

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 31st March, 2015

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

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

The Address by His Excellency the President during the State of the Nation Address, pursuant to Standing Order 24(5).

Report on the measures taken and progress achieved in the realisation of national values and principles of governance, pursuant to Article 132 (1)(c) of the Constitution, and an annexure of a confidential report from the Ethics and Anti-Corruption Commission to the Presidency, dated 30th March, 2015 on the current status of corruption cases under investigation.

Report on progress made in fulfilment of the international obligations of the Republic, pursuant to Article 132 (1) (c)(iii) of the Constitution.

Annual Report to Parliament on the state of national security, pursuant to Article 240(7) of the Constitution and Section 16 of the National Security Council Act.

The Public Finance Management (National Government) Regulations, 2015 and the explanatory memorandum therein, in accordance with Section 11 of the Statutory Instruments Act, 2013 and Section 205 of the Public Finance Management Act, 2012.

The Public Finance Management (County Government) Regulations, 2015 and the explanatory memorandum therein, in accordance with section 11 of the Statutory Instruments Act, 2013 and section 205 of the Public Finance Management Act, 2012 Legal Notice for Declaration of the National Government Entities (State Organs), in accordance with Section 11 of the Statutory Instruments Act, 2013 and Section 4 (1) of the Public Finance Management Act, 2012

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, for avoidance of doubt, those last three regulations have some timelines. Since they are subsidiary legislation, they fall in the category of delegated legislation. The three of them will be referred to the Committee on Delegated Legislation, which should sit alongside the Committee on Budget and Appropriations and the Committee on Finance, Planning and Trade. I know that having the three Committees sit together will be like having another Assembly, nevertheless, in

terms of the provisions of the Statutory Instruments Act, those regulations must go to those Committees. I appreciate that in the past, specifically in the last Parliament, the Committee on Finance Planning and Trade as well as the Budget and Appropriations Committee played a lead role, because they are the two Committees to inform the Committee on Delegated Legislation of what is contained in the regulations, and what needs to be decided on them. That is the way they will be dealt with.

If you look at Section 205 of the Public Finance Management Act, 2012, you will see the timelines that I am talking about. I am aware that the House will be proceeding on recess, hopefully, at the close of business on Thursday 2nd April, 2015. Nevertheless, the Committees should be able to consider those regulations.

Yes, hon. Moses Cheboi.

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

The Second Report of the Powers and Privileges Committee on alleged breach of privilege and/or conduct by the membership of the Public Accounts Committee, (Volume 1).

Hon. Keynan: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, 31st March 2015:-

The Nineteenth Report of the Public Investments Committee (PIC) on the audited financial statements of State corporations, Volumes I and II.

Hon. Kamau: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Tuesday, 31st March 2015:-

Progress Report on Inquiry of the Introduction of Thin Sim Technology in Kenya.

Reports on the Post-Expo 2014 held in Stockholm, Sweden between 23rd and 25th September, 2014.

Report on the Visit to Multichoice Africa and Johannesburg, South Africa, between 7th and 10th December 2014.

Hon. Speaker: Next Order!

NOTICES OF MOTIONS

EXPOSITION OF PUBLIC POLICY IN PRESIDENTIAL ADDRESS

Hon. A.B Duale: Hon. Speaker, I beg to give notice of the following Motions:-

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 26th March, 2015 and laid on the Table of the House today, Tuesday, 31st March, 2015.

NOTING OF REPORT ON PROGRESS

ACHIEVED IN GOVERNANCE

THAT, pursuant to Article 132(1)(c)(i) of the Constitution, this House notes the Report on the measures taken and progress achieved in

the realization of national values and principles of governance submitted by His Excellency the President on Thursday, March, 26th 2015, and laid on the Table of the House today, Tuesday 31st March, 2015.

