

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 21st March, 2017

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: There is no quorum. Ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Members, we now have quorum. Let us begin business.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I will issue a communication in the next few minutes. Before we go to the next Order, allow me to recognise students of Kyuso Girls Secondary School from Mwingi North Constituency, Kitui County and Kiarutara Primary School from Gatanga Constituency, Murang'a County, who are seated in the Speaker's Gallery. There are also students of Mwagu Primary School from Gatanga Constituency, Murang'a County; St. Peters Sang'alo Primary School from Mosop Constituency, Nandi County; Swedish School from Westlands Constituency, Nairobi County; and, PCEA Makadara Primary School from Makadara Constituency, Nairobi County, who are seated in the Public Gallery. They are all welcome to observe the proceedings of the National Assembly.

Next Order!

PETITIONS

Hon. Speaker: Member for Chuka/Igambang'ombe, Hon. Muthomi Njuki. He is absent. Therefore, the petition is dropped.

(Petition dropped)

Next Order!

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2015 and the certificates therein:

- (i) Muhoroni Constituency;
- (ii) Kisumu West Constituency;
- (iii) Kabondo Kasipul Constituency; and,
- (iv) Narok North Constituency.

The Annual Report and Financial Statements of the University of Eldoret for the year ended 30th June 2015.

The Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2016 and the certificates therein:

- (i) Kenya Energy Sector Environment and Social Responsibility Programme Fund - Ministry of Energy and Petroleum;
- (ii) Petroleum Training Levy Fund;
- (iii) Kenya National Bureau of Statistics; and,
- (v) Anti-Counterfeit Agency.

Thank you, Hon. Speaker.

Hon. Speaker: Chairman, Budget and Appropriations Committee.

Hon. Musyimi: Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Budget and Appropriations Committee on the Message from the Senate on the Division of Revenue Bill, 2017.

Thank you, Hon. Speaker.

Hon. Speaker: Chairman, Select Committee on National Government Constituencies Development Fund, Hon. Lessonet.

Hon. Lessonet: Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Select Committee on National Government Constituencies Development Fund on the vetting of nominee for appointment as Chief Executive Officer (CEO) of the National Government Constituencies Development Fund Board.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

NOTICES OF MOTIONS

ADOPTION OF REPORT ON MESSAGE ON DIVISION OF REVENUE BILL, 2017

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

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Message from the Senate on the Division of Revenue Bill, 2017, laid on the Table of the House today, Tuesday, 21st March 2017.

Thank you, Hon. Speaker.

ADOPTION OF REPORT ON VETTING OF NOMINEE FOR

APPOINTMENT AS NG-CDF BOARD CHIEF EXECUTIVE OFFICER

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

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on vetting of nominee for appointment as the CEO of the National Government Constituencies Development Fund Board, laid on the Table of the House today, 21st March, 2017, and in accordance with the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011 and Section 20(1) of the National Government Constituencies Development Fund Act 2015, rejects the appointment of Mr. Wilfred Buyema as CEO of the National Government Constituencies Development Fund.

Thank you, Hon. Speaker.

(Loud consultations)

Hon. Speaker: What is the cause of the excitement?
Next Order!

STATEMENT

TRIBUTE TO THE RETIRING CLERK - MR. JUSTIN BUNDI

(Hon. Nassir, consulted in the gangways)

Hon. A.B. Duale: Hon. Speaker, the Member for Mvita, should sit and if he wants to consult, there are facilities provided.

Hon. Speaker: Hon. Members, it is encouraged that when you want to consult, there are so many places to do so.

Hon. A.B. Duale: Hon. Speaker, I rise pursuant to Standing Order No.44 (1)(b) to seek your indulgence to allow the House to thank our retiring Clerk of the National Assembly, Mr. Justin Bundi, CBS. He joined the National Assembly in April 1993 rising from a Clerk Assistant to Deputy Clerk and Personal Assistant to the Speaker in March 2014 having served in public service since 1982 as a District Officer (DO) in the great counties of Garissa, Mandera, Siaya and Kisii and later in the Ministry of Tourism and Wildlife as a Senior Assistant Secretary.

He was appointed the Clerk of the National Assembly in October 2012, where he has served diligently until today, 21st March 2017. He also served as a Deputy Clerk in charge of projects from March 2009 to October 2012 and as the Clerk of the East African Legislative Assembly (EALA) from March 2004 to October 2009. He is a man who has a rich history in legislative matters.

Mr. Bundi was the first Clerk of the National Assembly under the new Constitution 2010 and if the House recalls, it was the most difficult time of the current Parliament. Because of his humility, calm and yet firm demeanour, he assisted in steering the administration of the Assembly to where it is today. You will recall when the House was inaugurated, there were issues of bicameralism, lack of offices, committee rooms, furniture and more so financial difficulties at that time. But because of his long service, down to earth character, he managed the whole issue without appearing to flinch.

We hope that he has compiled the Speaker's considered rulings under your leadership and if not, he has handed them over to the new Clerk, Mr. Michael Rotich Sialai, EBS. It is time this House, in recognition of the Clerk's effort, catalysed the consideration of the Parliamentary Service Bill. Further, as a House, we are aware that Mr. Bundi is strong and willing to serve in any other legislative service. This House may be called upon to rise to the occasion to support such endeavours on behalf of the outgoing Clerk. We want to thank him because today is his last day. I am sure that each and every Member of this House, the staff and the entire family of the National Assembly agree that his service will be remembered forever.

Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: I see the Member of Gem desiring to say something.

Hon. Midiwo: Thank you, Hon. Speaker. Of course, when it comes to Mr. Bundi, I would not have slept, if you did not give me a chance to say something. He was my DO in Yala and a friend of my greatest supporter, *Mama* Paulina whom we were supposed to visit over the weekend because she is very old now and Mr. Bundi is very fond of her.

When the former Clerk, Mr. Gichohi retired, I said in this House that Kenya is a very weird country. When people are at the age when they are most productive, we send them home in the name of retirement. In many jurisdictions, at Mr. Bundi's age, he would have been told to collect his retirement letter but stay on his job on a contract so that his brain and experience is not wasted. They always say that a brain is a terrible thing to waste.

I remember the case of Mr. Gichohi came in the nick of time when we were choosing Public Service Commissioners. I remember being in a discussion on what to do with Mr. Gichohi and the then Prime Minister said that we must make sure that brain transits to the public service. How I wish this Government could do the same for this brain which has so much information! It will be wrong to meet Mr. Bundi driving a pickup from Meru bringing *miraa* to Nairobi because we refused to recognise him.

Yesterday, I met a gentleman called Isahakia who used to be a Treasury Chief Procurement Officer. He now sells cars at Railways grounds and he was a senior financial analyst at the Central Bank of Kenya. This country is in the business of wasting brains. We are talking about fake degrees and we have people with proper degrees selling cars and some about to go to the *miraa* business. This House must increase the retirement age or find a solution. I remember it used to be 55 years and we increased it to 60 years. I think it would be prudent for the public service to come up with a formula, that when you get to 60 years, you can remain on your job and draw your retirement benefits but you are hired on contract so that you do not draw other benefits. That is how good management works in terms of personnel management. I wish him well wherever he goes and hope we will find good use for Mr. Bundi in this country.

Thank you, Hon. Speaker.

Hon. Speaker: I hope the names on the interventions list are for purposes of this. Hon. Ng'eno.

Hon. Kipyegon: Thank you, Hon. Speaker. I also wish to join my colleagues in congratulating and thanking the great Clerk who has just retired and has served this House for some time. You must realise that Clerks are fundamental in this House. Most of the issues we deal with here are courtesy of them. These are people who do not sleep and work tirelessly to ensure that each and every Bill or Motion that is placed before this House is handled properly.

I also wish to congratulate the incoming Clerk, Mr. Sialai. The order we have in this House is you as the supreme president and your deputy as the Clerk of the National Assembly who serves under you and helps in putting this House in order. Just like my colleague has said, we have many brains which we waste.

We made a visit sometime last week to the House of Lords and the House of Commons in the United Kingdom (UK). We learned that the House of Lords is the House which is, in one way or another, comparable to the Senate that we have in this Parliament. It is the House where most of the distinguished members of the public and people who have been serving in respectable capacities and positions retire to. They make laws and deal with issues in that House. That is where people who might have served as Members of Parliament, bishops and great people in the society go and make contributions.

If time allows me, I was thinking that one time we might change the Constitution to make the Senate not so idle but to allow Members of Parliament who might have served for more than 10 years to retire there by virtue of having served for 10 years. Clerks who have also retired here can go and serve the Republic in their capacity as senators. The current crop of senators is made up of individuals who are grappling for positions. That House needs people who would want to serve in their capacities as elders of this nation.

I wish him a good retirement. We also wish that one day we would have some other positions in this House and we can make use of them. He could be an elder so that we can consult him on matters of this Parliament. Otherwise, I thank and congratulate him.

Hon. Speaker: Finally, let us have the Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Speaker. I stand here to say goodbye to Mr. Bundi. Mr. Bundi was a wonderful guy. There is so much that we can borrow from him. He is very humble. He is ever smiling. He has been very good in terms of time management. More importantly, he is a very committed family person. I travelled with him sometime back to Italy. At the time, we were visiting the Holy Father in Rome. For those of us who were here for the first time, we learnt so much from our Clerk in terms of induction and the legislative processes. You could call Mr. Bundi anytime. I remember one time I was away and I think my Bill was meant to be on the Order Paper. I called him very late in the night and he picked up my call. He was a true servant of the people. We should not waste him. I request the Jubilee side to nominate him for the East African Legislative Assembly (EALA) position. I say that because---

Hon. A.B. Duale: You are being tribal!

Hon. Wakhungu: It is not an issue of being tribal.

(Loud consultations)

Hon. Speaker: Order Members!

Hon. Wakhungu: If the Leader of the Majority Party can shout that way--- Learn good values from Hon. Bundi. He could not shout that way. We are here to learn from Mr. Bundi. As Mr. Sialai takes over, we wish him well. We know he will fit in Mr. Bundi's shoes. We have very good people. As he goes away, we will pray for him. In case he is nominated to EALA, this House will be the electoral college. I have no doubt that we will approve his nomination if at all he will be given that opportunity to serve as a legislator in EALA. We know he was there as a technical person but this time I request both sides of the House, both NASA and Jubilee--- As NASA we smell victory, we can also nominate him and not just the Jubilee side. We support him.

Hon. Speaker: Hon. Members, I can see there are quite a number of Members who want to say one or two words. Members lack the capacity to sit for too long. There are few things that we need to put the Question on.

Let us have the Member for Tiaty.

Hon. Abongotum: Thank you very much, Hon. Speaker. I want to join my colleagues in thanking *Bwana* Bundi for a job well done. This is really a revolution in this House. Before we came up with the Parliamentary Service Commission (PSC), the National Assembly was actually a department in the Office of the President. Those of us who were in administration like District Officers (D.Os) and District Commissioners (D.Cs) would be posted here to serve as clerks but, our loyalties were always on the other side. It is really a great thing that you came up with this Commission.

When somebody was posted to this House, most officers did not like it because there were no privileges like vehicles such as Land Rover and bodyguards. Mr. Bundi and the former Permanent Secretary (PS), Mr. Mondo, accepted to come here and serve as clerks. I am happy that Bundi did his best. He gave his services with real commitment, dedication and distinction. He did very well in EALA. I want to remind Members that we should borrow a few things from Mr. Bundi. He was very gentle, humble and a very good time-keeper. He was very economical with his words. He was always serious when prosecuting the business of this House.

I want to wish him well in his future endeavours and to welcome *Bwana* Sialai who I know will also fit the bill.

Hon. Speaker: Let me give a Member of the Commission, Hon. John Olago Aluoch, the Floor.

Hon. Aluoch: Thank you, Hon. Speaker, for this opportunity. As we say *kwaheri* to Mr. Justin Bundi, there are certain things in this Parliament that many of us may not be aware of. First, God has been very good to Mr. Bundi. He is retiring with youthful vigour and a baby face. When he goes out there, nobody will know that he has retired.

Importantly, in the last Parliament, I had the privilege of working with Mr. Bundi when I was a Commissioner in the PSC. He was promoted to Senior Deputy Clerk (SDC). I was chairing a Committee of the PSC that was in charge of projects so I have worked very closely with him. Not many of us here may remember that at that time, Parliament was going through a lot of pressure to accommodate new Members of Parliament into this space that we are now sitting in. Mr. Bundi, Hon. Marende – your predecessor - and I took the view that we did not have to import these seats from Malaysia at a very high cost. Instead, we decided that we would empower the Kenya Prisons to design and manufacture these seats which are now being done at Kamiti Maximum Security Prison in Kenya with machinery imported from Malaysia. I am glad to say that arising from that, the Prisons Department is now empowered and is able to prepare, design and make seats for county assemblies in the country. That is something, in my view, that is very important and which we may not forget.

Refurbishing of the Senate Chamber is a project that Mr. Bundi, I and others worked very hard to achieve. Expansion of parliamentary buildings to accommodate the new dining hall, offices and committee rooms is something we worked very hard for. Most importantly, was working on the new office block across the road. This is a very serious project that Mr. Bundi undertook as the SDC in charge of projects which may go unnoticed.

As we say *kwaheri* to him, he is leaving the reins of Parliament in the hands of another very able officer, Mr. Sialai. Having worked very closely with these two gentlemen, I sit down as a very happy person that Parliament is still on the right track.

Hon. Speaker: Finally for one minute, let us hear a special tribute from the Member for Kitutu Chache South.

Hon. Onyonka: Hon. Speaker, it is a great honour for you to allow me to say a few words. Mr. Bundi is somebody I have a very soft spot for, for a reason. In 1991, my father was working in this building as a Member of Parliament for Kitutu Chache Constituency. At that time, my father had been put in jail. Some people say it was because of political reasons. I have great respect for Mr. Bundi because when we were trying to raise money for my father's bond, Mr. Bundi was amongst the very few Government officers who raised money for him. It is an important statement I wanted to make in this House. We highly regard and respect Mr. Bundi, as a civil servant and as somebody who worked in this House. We believe that the choice of Mr. Sialai as his follow-up is great. I believe that Mr. Bundi, even when he retires, will end up contributing positively in the development of this country, especially with regard to parliamentary matters.

In fact, for a worthy purpose, once Parliament sets up the parliamentary institute by next year, we should look for Mr. Bundi and bring him on board so that he can continue giving his service to this great House. I thank you.

Hon. Speaker: Sorry, Members. I can see there are so many people here; some pressing buttons and some winking. Because we must put Questions and you know the requirements of the Constitution under Article 121, we just have to proceed because many have come in and walked out. Others, I have seen, just came to the door for two minutes and turn back. They have finished their parliamentary work. We must do this, but we all appreciate him. In his honour, the Parliamentary Service Commission, jointly with the Commonwealth Parliamentary Association (CPA), Kenya branch, has organised a cocktail for Mr. Bundi this evening at 7.00 p.m. at the Inter-Continental Hotel. All are welcome.

Next Order!

