In scientific terms, that cannot be so. Once something has a scientific value, then in a way it is a drug. So, again, that just indicates that the work that is available is really not conclusive and, therefore, people are making decisions both here and internationally without adequate information. Further on, hon. Members will appreciate that all the recommendations are extremely good, and will be useful for stakeholders in the *Miraa* sector. This is because anything that has medicinal value must have side effects. It is, therefore, a drug. Therefore, it is not that you cannot use it but there must be ways in which you can use it. Therefore, the recommendations take care of that aspect. I can tell this House that if you take enough water, you can actually have water intoxication and die. Therefore, once we know that it has some medicinal value, we have to go on those scientific bases.

Hon. Temporary Deputy Speaker, I support the Report because the recommendations contained therein are good. The eighth recommendation, which has been amended, should be the basis for all other recommendations. The Government should actually put more money in the research on *Miraa*. If we do not do that, some people will do so and discover some very important components and start selling them back to us, just like it happened to our pyrethrum, when they discovered pyrethrin. Pyrethrum just lost its market because they discovered an active ingredient and came up with synthetic pyrethrin. They can do the same and find the active ingredients in *Miraa* and just start marketing it. Nobody will ever buy *Miraa* again. We could have done this earlier, gotten the synthetic material, owned it and have rights on it.

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With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Nairobi County.

Hon. (Ms.) Shebesh: Thank you, hon. Temporary Deputy Speaker. I rise to support the Report.

I would like to start by congratulating hon. (Ms.) Kajuju for the good work that she has done. The work that she has done has not been easy. It has been fraught with misunderstandings. People did not understand what the Select Committee was meant to achieve. What it was meant to achieve is what the hon. Member who has spoken before me has clearly articulated. The beginning of the whole agenda was whether or not *Miraa* is a drug, and whether or not the people of Meru would suffer in the event that *Miraa* is banned in the countries that have been importing the commodity. Unfortunately, that has happened in a way. There was the banning of *Miraa* in the Netherlands. Soon, the commodity will be banned in the United Kingdom.

For me, that is where I stand with the people of Meru, especially the growers. I will not speak about the consumers because, for me, that is a choice. I keep saying that I was brought up on coffee money. My father used to grow coffee. At some point, coffee went downhill, and we could not depend on the crop anymore. That is what I see as a risk for the people of Meru, if *Miraa* loses its market. Therefore, I would be happier to see more engagements by the Government. I know that we are Government but we, sometimes, have to tell the Government even when we are in it; that there is gap.

This Report clearly tells the Government that there is a gap. There may be a crisis coming. If *Miraa* is banned in the countries that we have spoken about, what does the Government have in store for the people of Meru? I hope that it will not be a matter of crisis management response but rather a response that will have been well thought out. I hope that the Government will, very soon, through hon. Kajuju, engage the Select Committee robustly.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Marakwet East, you were on my list but you disappeared. You only have one minute, unfortunately. You will recall that the House had already resolved time for this Motion. So, unfortunately, you only have one minute.

Hon. Bowen: Thank you, hon. Temporary Deputy Speaker. I rise to support this Report. I want to congratulate my friend, hon. Kajuju for the good work that she has done.

Hon. Temporary Deputy Speaker, the Select Committee was formed on the basis of the Motion that was brought by hon. Kajuju. The basis was *Miraa* is a drug. Looking at the recommendations of the Committee, it is clear that they went out of their mandate and found out that the *Miraa* business is not conducted in a structured way, among other issues.

In its Report, the Committee is not specific. The Committee was established on the basis of a Motion that we passed in this House – a Motion which came to this House as a result of some negative publication by NACADA, indicating that *Miraa* was a drug. Therefore, we expected the Committee to tell us, from the research that they conducted,

whether *Miraa* is a drug or not. The Report does not contain anything like that. The mandate of the---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, unfortunately, we had allocated time for this Motion. The House had resolved. So, none of us has the authority to extend the time. Therefore, I hereby call upon the Mover to reply.

Mover, again, note that we have reduced the time. So, note that the clock is ticking. You have five minutes.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, let me express my utmost gratitude to the membership of this House for the support that we have received on this Motion. We have seen persons who have consumed this product for 19 years and yet, they are alive and in Parliament representing their people. So, when you talk about side effects, we cannot claim that there are any side effects affecting our people.

I agree with the Leader of Majority Party, hon. Aden Duale, when he said that all politics are local. In Meru County, the local politics are about *Miraa*. There is a lot of desperation in Meru County because trade and consumption of *Miraa* is just about to be banned in its high-end market worldwide. Charity begins at home. As a country, we must be able to show the way as far as this produce is concerned.

Hon. Temporary Deputy Speaker, we are talking about Vision 2013 and its three pillars – the social, economic and political pillars. We cannot afford, as a country, to kill the *Miraa* industry, which is the economic mainstay of Meru County. That is why we are saying that if we bring on board regulations, we can have a structured manner in which the produce can be consumed. Therefore, I beg the House to agree with the Select Committee.