NOTING OF REPORT ON FULFILLMENT
OF INTERNATIONAL OBLIGATIONS

THAT, pursuant to Article 132(1)(c)(iii) of the Constitution, this House notes the Report on Progress made in fulfilment of International Obligations of the Republic submitted by his Excellency the President on Thursday, March, 26th 2015, and laid on the Table of the House today, Tuesday 31st March, 2015.

NOTING OF REPORT ON STATE
OF NATIONAL SECURITY

THAT, pursuant to Article 240(7) of the Constitution and Section 16 of the National Security Council Act, this House notes the Annual Report to Parliament on the State of National Security submitted by His Excellency the President on Thursday, March, 26th 2015, laid on the Table of the House today, Tuesday 31st March, 2015.

ADOPTION OF SECOND REPORT OF POWERS
AND PRIVILEGES COMMITTEE

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

THAT, this House adopts the Second Report of the Committee of Privileges on Alleged Breach of Privilege and/or code of conduct by the membership of the PAC (Volume 1), laid on the Table of the House today, Tuesday 31st March, 2015.

ADOPTION OF NINETEENTH REPORT OF PIC

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

THAT, this House adopts the Nineteenth Report of the PIC on Audited Financial Statements of State Corporations (Volume 1 and II), laid on the Table of the House today, Tuesday 31st March, 2015.

Just for your information, this is an unprecedented Report in its own right. It contains Reports of 71 State Corporations from 1988 to date. I urge my colleagues to read and note its contents.

Hon. Speaker: It looks like most Members did not hear what you were saying. You said that it is unprecedented. I think it is fair that Members get copies of that Report (Volumes I and II). You should not provide one Volume only; provide Volumes I and II of that Report, so that when debate commences, you will debate from a position of information and knowledge. I hope that with information, it has become a little bit clearer

for the benefit of Members who did not listen to what hon. Keynan was saying. It is absolutely important.

Members, before we proceed, allow me to recognize students from the following institutions: Moi Forces Academy in Kamukunji Constituency, Nairobi County; Dugamano Secondary School, in Kigumo Constituency, Muranga County, and Dugamano Primary School in Kigumo Constituency, Muranga County, who are seated in the Speaker's Gallery.

Welcome to Parliament.

(Applause)

Next Order!

POINT OF ORDER

Hon. Speaker: Hon. Junet, what is your point of order?

Hon. Nuh: On a point of order, hon. Speaker. I wish to seek your indulgence on a matter that I wish to seek your ruling and guidance on. I really appreciate your in depth knowledge of jurisprudence in matters of the Constitution and law in this country. I wish to raise matters touching on the Constitution and law before the Motion on the Presidential Address is moved, so that we can clear our minds on issues that we have doubts in.

This House is the author of all the laws in this country and we must abide by them. We must also interrogate them whenever they are being applied. The Motion that is almost being moved is a very important one, because it touches on the preamble of our Constitution, which sets out the aspirations we placed upon ourselves as we set off on a journey to a perfect nation. We decided amongst ourselves and kindred on a Government based on human rights, equity, freedom, democracy, social justice and the rule of law.

Hon. Speaker, Article 35(3) says that the State shall publish and publicize any important information affecting the nation.

Hon. Speaker, this Motion contains information which affects this nation in a most profound way, as it puts its great focus into world focus, and I dare add the leadership of this nation at its very highest level in the national Government, county governments, the National Assembly, the Senate and our independent institutions of governance.

Article 132(1)(c) of the Constitution mandates the President once in every year to report in address to the nation all the measures taken and the progress achieved in the realisation of our national values. The same Constitution, Article 132(2)(c)(ii), mandates the President to publish in the *Kenya Gazette* the details of the measures taken and progress made. It also mandates the President to submit a report for debate to the National Assembly on the progress made. The annexure, which is part of the Presidential Address that we are going to discuss, has not been published in the *Kenya Gazette* that I am aware of. I keenly buy and read the *Kenya Gazette*. This is in contravention of the Constitution. I seek your ruling.