MOTIONS

THE NATIONAL CORONERS SERVICE BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the National Coroners Service Bill (National Assembly Bill No. 46 of 2016)

Hon. Speaker: Hon. Members, debate on this Bill was concluded. What remained is for the Question to be put on agreement with the Report of the Committee of the whole House, which I hereby do.

(Question put and agreed to)

Hon. Speaker: Mover!

Hon. A.B. Duale: Hon. Speaker, I beg to move that the National Coroners Bill (National Assembly Bill No. 46 of 2016) be now read a Third Time. I request Hon. Benjamin Washiali to second.

Hon. Washiali: Hon. Speaker, I second.

(Question proposed)

Hon. Speaker: Hon. Members, I have confirmed that the House quorates. I, therefore, put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

THE MOVABLE PROPERTY SECURITY RIGHTS BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Movable Property Security Rights Bill (National Assembly Bill No. 50 of 2016).

Hon. Speaker: Hon. Members, debate on this Bill was concluded. What remained is for the Question to be put on agreement with the Report of the Committee of the whole House, which I hereby do.

(Question put and agreed to)

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Movable Property Security Rights Bill (National Assembly Bill No. 50 of 2016) be now read a Third Time. I request Hon. Benjamin Washiali to second.

Hon. Washiali: Hon. Speaker, I second.

(Question proposed)

Hon. Speaker: Having confirmed that the House has quorum, I put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

COMMUNICATION FROM THE CHAIR

CONSIDERED RULING: PETITION ON REMOVAL OF MR. EDWARD OUKO AS THE AUDITOR GENERAL

Hon. Speaker: Hon. Members, earlier on I indicated that I had a communication to make. If there are Members who may wish to take their seats, they should do so because it is a fairly long communication.

This communication is on the matter of the authority of the House in relation to a Petition by one Emmanuel Mwagambo Mwagonah for the removal from office of the Auditor-General. You may recall that on Tuesday, 14th March 2017, the Chairman of the Departmental Committee on Finance, Planning and Trade, Hon. Benjamin Langat, MP for Ainamoi, rose on a point of order under Standing Order Nos. 83 and 86 and informed the House of matters that had arisen

during the Committee's consideration of a petition by one Mr. Emmanuel Mwagambo Mwagonah for the removal of Mr. Edward Ouko as the Auditor-General of the Republic.

It will be recalled that I committed the Petition to the Committee on 16th February 2017 for their consideration as required under Standing Order No. 230(4). In accordance with the provisions of Standing Order No. 230(4), the Committee had fourteen days (14) within which to conclude consideration of the Petition and submit a report to the House containing its findings and recommendation or recommendations.

Hon. Members, the Chairman did inform the House that the Committee commenced its sittings on 21st February 2017 and had since heard representations from a number of persons including, the following:

1. Mr. Emmanuel Mwagambo, the Petitioner;
2. Mr. Edward Ouko, the Auditor-General;
3. The Clerk of the National Assembly;
4. The Chief of Staff and Head of Public Service;
5. The National Integrity Alliance;
6. The Institute of Certified Public Secretaries of Kenya;
7. Mr. Benjamin Ndolo;
8. The Ethics and Anti-Corruption Commission; and,
9. The Director of Public Prosecutions.

Hon. Members, the Chairman further reminded the House that upon realising that the matter was quite weighty and required additional time to examine, the House, by a resolution met on 1st March 2017, granted the Committee a further 21 days with effect from 2nd March 2017. Within that period the Committee should conclude the hearing of the grounds of the Petition. The Chairperson also informed the House that on 13th March 2017, the High Court issued conservatory orders restraining the Committee from further proceeding with the Petition pending the hearing and determination of a case filed by one Mr. Okiya Okioti Omtatah, being High Court Petition No. 62 of 2017, which the Petitioner is Okiya Okioti Omtatah versus the National Assembly of Kenya and three others. I will refer to it as the Omtatah Case for the remainder of this Communication.

Mr. Omtatah had contended, amongst others, that the matters raised in the Petition had been addressed by competent offices mandated in law to investigate the matter. Therefore, by considering the Petition, the National Assembly will be usurping the powers of those agencies. The House was informed that the conservatory order was issued by Justice E. Chacha Mwita restraining the Committee from further proceeding with the Petition and the National Assembly from acting on any recommendation made by the Committee pending the hearing and determination of the case. The Court also stated that the Omtatah Case will be coming for hearing on 10th April, 2017.

Hon. Members, the Chairman further informed the House that on 14th March 2017, Justice George Odunga granted similar conservatory orders in a second case filed by Mr. Edward Ouko himself, being Judicial Review Application No. 108 of 2017, in which the parties were Mr. Edward Ouko versus the National Assembly of Kenya and others, and has been fixed for hearing on 15th May 2017.

In this regard, on 14th March 2017, upon deliberation of these developments, the Committee resolved to suspend all scheduled meetings relating to the Petition as ordered by the courts and sought the guidance of the Speaker and/or the House. The Committee also resolved to

request for directions and guidance from the Speaker on various other issues, which I will set out shortly.

Hon. Members, you will also recall that this matter did attract a lot of reasoned concern in the House. Various Members spoke on it, seeking guidance from the Speaker. Amongst those who spoke was the Member for Kisumu Town West, Hon. John Olago Aluoch, MP; the Member for Kiminini and Minority Party Deputy Whip, the Hon. Chris Wamalwa, MP; the Member for Kikuyu, the Hon. Kimani Ichung'wah, MP; the Member for Ainabkoi, the Hon. Samuel Chepkong'a, MP; the Member for Awendo, Hon. Opiyo, MP; the Member for South Mugirango, Hon. Manson Nyamweya, MP; the Member for Nambale, Hon. John Sakwa Bunyasi, MP; the Member for Mbita, Hon. Millie Odhiambo-Mabona, MP; the Member for Kiambu, Hon. Jude Njomo, MP; and the Leader of the Majority Party, Hon. Aden Duale, MP, amongst others.

Hon. Members, having carefully examined the Chairperson's submission and the additional matters raised by other Members, I have isolated the following six issues as requiring my guidance:

1. Whether the High Court has power to impede the National Assembly from considering a petition submitted under Article 251 of the Constitution for the removal of a member of a constitutional office or holder of an independent office;
2. Whether the High Court has powers to suspend the Standing Orders of the National Assembly or set aside the decision of the Speaker of the National Assembly made on 16th February 2017, committing the Petition to the Departmental Committee on Finance, Planning and Trade and requiring the Committee to consider the Petition within specified timelines;
3. Whether the High Court has powers to stop Parliament from exercising the freedom of speech and debate in Parliament provided for in Article 117 of the Constitution;
4. Whether the High Court has powers to impede the National Assembly and its Committees from exercising oversight over State organs as provided for under Article 95 (5) of the Constitution;
5. Whether the present orders issued by the High Court were lawfully made and issued in good faith as contemplated in Article 160 (5) of the Constitution.
6. What actions may the National Assembly take with regard to the decisions of the High Court, in light of the provision of Article 1 (2) of the Constitution, on the sovereign power of the people for which they exercise through their democratically elected representatives? Article 94(4) obligates Parliament to "protect this Constitution and promote the democratic governance of the Republic."

Hon. Members, as I address these questions, allow me to clarify.

From the outset, as your Speaker, I will dwell mainly on the privileges of the House and its Committees as granted by the Constitution and as interpreted in other applicable jurisdictions as well as ours. Indeed, whereas the Constitution may have granted the jurisdiction to the Judiciary in certain matters, it does not mean that the jurisdiction should be invoked and judicial powers exercised in every matter brought before the courts without regard to the exemptions contemplated by the Constitution itself.

In making this communication, I will also be guided by the provisions of Articles 259 (1) and 94 (4) of the Constitution, which provides as follows:

Art. 259 (1): "This Constitution shall be interpreted in a manner that—

- (a) promotes its purposes, values and principles;

(b) advances the rule of law, and the human rights and fundamental freedoms in the Bill of Rights;

(c) permits the development of the law; and

(d) contributes to good governance.

Art. 94(4): “Parliament shall protect this Constitution and promote the democratic governance of the Republic.

Hon. Members, having laid that background, I will now proceed to consider each of the issues raised in the House sequentially in a more detailed manner.

1. Whether the High Court has powers to stop the National Assembly from considering the Petition.

I am aware that the Order issued by the High Court in the Omtatah Case, on 13th March 2017, read in the pertinent part, as follows:

4. “THAT, in the meantime conservatory orders are hereby granted restraining the Committee of the National Assembly seized of the Petition against the 1st Interested Party herein (Edward Ouko) from further proceeding with that Petition pending the hearing and determination of this Petition.

5. THAT, for avoidance of doubt, the respondents should not act on any recommendation made by the responsible Committee of Parliament, namely, the Departmental Committee on Finance, Planning and Trade Committee of the National Assembly, until the court determines the Petition before it”.

Whereas the court apparently set the Omtatah Case for hearing on 10th April, 2017, nobody knows whether the hearing will, indeed, proceed on that day and what other orders the court may issue then. As such, I will see the court order for what it is, not what it purports to be. Whereas the court order purports to be a ‘meantime conservatory order’, its effect, on the face of it, is to impede the National Assembly from discharging its mandate by considering the Petition until such a time that the court may issue further orders. The court order, therefore, seeks to stop the National Assembly from considering the Petition submitted by Emmanuel Mwangi Mwagombo for the removal of the Auditor-General as contemplated under Article 251 of the Constitution.

Hon. Members, in examining the question of whether the High Court has powers to stop the National Assembly from considering the Petition, there are two related issues that need to be examined. These are: What is the place of the doctrine of separation of powers and what is the right of a Petitioner as espoused in the Constitution? Permit me to examine each of the questions as follows:

Firstly, on the issue of what is the place of the doctrine of separation of powers, as you are aware, the doctrine requires that the three principal institutions of the State, namely, the Legislature, Executive and Judiciary, should be divided in persons and functions in order to safeguard liberties and guard against the excesses of the other. Clarifying on the democratic principles underpinning this doctrine, Montesquieu in 1748 states as follows:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty... there is no liberty if the powers of judging is not separated from the legislative and executive arms...there would be an end to everything, if the same man or the same body... were to exercise those three powers.”

Hon. Members, in our case in Kenya, the doctrine of separation of powers can be deduced from the provisions of Article 1(3) of the Constitution, which provides as follows:

Art.1(3). Sovereign power under this Constitution is delegated to the following State organs, which shall perform their functions, in accordance with this Constitution—

- (a) Parliament and the legislative assemblies in the county governments;
- (b) the national executive and the executive structures in the county governments; and
- (c) the Judiciary and independent tribunals.

A further reading of the more specific provisions of the Constitution will show that legislative authority, at the national level, is delegated to Parliament under Article 94(1) while judicial authority is delegated to the courts and tribunals as established under Article 159(1).

Hon. Members, in a presidential system of Government like the one obtaining in Kenya, a strict interpretation of the meaning of the doctrine of separation of powers is necessary for the preservation of democracy and the rule of law. Such an interpretation leads to the inevitable conclusion that none of the three arms of the Government of Kenya may exercise power conferred on the other, nor should any person be a member of more than one of the arms. Indeed, separation of powers is meant to establish a system of checks and balances between the branches of Government.

Hon. Members, my predecessor to this Office, the Hon. Kenneth Marende, had this to say on the doctrine, in a ruling to the House made on 27th November 2008. (Ruling on Judicial Review: In the Matter of the Electoral Commission of Kenya (ECK) Chairman Versus the Attorney-General), and I quote-

“The principle of separation of powers has a superficial simplicity, but is in reality, inherently complex. Each branch of Government must exercise its powers in a fine balancing act, to ensure that it properly and effectively carries out its functions, while at the same time, it does not infringe on the powers and responsibilities of the other branches of Government. Thus, Parliament enacts laws, but the Judiciary can review the constitutionality of such laws legislated if challenged, and can, indeed, declare a law made by this House to be unconstitutional or a nullity. The principle ensures that Parliament, as the representative of the people, cannot be prevented from giving voice to the will of the people. But it also ensures that the Judiciary can scrutinise the legislation we make after we have made it, to ensure that we have been faithful to the Constitution.”

Hon. Members, coming back to the present circumstances which we find ourselves dragged into, I have to look at what arm of Government should make the determination in the removal of the Auditor-General as contemplated in Article 251(1), (2), (3), and (4) of the Constitution, which I may reproduce and quote as follows:

Art.251 “(1) A member of a commission (other than an *ex officio* member), or the holder of an independent office, may be removed from office only for—

- a) serious violation of this Constitution or any other law, including a contravention of Chapter Six;
- b) gross misconduct, whether in the performance of the member’s or office holder’s functions or otherwise;
- c) physical or mental incapacity to perform the functions of office;
- d) incompetence; or
- e) bankruptcy.

(2) A person desiring the removal of a member of a commission or of a holder of an independent office on any ground specified in clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.

(3) The National Assembly shall consider the petition and, if it is satisfied that it discloses a ground under clause (1), shall send the petition to the President.

(4) On receiving a petition under clause (3), the President—

(a) may suspend the member or office holder pending the outcome of the complaint; and

(b) shall appoint a tribunal in accordance with clause (5).”

Hon. Members, it is important to appreciate from the outset that in the sequence of events contemplated under Article 251, the National Assembly is, indeed, not the trial chamber of the Petition. The obligation bestowed on the House is merely to ascertain whether the Petition discloses a ground for removal... after which the Petition is transmitted to His Excellency the President for the appointment of a tribunal which will act as a trial chamber. In fact, the obligation on the House can be discharged by a direct vote of the House if the House so wishes to encompass such a procedure. An examination of the foregoing provisions will show that at the time of the service of the court orders, the National Assembly was considering the Petition as required under Article 251(3) of the Constitution aforesaid. The Petition was received by the National Assembly on 14th February 2017. The Petition was reviewed and it was ascertained that it complied with the relevant provisions of the Constitution, the Petitions to Parliament (Procedure) Act, No.22 of 2012) and the Standing Order No.230 (Petitions for Removal of a member of a Constitutional Commission).

Hon. Members, let me allow the ones who are making their way out to do so. You are using only one arm.

(Hon. Members walked out of the Chamber)

Hon. Members, having been satisfied that the Petition met the requirements of the relevant provisions of the Constitution; the Petitions to Parliament (Procedure) Act and the Standing Order No.230, on 16th February 2017, I committed the Petition to the Departmental Committee on Finance, Planning and Trade for investigation and reporting to the House. It is important to note that once advised by the Clerk that a petition meets the requirements of the relevant provisions of the law and is worth investigating, the Speaker is obligated to convey it to the House and refer it to relevant Committee. The law does not require the Speaker to seek the views of courts or aggrieved party or parties, or, indeed, the petitioner in determining whether or not a petition should be admitted for consideration. Doing so would in fact amount to investigating the grounds of the petition, which is the exclusive function of the relevant Committee of the House and the tribunal if it gets to that stage. This is clear from a plain reading of the Constitution, the Petitions to Parliament (Procedure) Act (No.22 Of 2012) and our Standing Orders.