The terms of reference that were agreed upon by the Committee demanded that we carry out a comprehensive investigation into the produce that is called “*Miraa*”. Meru County’s economy depends on *Miraa*. If we want to kill the economy of Meru County today, we can reject this Report. On the other hand, if we are going to stand with the people of Meru County and give a chance to the children whose school fees is paid from the proceeds of *Miraa*, and give a lifeline to the families that depend on *Miraa*, we should adopt this Report. Doing otherwise would be giving Meru County a kind of life that has never been witnessed in that region since this country attained Independence.

Hon. Temporary Deputy Speaker, I appeal to the Government to step in and assist. It cannot afford to neglect *Miraa* as a crop any more. This is our time to say that the Government must take action.

The Jubilee Government said that this is the year of action. I am saying that, if this is it, let it be, then let us see action being taken on this crop that we cherish as the Meru County.

Thank you, hon. Members for assisting us in this process. I thank you all.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you for the passion with which you have prosecuted your Motion. You may now resume your seat.

I order that the Question on this Motion appears in the next Order Paper.

(Question to the Motion deferred)

Next Order.

ADOPTION OF REPORT ON STATUS OF SAN MARCO
SPACE APPLICATION CENTRE

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker. Allow me just two minutes to give the genesis of this Report so that we can find the way forward.

This Report was prepared during the Tenth Parliament. I am the one who raised the issue. And this ---

The Temporary Deputy Speaker (Hon. Kajwang’): Well, we will give you enough time. You know you have all the time with you. But right now, just move the Motion before you give the foundation of your Report later.

Hon. (Dr.) Ottichilo: When I laid it again on the Table, the Speaker directed---

The Temporary Deputy Speaker (Hon. Kajwang’): Well, you have to move the Motion so that it is before the House. Until you move it, whatever you are discussing is not in the Assembly. But when you move it, then now it is a Motion before the House. Please move it in conventional terms. I speak to you that way because you are a second time Member of Parliament. I know you know where we are going.

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, this House adopts the Report of the Joint Committee on Energy, Communication and Information; and Education, Research and Technology on the Status of the San Marco Space Application Center in Malindi, laid on the Table of the House on March 12, 2014.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you so much. Now you have the opportunity on the Floor of the House to expand and persuade us and prosecute your Motion.

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker. I re-tabled this Report because it was prepared in the Tenth Parliament.

During the Tenth Parliament, I raised the issue regarding this San Marco Space Application Centre. During that period, it was agreed that a joint committee be formed; the Committee on Energy, Communication and Information, and Education, Research and Technology to investigate the issues I had raised regarding this centre.

Hon. Temporary Deputy Speaker, I am happy to report that the Chairman of that Committee, who is none other than Eng. Rege, is here with us. Therefore, when I re-tabled this Report, the Speaker directed that when it comes to moving and giving details, we should allow the then Chairman of that Committee to do extensive work and get the details of moving the Report because he was the Chairman by then.

Therefore, I am requesting, if you allow, the then substantive Chairman to give details about this Report.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, thank you very much. I take it that you want it seconded, and you have nominated the hon. Member of Parliament for Karachuonyo to second the Motion.

Hon. (Dr.) Ottichilo: Yes.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Hon. Member for Karachuonyo you can now second the Motion. Hon. (Eng.) Rege, you know, therefore, that you have 30 minutes. The Mover had 60 minutes but you have 30 minutes as the Seconder.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, I would like to second this Motion. It is my honour and pleasure to present to this House the Report that we investigated and concluded.

On 18th April, 2012 on a Wednesday, hon. (Dr.) Otichillo asked an Ordinary Question to the Minister of State for Defence in the House, concerning the status of the San Marco Space Application Center in Malindi. In particular, hon. (Dr.) Otichillo wanted the Minister to explain under what conditions the Kenya Government entered into an agreement with the Government of Italy to establish the San Marco Space Application Center based in Malindi in 1964 and provide---

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

The Temporary Deputy Speaker (Hon. Kajwang’): Even before hon. (Ms.) Shebesh rises, hon. (Eng.) Rege, you are a seasoned member of the House and so, you can tell where that hon. Member is coming from. Please, do things which will make her be at peace.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, I know hon. (Ms.) Shebesh wants to find out why I am reading. This Report was done in 2010 and it is very comprehensive. If I have to produce to this House the details, the data, frequencies and amount of money involved, there is no way I can do a good job unless you allow me to give the details.