Hon. Members, moving on, upon conveying the Petition, the Committee subsequently sought, and was granted an extension of the period within which they should have submitted the report to the National Assembly by 21 days, with effect from 2nd March 2017. Thus, according to the said House resolution, the Committee is required to submit its report to the House on or before Thursday, 23rd March 2017.

The concern now is a determination whether it was proper or allowable for the High Court to issue a conservatory order stopping the consideration of the Petition by the Committee until the Omtatah case is heard and determined.

Hon. Members, the conservatory orders were, in fact, from an examination of the records, issued by the court *suo motu*, without any person moving the court to do so, without application

of the parties. It is not clear what mischief the court sought to address by issuing the orders at the time it so did. Indeed, at the time of the issuance of the order, the Committee had not even finished its investigations into the Petition as required by the Standing Order No.230(4). The Omtatah Case and the court order are, indeed, pre-emptive of the fact that the Committee may as well have reached a conclusion that the Petition did not disclose a ground for removal of the Auditor-General as contemplated in Article 251(3) of the Constitution. The Committee would have then tabled a report to the House seeking approval of their findings. Needless to say, the House may agree or disagree with the Committee. In the event the House finds that the Petition does disclose a ground for removal of the Auditor-General under Article 251(3) of the Constitution, then the Petition shall be forwarded to the President.

Hon. Members, allow me to re-emphasise that as seen in Article 251 of the Constitution, which I need not restate, it is clear that it is only the National Assembly that has the mandate to consider the substance of the Petition, in the first instance. This, simply put, involves an examination of whether the Petition has merit or not.

In the second instance, the other body that ought to consider the substance of such a petition is the tribunal contemplated under paragraph (4)(b). It may also be valid to argue that, indeed, the actual *quasi-judicial* trial on matters of this nature would vest in the tribunal, if the matter was to escalate to such a level. It is, therefore, not also clear what the court order seeks to achieve. Indeed, the House would expect that the court order is not an attempt to remove the hat of the National Assembly and put it on the Judiciary as doing so would be a clear violation of the provisions of Article 251 of the Constitution which confers jurisdiction only on the National Assembly to consider a petition for removal of the a member of a constitutional commission or independent office in its substance.

Indeed, Hon. Members, as you are all aware, the Speaker ordinarily receives petitions seeking to remove members of constitutional commissions and holders of independent offices. As a matter of fact, this House has in the past deliberated on several petitions for removal of Members of constitutional commissions and holders of independent offices. You would recall several of them, including the two separate petitions for removal of members of the Independent Electoral and Boundaries Commission, the Petition for removal of members of the Judicial Service Commission, the Petition for removal of members of the National Police Service Commission, the separate Petitions for Removal of Chairperson and members of the Ethics and Anti-Corruption Commission, the Petition for removal of the Attorney-General and Motions for removal of specific Cabinet Secretaries amongst others.

In many of these instances, the House pronounced itself through reports submitted by Committees of this House. In some cases, including the one in the case of the Petition for the Removal of the Chairperson of the Gender and Equality Commission and the first petition for the removal of the members of the IEBC, the House agreed with the Committee that the respective petitions did not disclose a ground for removal of the said State officers from respective offices. The matters then ended there. It is inconceivable that courts would have intervened to prevent the House from expressing itself in the manner it did. Nobody complained about that result.

It is important to note that in all these petitions, the courts did not restrain the National Assembly from considering the matters. Indeed, this House has also adjudicated on previous petitions seeking the removal of other persons from office, including one on the removal of the Auditor-General, which was not admitted for failure to meet the requirements of the Constitution, the Petitions to Parliament (Procedure) Act and our Standing Orders.

Hon. Members, in view of the foregoing, it is, therefore, my view that if the courts are to be said to have jurisdiction in this matter, it then must be after the determination by the National Assembly of the question whether there was, indeed, a ground for removal of the Auditor-General under Article 251(3) of the Constitution. Accordingly, Hon. Members, it is my view that any attempt by the High Court to pre-empt or stop the Committee or the National Assembly from taking actions to enable it to be satisfied under Article 251(3) of the Constitution on whether the Petition discloses a ground for removal of the Auditor-General is premature at this stage of the process. Indeed, such interference flies in the face of the principle that the process of removal of State officers from office through legislative intervention, in what other jurisdictions is called impeachment, vests entirely with the legislature as an ultimate check on the other arms of government and oversight of State organs provided for in our Constitution.

Hon. Members, moving on to the second question, which relates to the right of a petitioner to petition Parliament, as you are all aware, Article 119 of the Constitution clearly espouses the right of a petitioner to petition Parliament and it provides that every person has a right to petition Parliament to consider any matter within its authority. This is a right, which in my view, the Speaker and certainly the House cannot curtail or limit.

The petition before the Departmental Committee on Finance, Planning and Trade seeking to remove the Auditor-General was certainly submitted to Parliament in furtherance of clear provisions of the Constitution, the Fair Administrative Action law and the Standing Orders. Moreover, under the provisions of Article 47 of the Constitution, and the Fair Administrative Action law, every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedural. The offices of the Speaker and the Clerk of the National Assembly are conscious of these provisions while processing such petitions. We are aware of the need to balance between the rights of the petitioners and the State officers whom the petitioners are seeking to remove from office. As such, the court order, which in effect seeks to impede the National Assembly from considering the petition, is a clear violation and blatant abrogation of the rights of the petitioner to petition the National Assembly.

There is the question of whether the High Court has powers to suspend the National Assembly Standing Orders, and set aside the internal decisions of the Speaker and the House. It has been claimed that the court order has disregarded the powers of the National Assembly and its Speaker to issue directions and deadlines to Committees of the House. A question was also posed on who between the National Assembly and the High Court, should be directing the internal procedures of the House.

The powers of the Speaker to preside in the proceedings of the House are set out in Article 107(1)(a) of the Constitution, which provides that the Speaker of the House shall preside at any sitting of a House of Parliament. To “preside” means to be in a position of authority in a meeting or gathering; and that authority must include powers to issue lawful directions to committees and Members of the House. To that extent, I am of the view that no person or body has authority to preside in Parliament except the respective Speakers of the two Houses, or Members of the two Houses who are lawfully authorized to stand in for the respective Speakers.

It must also not be forgotten that the committees of the House and the Standing Orders have their anchorage in Article 124(1) of the Constitution, which provides as follows:

Art. 124 (1) “Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.”

Hon. Members, the doctrine of separation of powers and parliamentary practice in leading world democracies require that Parliament be left to be the sole arbiter of its own internal proceedings. Indeed, on the subject of “Powers of Courts with Reference to Legislative Procedure”, Mason’s Manual of Legislative Procedure, which is widely applied in the legislative Houses of the United States (US) of America, in Section 71, page 59, states that the courts cannot interfere with rule-making powers of legislative bodies. The manual states that, and I quote:

Sec.71 “The courts will not disturb a ruling on a parliamentary question made by a legislative body having authority to make rules for its governance and acting within the scope of its powers.”

Further, the United States Supreme Court has had many occasions to consider the extent to which the United States courts may call into question internal proceedings in either Houses of Congress. In the landmark case of *Marshall Field & Co. versus Clark*, 143 US 649 (1892), the relevant brief facts were as follows:

While engrossing the McKinley Tariff Bill, a clause known as Section 30, relating to a rebate of taxes on tobacco, which was shown by the journals of both the House of Representatives and the Senate to have been regularly passed by both Houses, was omitted; and that the engrossed Act, as attested by the Vice-President and the Speaker of the House, and as approved by the President and deposited with the Secretary of State, was not the Act which was passed by the Houses of Congress. There was contention that the Act was, therefore, not a statute of the United States, in accordance with the provisions of the Constitution. The US Supreme Court held that federal courts will generally not allow challenges to statutes on the grounds that the versions passed by the Congress and the Senate differed from each other. The Supreme Court held that the judiciary must treat the attestations of “the two Houses through their presiding officers” as conclusive evidence that a Bill was passed by the Congress.

The Supreme Court also held that a Bill signed by the leaders of the Congress and the Senate establishes that the Congress passed the text included therein, “according to the forms of the Constitution,” and it “should be deemed complete and unimpeachable.” The Supreme Court further held that the Judiciary should not delve into the internal proceedings of the legislative chambers to the validity of their claims. Appellants had argued that the constitutional clause providing that “each House shall keep a journal of its proceedings,” implied that whether a Bill had passed must be determined by an examination of the journals. The Supreme Court rejected that interpretation of the Journals Clause, holding that the Constitution left it to the Congress to determine how a Bill is to be authenticated as having passed. The Supreme Court finally stated that:

“the respect due to coequal and independent departments” demands that the courts accept as passed, all bills authenticated in the manner provided by the Congress.”

Hon. Members, let me now turn to the issue of *sub judice* rule, which was alluded to by the Member for Kiambu, Hon. Jude Njomo. The *sub judice* rule, which is provided for under Standing Order 89, is a tenet adopted by most legislatures in the Commonwealth. It is intended to espouse the rule of law and the right to fair trial. The rule generally provides that where an issue is awaiting determination by the courts, it should not be discussed in the House through a Motion, debate or question in a manner that may prejudice the decision to be made in court. You will also notice that the *sub judice* rule is not absolute. It is limited, under Paragraph (5) of the said Standing Order, so as not to hinder the constitutional rights of Parliament to discuss any matter before it.

Having said that, it is thus apparent that the courts have no mandate and it is indeed unconstitutional for the High Court to disregard the express provisions of Articles 107 and 124 of the Constitution and substitute themselves for the Speaker of the House and the Standing Orders to discharge the functions of “presiding officers of Parliament”, or act as “regulators of the orderly conduct of parliamentary proceedings.”

Hon. Members, allow me to reiterate that the right of the Legislature to determine its own rules of procedure also exists in the Judiciary. Indeed, the Judiciary, through the Chief Justice, makes several rules that guide certain proceedings in court. In this regard, the Legislature may not purport to question the manner in which the courts perform certain functions relating to matters filed before them under those rules. It is this fundamental concept that should also guide the Judiciary to refrain from interfering with internal procedures of the National Assembly – procedures which have their basis in clear provisions of the Constitution. It is, indeed, my view that, for the principle of separation of powers to flourish and stem possible abuse of authority, the three arms of the Government should discharge their respective mandates based on comity and reciprocity as a virtue itself, and self-restraint.

On whether or not the High Court has powers to stop Parliament from exercising freedom of speech and debate in Parliament as provided for in Article 117 of the Constitution, in my attempt to address this question, I will begin by setting out the provisions of Article 117 of the Constitution on powers, privileges and immunities, which reads as follows:

“(1) There shall be freedom of speech and debate in Parliament.

(2) Parliament may, for the purpose of the orderly and effective discharge of the business of Parliament, provide for the powers, privileges and immunities of Parliament, its committees, the Leader of the Majority Party, the Leader of the Minority Party, the chairpersons of committees and Members.”

Hon. Members, it should not be lost that the underlying constitutional doctrine of parliamentary privilege is the recognition that these privileges are indispensable for the conduct of the legislature’s business and that an efficient and effective Parliament must enjoy certain autonomy from control by the Executive and the Judiciary.

(Applause)

The basic concept underpinning parliamentary privilege is the need to ensure, so far as possible, that a Member of the legislature and witnesses before committees of the House can speak freely without fear that what they say in Parliament will later be held against them in courts of law or other adverse proceedings.

In the Commonwealth of the United Kingdom, Lord Neuberger, Master of the Rolls, reports that freedom of speech and debate in Parliament is “an absolute privilege and is of the highest constitutional importance. Any attempts by the courts to contravene parliamentary privilege would be unconstitutional. No court order could conceivably restrict or prohibit parliamentary debate or proceedings.”

Hon. Members, in the present matter, I am, of course, aware that in Kenya, the prevalent constitutional law principle is constitutional democracy and not necessarily that of parliamentary supremacy as practised in the United Kingdom. But so long as Article 117 is part of our Constitution and that the Article protects freedom of speech and debate in the Houses of Parliament, I am of the view that the court order stopping a committee of the House and the House itself from debating or taking decisions on matters lawfully and constitutionally before the

House, is an unconstitutional affront by the Judiciary on the constitutional privileges accorded by the Constitution to Parliament.

(Applause)

The courts cannot, therefore, purport to exercise *quasi-judicial* supervision over proceedings in Parliament without respecting the clear provisions of Article 117 of the Constitution.

Additionally, Hon. Members, under Article 19(3) of the Constitution, the rights and fundamental freedoms in the Bill of Rights—

(a) belong to each individual and are not granted by the State;

(b) do not exclude other rights and fundamental freedoms not in the Bill of Rights, but recognized or conferred by law, except to the extent that they are inconsistent with this Chapter; and,

(c) are subject only to the limitations contemplated in this Constitution.

This, therefore, shows that the import of Article 117 can only be fully understood if restated and evaluated against the provisions of the Bill of Rights and the mandate of the courts. In my view, it is clear from the holistic exposition of the Constitution that, Article 117(1), which confers freedom of speech and debate to Parliament, is clearly one of the limitations to the Bill of Rights contemplated by the Constitution in Article 19(3).

Consequently, a person moving to the High Court under Article 165(3) of the Constitution, on the basis of a denial, violation, infringement or threat on a right or fundamental freedom in the Bill of Rights has to take cognizance of the privilege and protection accorded to parliamentary proceedings by Article 117 of the Constitution. It is with this spirit that Article 165(3)(c) confers jurisdiction on the High Court to hear an appeal from a decision of a tribunal appointed under this Constitution to consider the removal of a person from office, other than a tribunal appointed under Article 144.

It is my humble view, in respect of matters for removal from office, that the framers of our Constitution must have contemplated involvement of the High Court at the tail-end of the process and not at the beginning, or in the course of the parliamentary proceeding as this may be obtrusive to the removal process.

Hon. Members, although Article 165(6) of the Constitution further gives the High Court supervisory jurisdiction over the subordinate courts and over any person, body or authority exercising a judicial or *quasi-judicial* function, Parliament retains the responsibility under Article 160(1) to legislate on the procedure and manner in which the High Court shall exercise this power without offending the spirit of Articles 19(3), 117 and 165(3)(c) of the Constitution. Indeed, Article 160(1) of the Constitution that guarantees judicial independence, provides as follows:

“In the exercise of judicial authority, the Judiciary, as constituted by Article 161, shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.”

Hon. Members, the responsibility is, therefore, squarely placed on Parliament to consider making the necessary amendments to the law, including and not limited to the Civil Procedure Act and other laws so as to provide for the procedural exercise of the powers conferred on the courts within the limits contemplated by the Constitution, especially as regards the doctrine of separation of powers.

The fourth matter is on whether the High Court has powers to impede the National Assembly from exercising oversight over State organs as provided for under Article 95(5) of the Constitution.

Hon. Members, in this regard, I will be guided by the provisions of Article 95(5) of the Constitution, which provides as follows:

“The National Assembly—

(a) reviews the conduct in office of the President, the Deputy President and other State officers and initiates the process of removing them from office; and,

(b) exercises oversight of State organs.

Hon. Members, it is very important to note that the Constitution bestows this important mandate of reviewing the conduct of the President, Deputy President and other State officers and exercise oversight over all State organs on the National Assembly and not on any other State organ or arm of Government. The other arms of Government should, therefore, refrain from encroaching on this important mandate of Parliament.

(Applause)

Hon. Members, more importantly, the House must appreciate that it is dealing with, perhaps, its utmost and foremost servant. The Auditor-General is, indeed, arguably, the foremost servant of the legislature. In fact, in jurisdictions like the United States of America, the Office of the Auditor-General is an office which resides in the legislature.

(Applause)

Under Article 229 of our Constitution, the Auditor-General is approved by this House before appointment to office. His job description is entirely to audit all public entities funded from public funds and make a report to Parliament on whether public funds have been expended lawfully and in an effective way.

Under Article 229(8), Parliament has an obligation to consider, debate and take appropriate action on the reports of the Auditor-General. The Office of the Auditor-General, therefore, is constitutionally bestowed with the greatest amount of interaction with the House in the performance of its oversight role. That is why it is important in this Communication to separate the matter of his removal from office from the other parliamentary obligations that subsist to his office and are not in any way subject to the court orders.

Further, as you are aware, the Office of the Auditor-General and Parliament have had a mutual working relationship and in the past, it has raised queries relating to the financial audit of other accounting officers. Courts have also not restrained the National Assembly from considering such matters. This relationship between the Auditor-General and the House must, therefore, not only be cordial, but of utmost integrity especially where questions of integrity are raised.

Hon. Members, in the present situation, I am of the view that the Court Order has not impeded the National Assembly from exercising oversight under Article 95(5) of the Constitution for the reason that the Court Order in question is limited in scope and application in that, it only seeks to stop the Committee from taking actions for the removal of the Auditor-General from office under Article 251 of the Constitution and is also limited to the particular

Petition that was submitted by Mr. Emmanuel Mwagambo Mwagonah. In this regard, the Court Order is specific to the proceedings relating to removal from office of the Auditor General under Article 251 of the Constitution. The National Assembly and its Committees are, therefore, free to execute their ordinary oversight mandates in relation to the Office of the Auditor-General as contemplated in the Constitution and the law.

5. Whether the High Court Order was lawfully issued in good faith as contemplated under Article 160(5) of the Constitution.

Hon. Members, I wish to draw your attention that Article 160(5) of the Constitution provides as follows:

“(5). A member of the Judiciary is not liable in an action or suit in respect of anything done or omitted to be done in good faith in the lawful performance of a judicial function.”

In the same vein, Standing Order 87(1) of the National Assembly Standing Orders provides that:

“Contents of speeches

(1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House shall be referred to adversely, except upon a specific substantive Motion of which, at least, three days’ notice has been given.”

Hon. Members, in light of the provisions of the Constitution that I have cited and our own Standing Orders, I refrain from making any comment on whether the Court Order was issued lawfully and in good faith. I believe that the judicial arm has put in place adequate and effective mechanisms to deal with any allegations of impropriety on the part of any judge or judicial officer. As contended by some Members, it is also valid to hold that even the courts are not free of error.

6. What actions may the National Assembly take with regard to the decision of the High Court?

Hon. Members, in answering the question as to what actions the National Assembly may take if it is in disagreement with the decision of the High Court, permit me to quote the words of Speaker William Lenthall of the House of Commons to King Charles when, on 4th of January 1642, he entered the House of Commons to arrest five Members of Parliament for high treason. At the time, the five Members had already fled the precincts of the House of Commons and, possibly, ran to safety far from Westminster. Speaker Lenthall did not divulge any information regarding their whereabouts. Instead, he replied to the King's questions of their whereabouts as follows, and I quote:

“May it please your Majesty. I have neither eyes to see nor tongue to speak in this place but, as this House is pleased to direct me whose servant I am here; and humbly beg your majesty's pardon that I cannot give any other answer than this is to what your Majesty is pleased to demand of me.”

Hon. Members, in the present matter, I have endeavored to offer guidance on the issues raised. It is clear that the House needs to take urgent actions to protect the Constitution of Kenya and the mandate of the National Assembly in light of the issues raised in this Communication. However, just like Speaker William Lenthall, having guided the House at length, I wish to state

that I have neither eyes to see nor tongue to direct this House as to what steps to take or not to take on this matter, save to give the following summary:

1. THAT, I have since instructed our Advocates on record to appeal against the court's decision to injunct the House as this is the avenue available in law to express disagreement with judicial findings and also to give the Court an opportunity to hierarchically express itself on the question of separation of powers with finality. I am informed that a Notice of Appeal in respect of this matter, Petition No 62 of 2017, was filed in the High Court on 17th March 2017 and in the Court of Appeal on 20th March 2017.
2. THAT, in respecting the Court Orders, the Departmental Committee on Finance, Planning and Trade continues with its suspension of the investigation of the specific grounds alleged by Mr. Emmanuel Mwagonah in his Petition to the National Assembly seeking the removal of Mr. Edward Ouko from the Office of the Auditor-General. However, the Committee is hereby required to submit a progress report to the House within seven (7) days from tomorrow, detailing the matters of the Petition as at 13th March 2017 for consideration by the House in accordance with the Standing Orders.
3. THAT, the calculation of time granted to the Committee by the House in respect of the investigation on the grounds claimed in the Petition will also stand suspended from the 13th day of March, 2017.
4. THAT, the Court Order does not in any way amount to a blanket restraining order against the National Assembly and all its committees on any other matters outside the specific Petition. Indeed, the House and its Committees are at liberty to engage the Auditor-General in any other matter before the Committees in exercise of their respective mandates as espoused in Articles 25, 95(2), (4), (5)(b) and 125 of the Constitution and the Standing Orders, including lawfully holding him to account for matters related to the office; and,
5. THAT, the House contemplates the introduction of necessary legislation under Article 160(1) of the Constitution to provide for the manner in which the High Court shall exercise its supervisory jurisdiction over *quasi-judicial* matters pending before the Legislature with respect to the provisions of Article 117 of the Constitution.

The House is accordingly advised. I thank you. Next Order!

MOTION

NOTING OF THE ADDRESS BY THE PRESIDENT

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of His Excellency the President delivered in Parliament on Wednesday, 15th March, 2017, and further notes the following Reports submitted by the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the House on Thursday, 16th March 2017-

- a) Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- b) Report on the Progress made in fulfillment of the International Obligations of the Republic; and,
- c) The Fourth Annual Report to Parliament on the State of National Security.

(Hon. Mwadeghu consulted Hon. Kaluma and Hon. Wandayi)

Hon. Speaker, the Coalition for Reforms and Democracy (CORD) cannot turn the House into a *kamukunji*. The Chief Whip of the Minority Party has an office which they can use. There is a small *kamukunji* here.

Hon. Speaker: Order Members! Member for Ugunja---

Hon. A.B. Duale: And the Member for Wundanyi. You can consult. There are consulting rooms at the back.

Hon. Speaker: I think there is something the Member for Wundanyi wants to tell the Member for Homa Bay Town.

Hon. A.B. Duale: Maybe, Hon. Wandayi is giving out nomination certificates before the nominations or he is collecting fees.

Debate on this Motion will continue for the next three days as per the Standing Orders. I applauded His Excellency the President for his Address during the Joint Sitting of Parliament on 15th March 2017, through which he outlined his Government's achievements in fulfilling the constitutional requirements as enshrined in Article 10 of the Constitution, the state of the nation's security in Article 240 and Kenya's status in fulfilling our international treaty obligations in Article 132 of the Constitution.

This is the fourth State of the Nation Address by the President. As the House sits this week to discuss the State of the Nation Address by the President, we want to remind ourselves of the words of His Excellency the President, himself, who said that our authority is a public trust to be exercised in a manner that brings honour to the nation, and in full accountability to Kenyans by whom, and for whom, we hold that authority. Those were the words of none other than the President.

I take this early opportunity to, first, thank and commend this House and Parliament at large for passing 136 pieces of legislation since the inception of the 11th Parliament. I was a Member of the 10th Parliament. We hardly passed more than 60 pieces of legislation. You can see that in a presidential system of government, where the House has the authority to generate its own legislation, we have done very well and have passed 136 laws.

The President acknowledged that the 11th Parliament had undertaken a historic task of establishing a new constitutional order, that of a bicameral Parliament. This is the first Parliament - the 11th Parliament - that had the task of establishing the bicameral Parliament that is made up of the National Assembly and the Senate, and legislating its foundation instruments.

Let me go to the achievements of the Jubilee Government. For once, those who have ears can hear me inside the Chamber and the citizens will hear me outside the Chamber. I am sure as you walk, those who have eyes and brains can see. The administration of President Uhuru Kenyatta is the first administration that has implemented *ugatuzi* or devolution. He has implemented, fast-tracked and transferred all the functions of a devolved system of Government before the end of the first three years. I am sure that if our governors are watching me, they will agree with me.

Secondly, this is the only administration that has gone beyond the constitutional threshold by increasing the percentage of the shareable revenue from 15 per cent to 34 per cent. We have also supplemented more resources over the 34 per cent. This is the only administration that supplemented more resources to the counties through the conditional grants as provided for in the Constitution to the key sectors of health and water.

Kenyan borders are now more secure under this administration. We are now fighting the enemy abroad and not on Kenyan soil. The President noted that our engagement as part of the African Union Mission to Somalia (AMISOM) has yielded significant success. The capacity of the *Al Shabaab* terror network to carry out large scale attacks in Kenya and elsewhere has been degraded. I thank the President for his surprise visit to our troops and the Kenya Defence Forces (KDF) in Dhobley in Southern Somalia on Saturday afternoon, where he had a meal and spoke to them. The men and women in uniform who serve under the KDF have made us proud. They have secured our nation. They have sacrificed their blood and I am sure both Somalia and the region will be a better place with a more vibrant nationalistic administration of the new President of Somalia, Abdullahi Mohammed Farmajo, who will make a three-day visit to Kenya starting tomorrow.

This administration said no to drugs and our renewed war on drugs is felt. Drug agencies and Kenyan security agencies are working with international agencies to protect our children and families. The war on illegal drugs is being won. This is the only administration that sunk a ship full of drugs. This is the only administration that put drug warlords on a plane for a long journey across the Atlantic Ocean to face charges in the United States of America. No other administration in the history of Kenya has done that, be it that of *Mzee* Kenyatta and *Mzee* Moi or the half-government of *Mzee* Kibaki and Raila Odinga. We have sealed all ports of entry for drugs at the airport and the sea.

With regard to infrastructure, this is the only administration that will be remembered for making huge investments in infrastructure, energy, roads, geothermal power and the Mombasa Port where the new terminals have been built. For the first time, one trillion containers were handled. Never was it done in any other administration. Ultimately, the dividends of those huge investments that this administration is making will be achieved 10 or 15 years from now for major economic growth.

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

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

For the first time, Garissa, Wajir and Mandera are connected with electricity and roads are being constructed. Those are areas that were neglected by successive governments. The journey from Nairobi to Marsabit now takes four hours. Those who have eyes can see. Those who have ears can hear the stories, but those who have brains and their brains are not working, we tell them: “God will help you.”

In the energy sector, this administration has connected 3.7 million homes to electricity. Since the colonial master left to 2013 when one Uhuru Kenyatta became President, only 2.4 million Kenyans could access electricity. In four years, this administration has connected electricity to homes regardless of their social status and the type of house people live in. The hon. Member for Galole would attest to this fact. For the first time, you will find a pastoralist’s

hut connected to electricity. It happened in Masalani in Ijara Constituency, Garsen and Hola. Those who have eyes can see. All county headquarters and all public primary schools are now connected to the grid. This has injected an economic vibrancy in the previously sleepy towns.

Mr. Speaker--- Oh! I am, sorry, Madam Temporary Deputy Speaker. I did not notice the change of guard, but I am sure it is a change of guard through a democratic process.

Hon. Kaluma: From Jubilee to NASA!

Hon. A.B. Duale: NASA, as Hon. Kaluma is saying, is an outfit that is not recognized even in any statute. It was started by one person and I am sure its day of collapse is very soon. In the health sector, when we took over, there were only four referral hospitals. Today, we have 92 referral hospitals. It is a fact that 1.2 million mothers can now access parental birth and ante-natal care free of charge. All that *boda boda* riders, hustlers, *matatu* men and pastoralists need to do is take their pregnant wives to hospital to deliver. They will only be asked to take home the new born baby and the bill will be paid by Hon. Uhuru Kenyatta. This is the Kenya we have today! This is a new dawn! I am talking about 1.2 million mothers accessing free prenatal, free birthing and free antenatal services. Hon. Shakeel, unless the women in your constituency do not deliver and unless you represent a certain age group which has passed the delivery age, I am sure--- If you are very honest - and all of us are honest here - as we speak now, there are Kenyan women delivering in public hospitals courtesy of free maternity that has been allowed by this administration. Give the devil his dues. You might not like Uhuru Kenyatta, William Ruto or the Jubilee Administration because of your ethnic orientation or the region you come from, but he has offered free maternity. I said earlier that there are those who cannot hear and those who cannot see and yet, the almighty God has given them ears.

Madam Temporary Deputy Speaker, on NHIF today, 2 million Kenyans can access NHIF. Today, 44,000 Kenyans can access service delivery in 41 *Huduma* Centres. In the past, when you lost your ID card and you wanted to apply for a passport or a birth certificate, the Government agencies dealing with those documents were situated in different places. Today, all those services have been brought under one roof called *Huduma* Centre. The 44, 000 Kenyans do not have to travel to Nairobi to access that particular service. All one needs to do is to go to the nearest *Huduma* Centre. The Government supports and ensures that the residents of this country access service delivery.

On e-Citizen, this Government has invested in making sure that you can apply for a visa or a passport using the digitized platform of e-Citizen, which is so far accessed by 3.8 million Kenyans.

The Youth Enterprise Development Fund (YEF) has disbursed Kshs11billion to over 1 million youths in the last four years. A classic example is the youth in Kibera who have saved Kshs123 million. They could never save such a huge amount of money even when their Member of Parliament was the Prime Minister of the Republic of Kenya.

Let me talk about our economy. It has an average constant growth rate of between 5 per cent and 6 per cent. Our competitors and counterparts on the Continent, say, Nigeria - and I want somebody to challenge me on this fact--- In the last four years, the Nigerian economy, one of the huge economies in Africa, had a negative growth rate. I want any economist to stand and challenge me on that. South Africa, another giant, in the last four years, its economy has stagnated. I want an economist to challenge me on that. The global average economic growth rate is 3.5 per cent. The Kenyan economy under Uhuru Kenyatta has grown by 5.9 per cent. I saw the former Minister for Finance during the Goldenberg scandal and current champion of NASA talking about figures and corruption. In the 10th Parliament, he was the Minister for Local

Government. He was the only person who was involved in a corruption scandal that had to do with stealing of cemetery land.