The Temporary Deputy Speaker (Hon. Kajwang’): You are allowed; you have all the time to do it except hon. (Ms.) Shebesh will be very harsh with you if you read the Report. She would rather you spoke from a point of knowledge and only refer to your papers to inform yourself.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, I do not know why my colleague and friend is harsh on me. Nonetheless, I will provide the details as I know it and I will occasionally refer to the document. The Speaker at that time decided that the Joint Committee; that is the Committee on Energy, Communication and Information and the one on Education, Science and Technology convene meetings to investigate this issue. At that time, we agreed to sit and those are the Members of the Committee.

I have 30 minutes, is that not so?

The Temporary Deputy Speaker (Hon. Kajwang’): Which is ticking!

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, the following were the hon. Members of the Committee:-

Hon. David Koech, MP

Hon. (Eng.) James Rege, MP

Hon. Maina Kamau, MP

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. (Eng.) Rege, is this Report in possession of hon. Members?

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, we have summarized its details.

The Temporary Deputy Speaker (Hon. Kajwang’): Can hon. Members access this Report?

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, we have given the summary.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, the summary version. Do hon. Members have access to it?

Hon. (Eng.) Rege: Yes, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Let Members understand what this Motion is all about and some of the salient issues. I understand that veterans in the same community like the Member for Rarieda are itching to expand the information, but until you second it, very little can be done.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, I would like to say that the Member for Rarieda is trying to cut me short because he wants to move his debate today. San Marco Space Center in Malindi was started in 1964. I am very glad to stand in front of Parliamentarians to state that my career was changed because of San Marco. I had joined Mombasa Technical Institute to study mechanical engineering but, when I visited that space center, I changed my mind. I was taken up the stairs in the sea, some 25 kilometers away, and I saw lights glittering and I wanted to find out what it was doing. This was the launching pad for the Italian Rocket Science Foundation. I changed my mind and decided to study electrical engineering. Now, it is so fulfilling that, after so many years, I come back to do the actual study on that project. That project sits in Malindi. In the past, it was used as a launching pad for rockets. The rockets being launched from San Marco were to gather information, data and the distance that it was launched. That was done so many times until 1987 when this was stopped. Since then, it is being used for nothing other than monitoring satellites that are being launched from other various institutions such as ESA, which is a European Satellite Space Agency. There is Intelsat which I worked for 30 years in the capacity of a senior engineer in satellite communication. There is Arabsat satellite being launched from China.

Why are they using San Marco as a monitoring station? They are using it because it is geographically located and suitable for monitoring all the launches that traverse across the equatorial area.

The Temporary Deputy Speaker (Hon. Kajwang’): You have some five minutes. Let me interact with you. What are the recommendations of the Report? I allow you to refresh your memory from the papers that you have.

Hon. (Eng.) Rege: I have the recommendations of the Report but if I have 30 minutes---

The Temporary Deputy Speaker (Hon. Kajwang’): No, this is for the Speaker’s interest. Can you let me know the recommendations the Report is making? Do you have the Report with you?

Hon. (Eng.) Rege: Yes, hon. Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Please, just look at it. It is within my discretion to engage with you. So, just look at the recommendations and---

Hon. (Eng.) Rege: The recommendations of the Report are to have the Kenya Government and Italian Government sign an agreement to continue monitoring those satellite launches; the Kenya Government to gain financial revenues that are coming from

the launches and also to use that satellite space center for research for this country, instead of giving it to the Ministry of Defence as it was signed before. We recommend that the station is assigned to the Ministry of Education, Science and Technology. Those are some of the conclusions that we made during that time.

The Temporary Deputy Speaker (Hon. Kajwang’): Do you have another recommendation in the Report?

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, I have other recommendations. They do not want me to read.

The Temporary Deputy Speaker (Hon. Kajwang’): You have an opportunity to refresh your mind. It is within the Standing Orders to look at your reference papers to refresh yourself and tell this House exactly where we are coming from. It is perfectly within your right to do so.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, do you want me to conclude and give recommendations now? I have everything in my head.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, proceed then.

Hon. (Eng.) Rege: I have been in this field for over 30 years, that is, satellite communication. The San Marco Station that is based in Malindi is a unique one. It could be used for many projects in this country. I have mentioned some of them. The future nations in this world have got nothing to do with kinetic or sniper kind of attacks in resolving problems. The future is in digital, that is, the cyber war. If we use that satellite space centre, we could reap lots of information, data and use it as we wish. That satellite space centre could be used for monitoring or supplementing what we already have; the under-sea cable which docks in Mombasa. You have noticed that the problem we had with the under-sea cable in Asia---

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Member for Karachuonyo! Resume your seat. I want to thank you so much for the passion with which you have prosecuted this Motion. You have a balance of 17 minutes when this Motion comes up for hearing again. I order that this Motion appears on the Order Paper of tomorrow, Thursday, 5th June, 2014.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, it is now time to interrupt the business of the House. The House stands adjourned until tomorrow, Thursday, 5th June, 2014, at 2.30 p.m.

The House rose at 6.30 p.m.