Madam Temporary Deputy Speaker, it is better to steal equipment from the Ministry of Education--- You are stealing where we want to bury our dead! This is a country full of theatrics. I can listen to others but not to one--- Hon. Shakeel Shabbir was one of the Members of that Committee and he was removed. He was actually the Chairman. He was removed because he stood firm. He said Hon. Musalia Mudavadi was involved in the cemetery scandal of the Nairobi City Council. So, is our economy growing? It is growing at 5.9 per cent.

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

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, at least, now he can hear. Before, he was not hearing.

(Laughter)

Hon. Oyoo was not hearing, but now he can hear. Since 2013, 1,532 major companies and multinationals from across the globe have set up shop here in Kenya; from Volkswagen (VW) to Wrigley Company in Thika. They have invested more than Kshs6 billion in Machakos and are set to open up others. Others are General Electric and GZI Industries, and they have invested Kshs12 billion in aluminium can manufacturing plant at Sultan Hamud. Those can be compared to only 40 companies before President Uhuru Kenyatta came into power.

There has been renewed war on corruption since the Jubilee Administration took over. There has been a better legal framework. This House has passed laws like the Bribery Act. It has allocated more resources to institutions that deal with graft and the multiagency approach that was introduced by this Government.

Let me come to the rationalization of the wage bill. I ask Members of Parliament not to panic. The only panic that you should have now is whether you will be re-elected. You should not panic about the draft report of Sarah Serem because it will be discussed in the next Parliament. So, for now, your allowances and salaries are secured. For now, I assure you that until 7th August 2017 at midnight, when your term comes to an end, your allowances and salaries are secured. So, you should only focus on how to win the next party nominations with your salary, if at all you have any. I wish you well.

There are great leaders like Hon. Jakoyo who will do his nominations on 5th August 2017. I want to tell the Orange Democratic Movement (ODM) Election Board: "You can rig out anybody else, but not the Deputy Leader of the Minority Party and Hon. Kaluma." I will go to court. These are great minds and this House needs them. You might not like Hon. Jakoyo, but this House needs great minds. There were great minds in the last Parliament which we lost. Like Hon. Martha Karua, the late Senator Mutula Kilonzo and Senator James Orengo. I do not know why he decided to go to that House where three quarters of the year they are on recess; others are Senator Anyang'-Nyong'o and Senator Moses Wetangula. Those are great minds and great debaters. Therefore, ODM Elections Board, we are watching what you will do in Gem and Homa Bay Town constituencies.

(Laughter)

I am one of the most popular leaders in Luo Nyanza and I am sure one day, I will inherit that constituency when *Baba* retires. I will be the first one to inherit because they have a lot of

similarities with the pastoralists. They speak their minds, they are firm and they are not thieves, apart from very few. There are few who are thieves and, therefore, let us deal with the matter of wage bill. Hon. Jakoyo has said that many times. Do we need a bicameral Parliament? Do we need 349 Members of Parliament?

(Hon. S. S. Ahmed interjected)

Hon. Temporary Deputy Speaker, protect me from this member from the Asian community who is in this House courtesy of the Luo votes!

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! Order! Order! The Leader of the Majority Party, you are protected. Hon. Members, let us listen to the Leader of the Majority Party as he debates on the President's address. Again, Leader of the Majority Party, also address yourself to---

Hon. A.B. Duale: He is in the House courtesy of votes from a community because Kisumu is not Pakistan. He is a Kenyan of Pakistan origin. So, it is morally wrong and ungodly when we are told that 2 per cent of the population is consuming 50 per cent of the taxpayers' money and the resources of this country. It is morally wrong on the face of it. Therefore, this debate must take us back to Bomas. We must have a national debate. It is not something that can be discussed only by Sarah Serem. We must go and discuss.

Look at India and their number of legislators compared to the population. I was with the Pakistan Ambassador. They have less than 350 Members of Parliament against a population of about 170 million people. Our neighbours, Ethiopia, have slightly more than 340 legislators against a population of 75 million people. Kenyans are paying taxes. The Kenya Revenue Authority (KRA) is collecting taxes and it cannot go to salaries. We have to agree in principle that we must introduce servant leadership and not leadership based on the amount of money we get. I think it is a draft for the next Parliament, where we will need to fix many things. Do we need all those nominated women members of the county assemblies (MCAs) in our counties? No! Do we need them?

(Laughter)

Do we need 1,450 wards? Who said that? Let me be categorical. I am speaking even as the Member for Garissa Township. In developed democracies, even in the House of Commons and the US Congress, no country has achieved a two-third gender principle. Why is it becoming an issue in Kenya? Why? I have just come back from my constituency and the womenfolk who vote for me do not love me, but they admire my leadership. You know love is another different thing my friend. They admire my leadership, but they do not even know what the two-third gender principle is. The law says the Legislature, in unison, decided to say no. We need to deal with the 20 per cent that we said in 2010 is faulty in this Constitution.

The 12th Parliament must go back to Bomas. Hon. Kaluma brought a Bill here which our brothers in the Senate rejected. If that Bill was assented to, the more than 40 pages the Speaker read this afternoon as a Communication could not have been there. We must protect our democracy, which is very fragile, and I am sure the coalition which I represent supports free, fair

and credible elections. It also respects the independence of the Independent Electoral and Boundaries Commission (IEBC) and we ask our colleagues to do the same. Let all of us respect the referee.

As outlined by the Head of State, there is increased number of police officers. This is the only administration that has invested in the security sector. From the numbers, 10,000 men and women are employed every year. For the first time since the colonial administration, our men and women in uniform enjoy insurance policy. Since Independence, the investment in equipment and forensic laboratory and intelligence has been unprecedented.

We have pushed the ratio of police officers below the one officer for every 800 citizens. When we took over, it was 1 to 800. But now, it is 1 to 380. I am sure that, that is a better position than the United Nations ratio of one officer for every 450 citizens.

The President noted that the leaders of the world's most prosperous and powerful countries have come to visit Kenya. Even in our homes, if you are in Orange Democratic Movement (ODM) and *Baba* is in your constituency, you would love to have him have lunch in your house. It is the same for those in Jubilee Party. Imagine Obama coming to Kenya, the Prime Minister of India, Prime Minister of Turkey, Prime Minister of Israel, the King of Jordan in Kenya and the Pope coming to Kenya. We also had World Trade Organization (WTO) and United Nations Conference on Trade and Development (UNCTAD) being held here. People go where they see a future. They are coming because they have witnessed a country in the African Continent that is on the rise and they want to engage with that administration. They believe in our vision for a stable and prosperous global community.

As I conclude, I would like to say that the administration has accelerated development and massive investment. As we approach the general elections - and this is my analysis of the President's speech--- It is not his, but mine. The die is cast and the date is known. It is 8th August, 2017, whether you like it or not or whether you are prepared or not. We have our candidate - Hon. Uhuru Muigai Kenyatta. We have our Party - the Jubilee Party. We have our score card, from health to infrastructure, social security to security, war against corruption to devolution, where we are increasing the resources and protecting it, to the unifying of our people into one political party. We humbly ask our competitors to do the same. We are ready, we are in the field, the referee is ready and the linesman is ready. The crowd has filled the stadium but the other team is missing.

(Hon. S.S. Ahmed interjected)

Hon. A.B. Duale: You are not a presidential candidate my friend! You are lucky to have been given an opportunity by a very gracious community to be in this House.

(Laughter)

I humbly request our colleagues not to take us round. Do not call too many Press conferences.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You have 30 seconds.

Hon. A.B. Duale: We know, among the pack, who is ahead. I have worked with him. He has the numbers, he has the resources, he is a think tank, he has been tested and he was a prime minister. Give the opportunity to Raila Odinga.

(Laughter)

Give the opportunity to Raila Odinga. Do not take Kenyans round. You have seen the opinion polls. He is rated at more than 30 per cent.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over!

Hon. A.B. Duale: *(Inaudible)*

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Members! You are not the Speaker. Allow me to control the House. Leader of the Majority Party, instead of concentrating, you are doing a lot of politics. I will give you 30 seconds before I give your Second time to second.

Hon. A.B. Duale: We know who deserves it. It is Raila Amolo Odinga. The earlier you give us a candidate the better. The earlier we have your manifesto the better. We need to know who your running mate is. If you have 2 per cent, do not waste your time. If you have 12 per cent, ask for a running mate.

With those many remarks, as a politician, I want to request our competitors to come to the field, play the game and we score five against them.

I beg to move and ask the very able Majority Whip, Hon. Katoo, to second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Katoo to second. Give him the microphone. Get to the intervention so that we can find you.

Hon. Katoo: Thank you, Hon. Temporary Deputy Speaker. I have five minutes to second this Motion. I will just speak about three aspects. First and foremost, I would like to congratulate the President and the Jubilee Administration for the effort it has taken to increase the number of police officers above the internationally required standard of 1 to 450, to 1 to 380. That has really helped in securing our country through a well-coordinated multiagency approach that ensures public safety and security. Very importantly, is the Jubilee Administration's vision for an industrialized Kenya. I want to thank the President and his Government for laying a very strong foundation to achieve that. This has been shown by economic growth that has been sustained at 5.9 per cent against the global average of 3 per cent. This has resorted to an expanded economy that created jobs for our youth and the Jubilee Administration has created, in the last four years, 2.3 million jobs. This is very commendable.

In that strong foundation of putting Kenya in the path of being an industrialized nation, 1,500 new multinationals have entered Kenya against only 40 that have left. Due to that micro and macro-economic stability, the Jubilee Administration has realized that the youth are the drivers of innovation. In this regard, in the last four years, the Government has given Kshs11

billion to the youth to do business. Still on the path of being an industrialized country, the foundation has been laid very well by the Uhuru-led Government and, as a result, this country has, for the first time, been ranked the third most improved country with regard to ease of doing business for the last two consecutive years. Through the expanded economy that has improved infrastructure, 1,950 kilometres of roads have been tarmacked and 7,000 kilometres - as said by His Excellency the President in his Speech - are in the stages of construction. That is commendable and will lay that foundation for an industrialized nation.

The issue of access to energy, particularly electricity and diversification of energy in this country, has enabled about 3.7 million homes to be connected to electricity. That is more than double the total number of connections that have been made since Independence. About 14,045 schools have been connected with electricity. About 95 per cent of our schools have been connected to electricity, some through the grid and others through solar connection. That is a good progress that the Jubilee Administration has made in the last four years.

In the education sector, the Jubilee Administration has been market and technology-oriented. They said during the campaigns that they were going to be a digital Government. We have seen a lot, like the measures that have been put in place by the Ministry of Education to curb exam cheating. That has really improved our education system. If you look at the technology unit, we have delivered tablets - the so-called computers - to Class I pupils. Most important is the introduction of e-Citizen where 197 public services can now be accessed electronically. It has not been there before. You can now apply for passports, visas, renew licences and, most importantly to politicians, get the certificate of good conduct. It is now a requirement. Business registration and company searches, are among the other services. The 197 public services can now be accessed electronically.

Again, very important, is the National Safety Net Programme (NSNP), which nowadays is called the *Inua Jamii* Initiative. Before the Jubilee Administration took over, only 220,000 elderly people were in that programme. In four years, 500,000 have been added. We now have 720,000 beneficiaries. It is very commendable to remember our senior citizens.

I do not want to repeat the issue of the big investment that this Government has put in our health institutions. We had only four referral hospitals but now, we have 92. That is two in every county. It is very commendable. The Mover has talked about 1.2 million mothers who can now access improved healthcare services, or being attended to during delivery by skilled medical personnel.

Therefore, in the four years that the Jubilee Administration has been in office, as His Excellency the President enumerated last Wednesday in this House, this country has really been transformed, or has put it on a transformative path. We need to applaud and support it. And they deserve re-election. I am very sure that given another term of five years, it will achieve what we have been talking about - a united, free and industrialized Kenya. You can see what the President said about civil liberties, even as far as fighting terrorism in this country is concerned. Because of open democracy, even those who are taken to court because of terrorism still get bonds. It is not common. Actually, we could be the only country in the world that does that.

Hon. Temporary Deputy Speaker, I beg to second. But five minutes is very little.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): It is your own resolution that five minutes shall be. Hon. Members, before I propose the Question, allow me to recognize the presence of students of Kaptebengwet Secondary School from Konoin Constituency and Kaminjeiywet Primary School, Bomet East Constituency, who are here to observe the proceedings of the House.

They are welcome to the House.

(Applause)

(Question proposed)

Hon. Members, allow me to pass this communication so that you can observe your debate time as per the House Resolution of Wednesday, January 25th 2017. In the debate on the Presidential Address, every Member has five minutes. I can read for you the Resolution as it is because we have time. It reads:

THAT, notwithstanding the provisions of Standing Order 97(4) and in furtherance to the provisions of Standing Order 24(6), debate on the Motion on the Address by the President shall be limited to not more than thirty (30) minutes for the Mover in moving and replying, twenty (20) minutes for the Leader of the Minority Party and five (5) minutes for each Member speaking.

Let us now hear from the Deputy Leader of the Minority Party, Hon. Midiwo.

Hon. Midiwo: Thank you. She has already clarified. She is a very good Speaker.

Let me stand to contribute to the President's Speech. How I wish the Leader of the Majority Party was sitting across me, because some of these people do not believe in some of the things that they say! It is a pity that Hon. Duale is repeating the same lies as read on the Floor of this House six days ago. In my native language, they say: "A rat always bites you, but it blows air to soothe you." So, he was soothing Hon. Kaluma that he is talking for him. But he knows when he opens his mouth, Hon. Kaluma's votes may dissipate. Hon. Kaluma, when you get a chance, tell Hon. Duale you do not need his blessings to become the good Member of Parliament for Homa Bay Town that you are.

What a sad Speech that the President gave to this country. It was a Speech that inspired no confidence in our people. Four years later, the President should be coming here to inspire this country, especially at a time when there is extreme famine and drought. He did not mention that. He did not talk about the dying people in Baringo. The President did not mention the word "Baringo". Instead, he said that the system will deal with Members of Parliament as if they are cattle rustlers. He controls the security apparatus and organs; then he comes here and asks Parliament to stand for a one-minute silence for soldiers who lost their lives fighting for this country in Somalia. The day those people died, he was dancing in State House. That was the news. He never even sent condolences. Why did he need us to help him send condolences? The day he was here on Wednesday, the Tuesday before that, 15 Kenyans were killed in Baringo. The President did not allude to it. That is what we call in my native language a man with hard eyes. He does not blink when he says bad or annoying things.

The President conspicuously, for the first time in four years, did not claim credit for laptops, which he now calls gadgets everywhere. It is like toys. Kshs34 billion later, nothing that resembles toys is owned or possessed by our young people.

He conveniently did not touch it because he knows Jubilee lied to Kenyans and it was creating an avenue to steal using laptops.

Hon Temporary Deputy Speaker, even Malaysia or where the laptops were purportedly being imported from, does not manufacture computers. He knows he is wrong. They know that it was set-up for theft and it succeeded. Our children have no computers. At this time, there is drought against the background of an extreme promise, a well taunted promise of 1 million acres

under irrigation that would have been put within two to three years of Jubilee Government. There was a promise that drought will not affect anybody. But the Galana-Kulalu project for example-- - Hon. Duale comes here and tells Kenyans that Heads of State have visited Kenya. He is not telling Kenyans that Mr. Netanyahu came to Kenya, but did not go to the irrigation that is being undertaken by Israelites. But because of corruption, Kenyans are now dying. The Government is telling Kenyans that it is going to Hungary and Europe to look for maize, while we would have been producing 4 million bags of maize as promised by Jubilee Government per year. Where is the maize? Where is the project? Kshs7 billion shillings are gone a few three years later and are in the pockets of a few mandarins. That is the truth. They are rich because Kenyans are dying. For example, the free maternity--- Come on Mr. President, you have to give us a break! Everybody knows that health is a devolved function.

I will tell you a personal story. Three weeks ago, the wife of my employee in the village was giving birth and was carrying twins. When she was taken to the Jubilee dispensary in my village, Akalla Health Centre, they said they could not help. They were, therefore, taken to a private hospital where she gave birth. In the circumstance, she gave birth to one live baby but, unfortunately, one could not be saved. That is what the President was claiming as a success. That is what President Uhuru Muigai Kenyatta came to the Floor of this House to tell Kenyans that health, in terms of free maternity, is a success. I paid Kshs48,000. What about the people who do not have money? What about it? Kenyans are dying. This thing is chocking. The President came here in March, 2015. He had brought a list here of purported corrupt individuals. My friend Michael Kamau was charged frivolously that he obstructed justice. Anybody who works in the Ministry of Roads, if you really want to nail them, there is so much to nail them on. You do not have to be frivolous with a high ranking civil servant like Michael Kamau or Charity Ngilu - where a charge is called obstruction of justice that cannot sustain the test of any court in the world. I am not a lawyer, but I have common sense. Mr. Muraguri is involved in the theft of Kshs1.6 billion and he is still sitting there as the Permanent Secretary and the containers are in Mombasa. The house he is building in Nyeri, which was in the newspapers the other day, is bigger than the Parliament of the Republic of Kenya and yet, he is a mere civil servant.

(Loud consultations)

Hon. Temporary Deputy Speaker, Hon. Duale says the economy is a success. In the last eight months of the year 2016, our economy has lost 135,000 jobs in the formal sector and largely in the banking sector because of Safaricom. That is because the Jubilee Government does not have the ability to even read the financial markets so that Safaricom is doing telephony, taxi, banking, CCTV and many other businesses. This country needs a Government. Somebody is absent. You then come to this House and say that the economy is a success. Where is the double digit growth that was being talked about like *mandazis* in the market? He talked about it so carelessly without putting proper tenets to achieve it. Why trivialize governance? I have severally said that some jobs are not for boys. This particular one is not for boys. It was for the Kibaki's and the Raila's in the coalition Government. We nearly attained double digit growth. If they had one more year, it was going to happen. What has happened here? The President did not even talk about corruption. If you heard him, and I sat there, he said that the NYS was a success except for a small hitch. The theft by Miss Ann Waiguru was just a small hitch for the President of Kenya. How? Even the people of Kirinyaga have rejected her. The campaign teams have run away and they do not want to be near somebody like that. It is all over the media. That is what

the President wants Kenya--- We are not stupid. This is such that when Hon. Duale talks about a successful economy, maybe, I can take him to my village, give him my phone for one day and get to see my people who are suffering because of the mismanagement of our economy by the Jubilee Government. In fact, the Jubilee Government is not even stealing your taxpayers' money anymore. That is because your taxes are now paying interest for what has already been borrowed. They are now borrowing and stealing and the right word for that is "looting". A kid born today inherits about Kshs90,000 debt. Then he tries to justify borrowing. Then he tries to play politics and tells us that things are fine. If I was the President of Kenya, I know I can do 1,001 per cent better and Kenyans will never sleep hungry. I will never lie to Kenyans. The President talks about this salary thing trivially, while you know, I know and he knows that the new Constitution presented this country with challenges.

Mr. Kibaki and Mr. Raila told Kenyans to pass this *Katiba*. We went out and campaigned for it knowing that 20 per cent is bad. The challenges must be addressed. We were told it was work in progress. You have a Government that has refused to align the Provincial Administration with the county governments. That is so that the governor has another chain of people trying to do the DC's work. The governor has another chain of people who are trying to do the work for people who are already employed in the former Government. Every level, there is duplication. Then you complain the wage bill is bloated. Really? Tell Kenyans why! I would have been happy if the President said: "I have hired a taskforce to align."

They think they can always misuse the Provincial Administration to be anti-people or to protect them when they are stealing, especially elections. You know, we are past such things. It will not happen in this country again. Never! I can tell the President and his Deputy: "Never commit yourself to the imagination that you will be in power illegally again." They are in power illegally and everybody knows that. At our level, we must talk the truth.

We know that this country has mis-invested its energies. When you hear the Leader of the Majority Party talking about the police--- First of all let me say that I am one of those people who, in the Bomas of Kenya, refused the need to have chiefs, DCs and DOs. We need them because much of this country cannot function without the Provincial Administration. But stop the governors from double employing people to do their job and give them power. Right now, even a County Commissioner (CC) does not even control the Administration Police (AP). Do structural changes. Take the AP back to our CCs. Why do you have a CC in Gem who cannot have security and you call him a security chief. The structure has failed because of that. Common sense must tell the President that the APs have refused to cow down to the authority of the regular police. It is because they think they belong to the CCs. They are the other wing of security. It is an experiment and we cannot even blame the Jubilee Government. We experimented and it failed, but Jubilee has the numbers in Parliament. You have everything. Tell us to help you correct an anomaly which we created in the Constitution.

This Government---

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

Hon. Midiwo: You will get your chance, young man. This Government is not equal to the task.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, there is nothing out of order! It is a debate. Let him debate and I will give you time to express your dissatisfaction. This is an open debate.

Hon. Midiwo: Hon. Temporary Deputy Speaker, the governors should be reined in to stop overemploying because we need that money for milk, medicine, fertilizers, tractors and

many other things for our people. Why is the President and the presidency not talking about the blotted political offices in this country? A small country like Kenya cannot have over 400 politicians at the national level. We cannot afford it. We cannot borrow to pay ourselves!

In my county, there are 30 elected Members of County Assemblies (MCAs) but 18 of them are nominated. On what basis is this? Why are we spending our money wrongly? That is why I have never and will never support the one-third gender rule if it does not come along with downsizing of the political offices. I will not support it because I know that is not what Kenyans need. Many people here talk, but at tea places. They fear to face it. People need us to invest our monies differently.

The Leader of the Majority Leader has talked about the police now having insurance. What he is not saying is that the insurance was Kshs1.7 billion, but the other bidder who had Kshs3.6 billion got it. That is one of the reasons Ouko is supposed to be an enemy of the State. That is what he is not telling us. It is a shame! That is Kshs2 billion stolen in broad daylight from Kenyans. It is okay, the police must have insurance because they do risky work but why steal using the name of the police? Ask anybody to tell you who the new vehicles, that is, Peugeot GKs that you see are leased from? Our police need equipment, but who is leasing them?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You have two minutes left.

Hon. Midiwo: Who in this Government is looting from the State in the name of equipping the police? It is known people. If we do not tell Kenyans the truth--- Is it that the President does not obey the law, he is misinformed, or he is disinterested in governing this country? What is it that he is leaving us in a deep hole from where he found us? Why does he not care? This is not a joke! We must face it. Members of the House, you have nothing to fear. The people will decide your fate but on this debate, please, tell people the correct state of our country.

Lastly, I want to disagree with anybody who is picking titbits from the Budget and Appropriations Committee Report about the Constitution; that Mutava Musyimi Report has very good things in it. It is foolish and not so thoughtful to say that we should abolish the Senate without a debate. It is wrong to suggest that one Kenyan should appoint governors. These people have stolen! We do not want one person to appoint thieves. We want to elect people who we can hire and fire if and when we need it. Just do the law to stop them from stealing our resources.

With those many remarks, I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, the Leader of the Majority Party moved the Motion and the Leader of the Minority Party expressed his concerns. Hon. Members, as per your resolution, you have five minutes each. I have 12 requests and we are debating the Presidential Address. You can express your satisfactions and dissatisfactions. However, let us observe rules of the House.

Yes, Hon. Johana Kipyegon.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker for allowing me to debate on this Presidential Address coined as “The State of the Nation.”

I would like to state that the President is a person who, if he was living in another country other than Kenya, we could say is the best President. The problem is that he comes from a background you cannot easily understand. There are very many things which the President should have touched on just like what my colleagues have said. There are very many things he touched on and there are many others that he never touched on. There are very many issues that are affecting this country that he never addressed.

There are three issues which the late Mzee Jomo Kenyatta wanted us to deal with. He focused on poverty, health and education. That was the vision the late President had. However,

today, almost three-quarter of Kenyans are illiterate. There are also too many sick people who cannot access medication. There are people here who are talking about free maternity, but I will not dwell on that very much because somebody once asked me why I keep talking about free maternity. I meet women in my constituency who cannot access the free maternity because there are no maternity wings. We are talking like we live in utopia.

I do not know if the President understands this nation. Forget about the health issues; corruption has become a culture in this country. If you ask governors why they are stealing, they will tell you, “our fathers are stealing and we are copying from them.” The President has no moral authority to ask governors why they are stealing because his government is full of thieves. I am still in the Jubilee Coalition, although I do not know if they have already mismanaged it. I would have wished the President to get the right advice on how to deal with the matter.

We have a list of 177 people which was tabled here. Some of them were forced to step aside while others resigned. However, no single case has been prosecuted and a conviction handed to Kenyans. How about recovery of those assets which were stolen? No one speaks about them or cares.

Another burning issue is security. As we stand here today, many Kenyans are dying and the circumstances surrounding those deaths are matters which the President of the nation can deal with. In the North Rift, there are killings in Baringo, Pokot, Trans Mara and several other areas. When Moi was the President of this nation, I was young, but I miss how he used to deal with things.

The Deputy President went to Baringo and gave orders of shoot to kill without even understanding its dynamics. He was ordering the killing of the Pokot who are Kenyans.

I thought they should have looked for eminent personalities from Pokot, Baringo and Elgeyo Marakwet, held talks with them and get deep into the root cause of the problem so as to offer solutions. Kenyans are dying and no one understands what is going on. The matter of security pains me because as I speak today, there are too many people dying in Trans Mara and other counties. I wish the President addresses this issue of security urgently.

On the issue of economics, I did not study it but it was a unit in my masters coursework. I really do not see anything growing in this country. Everybody is broke in this country. The private sector and the Government are broke. I do not even understand how the elections will be held without money in people’s pockets. How can we say the economy has grown?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over! You have expressed yourself. The Member for Seme, Hon. James Nyikal is next on my request list. He is having issues with the microphone. Just use the microphone next to you or go to the Dispatch Box.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to the President’s Address. The only good thing I can say about this Address is that it complies with articles 132 and 240 of the Constitution. Beyond that, the rest of it is a litany of attempts of what could be done and very little achievements.

The President mentioned that he appreciated the new Independent Electoral and Boundaries Commission (IEBC). I felt that was the least sincere comment from him. Considering what people went through and the riots in the streets, I do not think we should accept it.

Devolution is the greatest thing we have seen from this Constitution. The President admitted that the greatest problem with all aspects of devolution whether health or water is the inter-governmental relations structures. We started with the Transition Authority (TA), which

never worked and was to be replaced by Inter-Governmental Relations Secretariat. That is not yet in place. It should be strengthened. How do we expect devolution to take place if the machinery which links the two governments has not been put in place?

The President went ahead to talk about security. He said it is good that the Kenya Defence Forces (KDF) are in Somalia. Well, we accept that the internal attacks are less but at what cost to the Kenyan soldiers? Two KDF camps have been attacked and the effects were devastating.

On internal security, every month in this House we have a special discussion on security in the Rift Valley region where there are bandits. He said we have increased the police but we have three police structures; the National Police Service, the Police Commission and the Independent Policing Oversight Authority (IPOA). The truth of the matter is things are not working because there is no link between these three structures.

On infrastructure, the truth is if we want to give credit it should be to the National Rainbow Coalition (NARC) and the Grand Coalition Government that put this idea in place. There were programmes in those days on infrastructure. It is good they have been carried forward and some are nearly completed. The only major policy statement which has come from this administration is the one on laptops and we know what happened to them.

The other one was the Managed Health Equipment Services (MHES). This is a scandal waiting to happen. I hear people talking about 92 referral hospitals. I can forgive them because they do not seem to understand what this means. These are the 92 hospitals for the MHES programme. We know these equipment are at various stages of implementation and employing personnel to operate and maintain them. They are leased and we are paying the lease money regularly and yet these equipment have not been delivered.

On the issue of corruption, the only thing, the President mentioned is the issue of streamlining examinations. In this country, is that the only problem which concerns corruption? I do not really think that his Address carried what the nation expected.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over! You have five minutes and I know you have much to say. So please plan your time. Wesley Korir, Member for Cherangany is not in the House. Let us have the Member for Samburu North, Alois Lentoimaga.

Hon. Lentoimaga: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. I had requested to speak long time ago but went out to consult.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I can confirm that. Just carry on with your five minutes.

Hon. Lentoimaga: Time is of essence. I want to thank the President for visiting the KDF soldiers who are in Somalia. They have suffered in defence of our people, country and sovereignty and they needed that visit like yesterday because it goes a long way in boosting their morale. I think they are very happy now that the Commander-in-Chief visited them in the war zone. I think we still need KDF in Somalia because they have secured this country against invasion of *Al Shabaab*. The Westgate Mall and the Garissa University attacks are part of the invasions in our territory. Keeping *Al Shabaab* at bay and making Somalia safe is a good undertaking which this country should continue doing.

It is a prominent undertaking that this country should continue. It has always been done internationally by other countries who mind their own territories.

Secondly, I would like to thank the President for yesterday's talk show on Citizen Television (TV) at State House. He was so impressive. What he talked about yesterday showed that he is a President who is in charge and on top of things. I congratulate him for that.

All the same, I want to talk about insecurity. Being a Member of the Departmental Committee on Administration and National Security, I want to urge the Government to do all it takes to manage insecurity in northern Kenya. Kenyans are suffering where I come from because of the banditry menace. This menace has robbed us of our young people. It has also caused poverty in our area because people are robbed of their livelihood. It has also created ethnic hatred. It has caused displacement and orphans and widows are all over the place.

Lastly, it has also denied livelihoods to Kenyans in that part of the country, especially Samburu North. This is because we wholly depend on livestock as our income earner. We have no other source of income except livestock. If this livestock is stolen from a family or wiped out, that family becomes poor, is unable to pay school fees, fend for itself and even buy goods like any other Kenyan. I want the Government to take action.

Hon. Temporary Deputy Speaker, having worked in the Civil Service as a District Commissioner, I am very surprised that the Kenya Police Service in this country is not suitable in our areas. They cannot work in pastoralist communities. I do not know whether it is their training, cowardice, environment or morale but they are unable to work effectively. They are only suitable to work in towns. The Government of Kenya should look for ways to bring another--- I do not know how it can do it but it is very urgent. The Government needs to do something because it is a matter of life and death. If it had deployed the Kenya Defense Forces (KDF), it must target those culprits that have stolen livestock and the livelihood of our people.

On the issue of infrastructure, the Government has done very well. Infrastructure like roads, railways and electricity will go a long way in creating employment. We do not have to depend on white collar jobs. Infrastructure development will create self-employment for our people. The Government is moving in the right direction.

On cash transfers, we also have good---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is up! Let us have the Member for Homa Bay Town, Hon. Peter Kaluma. Give him the microphone. You can even use the microphone on Dispatch Box or the next microphone.

Hon. Kaluma: Thank you, Hon. Temporary Deputy Speaker. The state of our security is that there is no security in the country today. You saw the Deputy President - a part of our presidency - run from gunshots in Baringo the other day. It was a very painful thing to see a whole Deputy President taking off because guns were being shot near him. That is the state of security.

The state of security is that the Ministry of Interior and Coordination of National Government has completely failed. This is why I was against using police reservists to calm the situation in Baringo because the Kenya Police should be trained to do that. We are now resorting to the Kenya Police Reserve (KPR). We now have the Army in Baringo without prior permission by Parliament. That would not happen if the Kenya Police Service was truly working. That is the state of security.

The state of security is that our sons and daughters in Somalia have been left on their own. I do not know who advised the President to do that thing that appeared on television when it was announced that we had lost so many sons and daughters who are fighting to secure us from Somalia. The President was shown on TV dabbing and we are hearing of deaths. I do not know why he wants to associate with those young things of dancing. I still practise law as a lawyer.

Let me tell this nation that even the monies the African Union (AU) is giving for the sustenance of the soldiers in Somalia are not going to them; they are being eaten by the systems back in Kenya. If those sons and daughters of this country gallantly serving this country outside

there happen to visit the country even for a week and they fail to return, it is deemed to be desertion.

From Central Kenya to Coast, eastern and northern Kenya, we have very many gallant sons of this country currently imprisoned for life by the Court Martial simply because they delayed to return. You do not get any pay yet you are there. How can it be that a President imagines that going there and being seen in military regalia taking a photo is what those great men and women of this country need to run this country?

The state of this country is that the war against corruption is lost. Five minutes will not allow us to say much but I am convinced to say without any doubt that it is no longer tenable in this country to persuade anybody that the Presidency is not involved in this corruption.

In Luo, we say the fish rots from the head. How can we say that we are fighting corruption and yet Kathleen Kihanya and Ms. Muthama are out there? An amount of Kshs5.2 billion for the Ministry of Health is lost and yet doctors are on strike. The President is telling us that he is getting doctors from Tanzania. Witchdoctors of the type we see on the trees or what doctors can treat Kenyans better than the doctors we have? We spend billions of shillings training medics here and we say we do not have adequate numbers of doctors. It is because we do not sustain them well. It is also because conditions in which they serve are non-existent. So they go to other countries where they offer better services after we have invested in them. That is the situation we are in.

The state of the nation is that you cannot tell us you have constructed 7,000 kilometers or 9,000 kilometers of road. The President is today opening footpaths and footbridges in Kisii. You cannot imagine construction of roads. The Coalition Government constructed roads from Nairobi to Thika which we see. This is because roads are things we see. Where are these roads? In which region are they? These are falsehoods. I was taken for a fool the other day by the Cabinet Secretary for Energy. I want to tell this House that the so-called Last Mile Connectivity Project is the current looting hole for this Government. By the time we look at it, you will be shocked.

The electrification of primary schools stalled immediately it was launched. This is the case and yet donors put over Kshs37 billion into this scheme and billions of shillings were added by this Government. We were with the Cabinet Secretary here when he said he did not need more money. Which single school has been supplied with electricity in Homa Bay Town Constituency or in Homa Bay County? We are divided as a nation because the President does not think of this country as a country.

As I conclude, let us educate the President on the nation called “Kenya”. He tends to think it is Central Kenya and parts of Rift Valley. It is not. Kenyans are feeling excluded and I am grateful that this is the last speech we are getting from a so detached personality.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Member for Tongaren, Hon. Eseli Simiyu.

Hon. (Dr.) Simiyu: Thank you, Hon. Temporary Deputy Speaker for this chance to contribute to the Presidential Speech. He adhered to the Constitution and I believe it is his last speech ever to this House in that capacity because it was mainly misleading.

I know the President is obsessed about opening things. When he was here, he opened the two-year old Senate which has been there for a very long time because he is obsessed with that. He said something about deepening democracy yet out there we see his party, with the connivance of the Registrar of Political Parties, setting up other parties, rebranding them and giving them to pastoral communities. He calls that deepening of democracy. I do not know what he understands by democracy.

He says he is strengthening independent offices and yet we know very well what has happened to the Ethics and Anti-Corruption Commission (EACC), the Judicial Service Commission (JSC) and the Auditor-General's office. What strengthening of independent offices is he talking about?

We heard him talk about more police officers. Kenyans should be informed. Yes, there are more police officers. They have new equipment and the Cabinet Secretary (CS) in charge of them is saying, "Move and we will shoot you!" They are telling us, "Kenyans be aware, we are creating a police State." That is what they are doing and they want us to clap for that.

The President said that he has transferred functions to the county governments. If, indeed, he transferred the functions, what explanation is there that the Ministry of Health now has a bigger budget than the grand coalition Government yet health is a devolved function? That money is going to that managed equipment scandal that is yet to explode, but it will eventually because it is not equipment that treats, it is the people to man that equipment. Again, we ask ourselves at what cost that is going to happen. There is a problem.

If we talk about devolution of functions, the other day he was in Mombasa quarrelling with Joho as commissioned ferries. Ferries are supposed to be a devolved function in our Constitution! He has failed to devolve that. So, what is he talking about devolving? The Leader of the Majority Party is saying this is the first Government that did devolution. Well, it is the first Government that came in after devolution. So, who are they comparing with? They want to compare themselves with themselves? That is not right.

The issue of expanded civil liberties during uprisings such as terrorism and so on, that is the biggest lie. What expanded civil liberties is he talking about? We have just seen this Parliament legislating with the police surrounding it. Are those civil liberties? We have just seen this Parliament pass the so-called Security Laws (Amendment) Bill which was an abuse of civil liberties. This is the case and yet he can stand here and say he has improved civil liberties. Those are just in his dreams.

If you talk about the Standard Gauge Railway (SGR), yes, we need it but not at that cost. That thing is so overpriced that by the time that lunatic line is fully operational, we will never recover its cost. They could say that they have been good at implementing most of the things that the grand coalition Government started. For them, the only thing they have implemented is halfway, for example, school laptops.

The other anti-corruption move was to stop cheating at exams. That is the only achievement they have done on anti-corruption. Otherwise, they have perfected the art of corruption to the extent that they even use somebody in Mombasa called "Marwa" to ensure that the containers which are staring at everybody showing how money can be misused have been ordered out of that place and hidden so that Kenyans do not know exactly the kind of theft that has gone on in the Ministry of Health and many other Ministries.

On the issue of saying we now have an economy that is growing, I would have expected the President to talk about the cost of living. Right now, the cost of flour is too high that many families cannot afford it. The cost of living has shot through the roof and the President never mentioned anything about that. It is the work of the Government to ensure that citizens can put food on the table for their families. Right now, everything has gone beyond manageable levels. They cannot manage anymore and we are still saying the economy has grown. Yes, the economy has grown for those who import---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Well-spoken but your time is up. The Member for Sirisia, Hon. John Waluke, you have the Floor.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker for giving this chance. The President's Speech, to me, was good. This is because he touched on very many things which I expected him to touch on, for example, security. We know that the security of this country has improved a great deal. Being in the Opposition does not mean that we oppose everything. Even if I left the Opposition camp the other day, the Government of Jubilee has done a lot of work. I am being honest.

Hon. Temporary Deputy Speaker, even the last time I visited your area because we were together in your constituency, I saw what this Government has done. Let us call a spade a spade. This country has improved. For example, in terms of infrastructure, there are very many roads everywhere in this country. We cannot deny that there is improvement. That is the area that they have played a very big role. Indeed, this Government has improved the road network in this country.

On electricity, I wish to tell Hon. Kaluma, who has said here that in his area there is nothing, that electricity is connected countrywide. Electricity is connected everywhere in this country and without discrimination.

The President touched on corruption. It is the responsibility of all of us to fight corruption. Those in NASA are the same people who were in the Government before. Some of them were Prime Ministers, Vice-Presidents and Ministers and they stole. We can count and name them if required to do so. I will give an example of myself. I am wearing a navy-blue suit today. When I remove it and put on, say, a metal suit, I will still remain the same person. That example applies to those who are purporting to be in NASA.

They sold grave sites in this country, some sold our embassies in Tokyo while others took over Safaricom because it was a parastatal. We can name these people. When they talk about theft, they should know that they have also stolen because they occupied various positions in this country.

If you go back to the 1990s, you will realise that these are the same people who purported that they could take over this country. I am telling them that that was not the last Speech by President Uhuru. The President is still remaining with five more speeches to deliver to the nation from this House. I know that Jubilee is going to retain power. It will continue leading this country. I do not see why NASA is telling lies and talking with the loud voices saying that it is going to take over this country. Some of them are talking here but at night, they are at State House taking money or looking for jobs for their children. We know them.

The President visited Somalia the other day and we cannot blame him that he took long. It is the generals of the Kenya Defence Forces who are supposed to prepare the visits for the President. If it is about blame, then it is the generals who delayed to tell the President that he is supposed to visit the military officers in Somalia.

Let us talk about water. In my area, for the last 28 years, I have never seen piped water but now it is there. The roads are also being tarmacked now.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us now hear the Member for Githunguri, Hon. Njoroge Baiya.

Hon. Baiya: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to note and appreciate His Excellency the President for the Speech that he gave. The Speech by the President is a creation of the Constitution that the President, once every year, will give a State of the Nation Address in terms of values, international obligations as well as security.

However, it appears that some sections of the Members of Parliament have beef with this same thing that we put in the Constitution. Let it be appreciated that when the President speaks,

he speaks as an institution. He is the President of the Republic and he is giving a state of affairs vis-à-vis what his Government is doing. It is being said that he did not say this or that.

Certainly, in a Report, there is no way the President can manage to give everything. He can only highlight the things that are being done. It is very interesting to hear what some of our colleagues in the Opposition have said to the point even of objecting to statistical information that is contained in very standard documentation.

As a matter of fact, the President could only have taken this country from where he found it. Even if you have personal grudges against the President, at least, appreciate the programmes and initiatives being carried out and support them where you can because being in the Opposition does not necessarily mean that you are not part and parcel of Kenya.

I applaud the Jubilee Government for the various initiatives it has made. If you cannot agree that there is growth of the economy by 5.9 per cent, at least, you will not mistake it when the President tells us the country's revenue has grown in the last four years from Kshs845 billion to Kshs1.2 trillion as of December, last year.

Even when we talk about issues like devolution, this is a very significant achievement this country has made. We did not expect and never dreamt about realising all the positive advantages of devolution. However, the most important thing is that we can see there is a clear commitment by the Government to implement the new system and the constitution. When we say that we have a devolved system, some of the work on the discrepancies we are talking about needed to be done by this National Assembly. If you keep blaming the President for every failure in this country, I believe we will be missing the point completely because the President can do so much as his office permits. The rest is for the Kenyans to support the system, the country and the programmes that are being rolled out.

When we talk about corruption, you only need to look at the audit report to see that there has been clear improvement in terms of the fight against corruption. I am not saying that there is complete absence of corruption, but over the years, there is clear improvement partly because of what the Government is doing and also because of the infrastructure of accountability we have put up as a country. Therefore, broadly speaking, the country has made significant gain. They are being noted by others even outside this country. Even if the Opposition does not want to see them, they are being seen even by others and if you keep speaking about your country in such negative terms, woe unto you because if you were to ever come to power, you will also be judged and assessed the same way you are doing.

As I conclude, I would urge that we speak as responsible members of this country and not to speak negatively as if there is nothing we can appreciate about this Government. Remember what President Obama said when he came to this country; that if you are in the opposition and your work is to oppose everything your Government does from day one, then it is a big misfortune. It proves that you are not a leader. A responsible leader will support his Government, let it perform and only comment after the work has actually been done.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member for Kisumu East, Hon. Shakeel, now you can address your dissatisfaction on the sentiments.

Hon. S.S. Ahmed: Thank you, Hon. Temporary Deputy Speaker. I would like to speak on the Address on the State of the Nation. My colleague has just mentioned something that the State of the Nation Address is a creation of the Constitution. The Speech by His Excellency the President was a creation of the misinformation that was given to him by his Executive. I cannot blame the President if his people have misinformed him.

God really loves this country. If, after all the problems we are getting like corruption and everything else, we are still surviving, it is only through God's grace that we have survived, but we must speak out. That is why devolution is there. Even Caesar, as a good leader he was brought down by the people around him. I sometime feel for the President because he is a good man. For those who have met and known him, he is a good man. Unfortunately, he is misinformed. He is taken hostage by some people who are using the institution and the person of the President for their own gain. That is important to say. I think His Excellency has given the speech which he was told to give. When I was looking at him, I do not think he was convinced that what he was saying was actually true. I will not say that he was lying but I will say that he was probably wondering whether some of the stuff that he said had actual bearing.

I spoke to His Excellency four years ago with the Cabinet Secretary for Education, Science and Technology, who is now the CS for Lands. I told him:

"This one laptop per child programme that you have has worked very well in Rwanda and other places. Why do we not listen to what they have and learn from them?"

He asked the CS to look into this. Nothing happened. They went round and round, down and up and now we have ended up with these so called gadgets. I wish you see them, Hon. Temporary Deputy Speaker. I have one school called "Okok Primary School". They sent us those things. They are basically smartphones.

Be that as it is, Kisumu is based on the railway and our life is based on the railway. My grandfather came here to work on the railway. We were very pleased that we were going to have a fast electric train coming from Mombasa to Kisumu through Nairobi. What we are seeing is not even electric. Even the track is not electric. We were told at the last minute that we are getting diesel trains. I think again it is the Executive that has misled him to a situation where he cannot do anything else.

In the Luo language, we have something called *ong'ongruok*. *Ong'ongruok* is a chameleon. It is an animal that changes colour to suit the environment. I am afraid that the current Executive is giving him false information. There are issues of the Eurobond, the borrowing of trillions of shillings and corruption. I know that he hates corruption. There are tears in his eyes when he talks about corruption, but his own people have held him hostage.

As we speak now, Waiguru will stand for governorship. As we speak now, some of those people who have taken millions and millions of shillings are not taken to court to be charged. As I speak now, some people who were just like, as I said, Kamau, were taken out for a small issue.

I feel that this is not right. God loves this country and we urge the President to get rid of those people who are misleading him. You cannot bring lies to this Parliament. Even if you do not believe them, do not bring those things here because you are the President and the institution. We respect you, but, please, do not allow those people to give you a speech which you are not in agreement with.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us now hear Hon. Bady Twalib, Member for Jomvu.

Hon. Bady: Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii nichangia hotuba ya Rais. Wakati nchi hii ilipata Uhuru, ilifanya hivyo kwa sababu ya kupigana na umaskini, ujinga na magonjwa. Leo tunavyozungumza, umaskini umezidi katika nchi hii ya Kenya. Ufisadi lazima uangaliwe kwa sababu umekuwa kama jambo la kawaida. Tunajua kuwa tunaweza kupigana na hali hii pamoja.

Ufisadi si jambo ambalo linaweza kupiganiwa na mtu mmoja. Ni lazima Serikali iliyo mamlakani ifanye juhudi kuangalia vile itapigana na mambo ya ufisadi. Leo ninashangaa vile

mwenzangu Mhe. Waluke alivyozungumza hapa kuhusu Serikali. Alisema karibu miaka 26 iliyopita, hakukuwa na maji kwake na leo ameona maji ya mifereji kwake. Mimi ninatofautiana vikali kabisa kwa sababu katika kaunti yangu ya Mombasa na viunga vyake, leo tunalia hatuna maji miaka mingi baada ya kupata Uhuru. Watu wakiona maji ni kama wameona almasi.

Ni juzi tu, Mhe. Rais alipokuwa Mombasa ndivyo Waziri wa maji, Bwana Eugene Wamalwa alisema anatambua jambo hili ni la kweli. Lakini watu wa Mombasa watakaa kwa miezi sita ili waende kukopa pesa ili waangalie vile watarekebisha. Miaka hii yote watu wamekua wakiteseka, tutasubiri tena miezi sita? Hili si jambo ambalo Serikali inafaa kuliweka kando.

Maji ni uhai na ni lazima yaletwe kwa wananchi. Ukiangalia sehemu yangu ya Jomvu, utaona kila siku ninasema jambo hili Mikindani, Miritini na Jomvu Kuu. Ukitembea barabarani, mabomba yaliyoletwa na World Bank, yamekaa kando ya barabara badala ya kuchimbwa na kuwapa watu maji. Jambo hili ni la kusikitisha. Ukipita barabara ya kutoka Nairobi kupita Jomvu, utapata watu wamekaa na mitungi kutafuta maji barabarani. Utasikitika watu wako kwa hali mbaya. Sina haja ya kusema mambo ya maji zaidi ya vile nimesema.

Jambo lingine ni ugatuzi. Rais hajasema ukweli wa vile hali ilivyo. Huwezi kusema kwa Bunge kuwa unaamini ugatuzi halafu ukitoka nje ya Bunge, unazuia vyombo vinavyohusiana na mambo ya ugatuzi.

Ninasema hivi nikimaanisha kile kitendo kilichotokea juzi kilichompata Gavana wa Mombasa, Mhe. Ali Hassan Joho kwa kuzuiwa kuhudhuria jambo ambalo kila mmoja anajua la Kaunti. Sisi tulipitisha Katiba na tunajua kuwa huduma za ferry ziko katika kaunti. Leo hii kusema kuwa unaamini ugatuzi na vile vile kuangalia kuwa viongozi ambao wako katika mambo ya kusimamia ugatuzi unawazuia, sidhani maneno haya ni ya kweli.

Ni lazima tukisema tunakunywa maji, tusiwaonyeshe tunakunywa maji kumbe ni pombe. Tukisema tunakunywa maji, tunywe maji. Nitasema vile ndugu yangu Mhe. Shakeel Shabbir alivyosema. Rais hana shida, lakini wale wanaomzunguka ndio wanaompa mawaidha ambayo hayana maana ama hayaeleweki. Hivi sasa, tunavyozungumza tuna jukumu la kumuangalia Rais.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Wakati wako umeisha!

Hon. Bady: *(Inaudible)*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We are not allowing that. Let the others have a chance.

Hon. Bady: Mwisho kabisa, namshukuru.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, let the others have a chance. You have spoken very well.

Hon. Bady: *(Inaudible)*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I have recorded that. *Umesema asante sana.*

The Member for Matayos, Hon. Geoffrey Odanga, you have the Floor.

Hon. Odanga: Thank you, Hon. Temporary Deputy Speaker. I would also like to make comments on the President's State of the Nation Address to this House and the nation at large. I realise that the President's Address to the nation was nothing but a mere campaign forum where he found an opportunity to tell Kenyans why they should vote for him and his Government.

Quite a number of things that the President mentioned have not been realised. The promises they made to Kenyans when they campaigned before the 2013 elections have not been

realised. I have heard a few Members talking about infrastructure development that in the last four years, this country has made great strides in infrastructure development.

In the whole of Busia County, we have not seen even a quarter kilometer of a tarmac road since the Government took power in 2013. I wonder where these roads are, yet they are supposed to be done in every constituency every year. Not even one to date. If there is one to begin, probably it is another campaign gimmick to lure the people of Busia to vote wrongfully.

The state of security in this country has already been mentioned. It is too bad. We do not want to hear people chest thumping when Kenyans in the countryside are dying when they pay taxes to have their border secured. Why should they then kill each other within our borders when the country has security apparatus which should operate? That is a failure by the Government of the day. That is something that should be taken as a priority and it would be very bad to bury our heads in the sand like the proverbial ostrich. This is particularly from our friends on the other side of the House when your own people are the ones being killed and State security agents are sleeping on their jobs. The President and the Government must wake up and address this once and for all.

He also talked about deepening democracy. We know how the democratic space that is there today came about. It came about because of the push of Kenyans. Democracy had gone to the dogs. We cannot argue and talk about deepening democracy today when State's security apparatus are threatening that should elections be rigged and people complain and go to the streets, they will be arrested. If that is the kind of democracy that we are told about, then we can only say that we are not talking the truth. We are lying to Kenyans and the President needs to tame his security apparatus from threatening people against demonstrating, which is enshrined in the Constitution after the elections should they sense that their victory has been denied, that they will not be allowed to do so by the security apparatus. That is not the security we are talking about. Let the Government set right procedures. Let elections be done under tight watchdogs like the IEBC and let the results be genuine. No Kenyan will go to the streets to demonstrate.

Issues of water have been raised. In some of the places we come from, people have never seen water. All taps and wells are dry and there is nothing for people to be proud of. As a teacher, if I was to give the President marks, I would have given him 4.5 out of ten from the Address and looking at what the Government may have done since it came to power. All in all, the buck stops with the President. We should not bury our heads in the sand by saying it is the people who are misadvising the President. He has the onus to choose the right people to direct him.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Well spoken. The Member for Malava, Moses Injendi, you have the Floor.

Hon. Injendi: Thank you, Hon. Temporary Deputy Speaker. I rise to also appreciate the Speech by His Excellency. I appreciate this Speech because most of the things he was talking about were real. These are the things you see and experience. For example, when he talked about launching of the e-platform, having created an environment where this is launched, it is real. When it came to renewing my driving licence, before we would go to places and make long queues the whole day, but because of what he is doing across the country, I renewed my licence using my phone.

Hon. Temporary Deputy Speaker, there was a time when we were clearing for Jubilee nominations we would have long queues at the Credit Reference Bureau offices. The things he

was talking about are real. When it came to clearance at CRB office, I did it on my phone. I also had to apply for the Certificate of Good Conduct on my phone.

I know it is good to have the Opposition to keep us in check, but it is not for them to always criticise even what is good. But we may forgive them because even the Bible is very clear that Jesus did very many things, but there were those who kept criticising him. He healed but they always said he was not healing. Maybe that is the business of the Opposition, but we know work is going on.

When it comes to power connections, I am just surprised that Hon. Kaluma says power was not connected to schools and it never took off. We know power has been connected to schools and it has on. Even in my constituency, power has been connected to a school that was registered the other day and still has *matope* classrooms. The school is called “Shirulo Primary School”. It is in some place in Malava.

Power is being connected to the poor. Before, in Malava, we used to have no power. The first time power was connected to Malava District was when Kibaki took power, but then it was only available to the rich. As we talk now, the very poor, like Jacob Shirandula in Webuye, have their mud-walled houses connected to power. Grass-thatched houses which are common in Malava are connected to power without paying anything. So, this is real.

Hon. Temporary Deputy Speaker, I am happy that Malava Sub-County Headquarters is one of the sub-county headquarters that have benefitted from street lighting. You can imagine, a district headquarter has not been having power all this time. It was launched the other day. Now Malava is fully lit and business is booming. People are working throughout the night. This is real. This is something you can feel. So, it is a lie when I hear the Opposition saying they cannot see this. I am just wondering whether they are just there to criticise.

The only thing which made me a bit uncomfortable was the idea of the wage bill; reducing the salaries of Members of Parliament. I want to advise Sarah Serem to be careful with this. Hon. Members have many responsibilities – hospital bills to settle, funerals to attend and so many other things to do. I am just from a meeting in town where some people were waiting for me. When I went to meet them, I found them with a bill of Kshs10,000. I had to pay. This is the work of a Member of Parliament. When it comes to the wage bill, which I know it is too heavy, I propose we reconsider the status of the Senate in this country.

Imagine all of the senators are going to vie for positions in the National Assembly, as MCA or governor. This means that those who have been there have realised that there is not much business in the Senate. I urge that if we have to control the wage bill, we look at the position of the senators. Otherwise, these are the persons we are supposed to have had in power for these many years. We believe we will continue supporting this Government. Come August we should re-elect this Government so that we can continue enjoying these facilities.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member for Manyatta, you have the Floor.

Hon. J.M. Nyaga: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice to this debate. Number one, I want to thank the President for the Speech because he highlighted what Jubilee promised in 2013. Among them, he talked about connecting electricity to our schools. More than 14,000 primary schools have been connected, although there a few, like in my place, which are not connected. But I have been promised by the Cabinet Secretary for Energy that, that school will be connected towards the end of May.

The President also talked about e-Citizen. Before, our constituents travelled long distances to register companies here in Nairobi. But with Huduma centres, they are doing everything within the counties. That is a commendable job but I wonder why CORD cannot see that.

He also talked about the Standard Gauge Railway (SGR). Since Independence, the four successive Governments have never added even a single metre of railway. Today, we can see there is a railway which is going all the way to Naivasha. For the efficiency of the economy, that is an improvement.

The President also said that the public debt is 50 per cent of the GDP, which means that we are able to service our debts. He also talked about the Medical Equipment Service (MES). If you check critically, you will find that in all our 92 hospitals, every county has two referral hospitals. We need to appreciate that, although there was a problem with the doctors just the other day, if you visit some counties - I do not want to talk about all the counties - you will see there is improvement in health.

Hon. Temporary Deputy Speaker, we should support devolution. That is the only saviour for our people. Instead of referring our people to Kenyatta and other hospitals, they can now access that service in our counties.

The President talked about the big four countries like Japan, Germany, Korea--- Even Obama and the Pope have visited this country because of the confidence in the leadership of this country. He also talked about investments. Volkswagen has started an assembly plant in Thika. That will offer our people jobs and improve the economy of this country.

The President also talked about reducing salaries, and this is the gist of the matter.

I would even suggest reduction of salaries for Members of Parliament and MCAs. That is why our people are fighting for these positions. Let us be paid allowances, get medical cover and maybe a small retainer and remove this business of being paid big salaries. That is why even doctors and professors want to come to this House. However, when they come here, they eventually realise that there is no money. I am, therefore, in support of what the President suggested. The wage bill is huge.

We should also consider reducing the number of MCAs and Members of Parliament to be nominated. We have more than 2,500 elected MCAs and we can corrupt them. Maybe after the general elections we should have a referendum to review our Constitution. That is when all of us will agree on the changes to make in the areas that the Constitution is giving us problems.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, the Member for Kajiado North.

Hon. Manje: Thank you, Hon. Temporary Deputy Speaker for giving me the chance to contribute to this Motion. I support the President. He highlighted the state of the nation. The Opposition is engaged in what is called “negative opposition”. They just oppose for the sake of opposing.

The Jubilee Government has kept the promise. The Government has done what it has promised Kenyans and our country is on the rise. It is very clear. If you go outside Nairobi, you will find many construction works going on. This is a country that is growing. There are positive economic indicators. If you forget about what the Opposition is saying, you will see that this country is on the rise.

This Government has laid a very good foundation for our counties and we can now see stable counties. Resources and functions have been transmitted to the grassroots. It means this

Government has implemented the Constitution and so it should be given another chance to continue leading this country.

I also appreciate that the President promised Kenyans to have a free, fair and democratic election. This year is challenging because it is an election year. He promised that Kenya will remain intact even after the elections. He also indicated the approach the Government is taking to fight corruption that has been in this country. There is that multi agency approach to fighting corruption. The introduction of the Asset Recovery Agency which is recovering assets even from abroad is a very good thing. There is also a financial reporting system in the country.

Recently, we also introduced mechanisms to control SACCO. This is to make sure that they report their financial status.

This Government has done a lot in terms of road infrastructure. If you look at the interchanges and bypasses that we have in Nairobi, you will realise that this is a country on the move and is growing. In Nairobi, we have modern high rise buildings meaning that there is positive development.

The SGR from Mombasa to Nairobi has its first phase almost complete. I remember the President inviting Members of Parliament to join him this June for a ride from Mombasa to Nairobi. He was applauded for that.

The Second Phase will be passing through Kajiado North, which is my constituency. It will have some stations and we will be using it to avoid traffic jams on our roads. The Government has introduced e-citizen in this country. Today you can sit on your desk and register a company. You will get your PIN immediately and then submit the company's Memorandum of Association. You are also enabled to pay the registration fees via *Lipa na Mpesa*. This is something that has not been done by any other country in Africa. Actually, we are ahead of well-developed economies when it comes to the application of Information Communication and Technology (ICT) in this country.

There is the issue of social protection. We now have Huduma Centres operating and we are very proud of them. The President highlighted the challenges that we have over the wage bill which I believe the Government will work on.

I support. Thank you very much.

The Temporary Deputy Speaker (Hon. Mbalu): Let us have Hon. Chebet, the Member for Elgeyo Marakwet. I will add you two minutes.

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker. I appreciate the Speech by His Excellency the President on the state of the nation, especially his remarks on the development that the Government of Jubilee has achieved since 2013.

Yesterday, I was in one of the most remote schools in Elgeyo Markwet County. This is in a place called Kocholwa. The school is called Kabechei Primary School. I found teachers being inducted on the use of laptops. I was very happy because our children can use laptops and interact with the teachers using the gadgets in such a remote area. I was so impressed because all along we have been thinking it is not possible for the laptops to work especially in the rural areas. The electricity connections have helped children in remote areas access laptops like other children in Nairobi and other cities.

Therefore, I would like to congratulate the President for the achievements that he has realised so far. The only thing which I need the President to look into is the issue of corruption and insecurity. Once we have those ones checked, we will progress and move to the next level.

I wish the President and his Government very well as far as the next general elections are concerned. I know they will win and form the next Government.

Thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, the time being 6.30 p.m., this House stands adjourned until Wednesday, 22nd March, 2017, at 9.30 a.m.

I thank you all.

The House rose at 6.30 p.m.