Article 254(1) says that as soon as practicable, after the end of each financial year each commission and each holder of an independent office shall submit a report to the President and to Parliament. I agree that what the President did is good. He should tell the country who are corrupt and who are not, but the mandate of making the report to Parliament is vested in the Ethics and Anti-corruption Commission. I have not seen compliance with Article 254. I wanted to know whether they have submitted any report to Parliament as an independent institution.

To finish my point of order, every report that is required from a commission or holder of an independent office under this Article shall be published and publicised under Article 254(3). I do not think anybody has complied with that Article. Article 254 says that you must publish and publicise it. Article 35 also says that you must publish and publicise it. So, we cannot debate a Motion which is not in concurrence with the Constitution of the Republic of Kenya.

With those few remarks, I request your ruling and indulgence as to whether the Motion that the Leader of the Majority Party is about to move is in line with the great Constitution of this Republic.

Hon. Speaker: I will allow the Leader of the Majority Party to respond, but it is good to give guidance. Hon. Junet has raised issues touching on Articles 35, which is on access to information; Article 132(1)(c)(ii) and Article 254(2) and (3). As we respond to this, we should not go to other areas. I suspect that hon. Junet may also have been making references to various provisions of the Anti-Corruption and Economic Crimes Act, 2003 as amended in 2012 in terms of the requirement for reports to be under the seal of the Commission, and that there must be some signature of either the Chair of the Commission or any other authorised officer. We can limit ourselves to those provisions. It is not a very complicated matter, but it is a matter that could be exciting.

Yes, Leader of the Majority Party.

Hon. A. B. Duale: Hon. Speaker, with a light touch, hon. Junet is reading his point of order and he is teaching the new Members, like hon. Memusi, bad practice. You do not read a statement.

Let me make it clear that Article 132(1)(c) says that:-

“(1) The President shall-

(c) once every year-

(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values referred to in Article 10”.

I have no problem with that one. Subparagraph (ii) provides that:-

(ii) publish in the Gazette the details of the measures and progress under sub-paragraph (i) and---”

I am sure that Gazette Notice is in the custody of Parliament.

Let me go to Article 254 before I come back to Article 35. I kept reading Article 254 over the weekend when I saw very senior lawyers that I respect in this country saying that the President received the list of the Ethics and Anti-Corruption Commission fraudulently, or outside the Constitution. Article 254(1) states very clearly, both in spirit and in the letter of the Constitution, that:-

“(1) As soon as practicable after the end of each financial year, each commission, and each holder of an independent office, shall submit a report to the President and to Parliament”.

This means that the Auditor-General and the Controller of Budget, within Chapter 15 of the Constitution, shall submit a report to the President and to Parliament. At the end of every financial year, the President must receive a report from the Ethics and Anti-Corruption Commission, the Inspector General of Police, the Office of the Director of Public Prosecutions, Commission on Revenue Allocation and any Commission under Chapter 15.

In Sub-Article (2), it says that:-

“At any time, the President, the National Assembly or the Senate may require a commission or holder of an independent office to submit a report on a particular issue”.

This requires the Ethics and Anti-Corruption Commission or holder of any independent office to submit a report on a particular issue. So, the President can write to the Ethics and Anti-Corruption Commission requesting a status report.

With regard to (3) by which, my good friend, hon. Junet, rests his case, I am sure his attorney might not have been a good one; it says that:-

“Every report required from a commission or holder of an independent office under this Article shall be published and publicized”.

By tabling those reports this afternoon, I publicised and published them. When we table a report here, it becomes a public document. It is publicised. For the avoidance of doubt, the Senate had a sitting this morning. My colleague, the Leader of the Majority in the Senate, tabled it.

Hon. Speaker, the most publicised documents from 9.30 a.m. to this minute in our country is none other than the documents tabled and given to you by the President. As we sit here, the whole nation is seized of and is discussing this Report.

Let me come to the controversial aspect. Hon. Uhuru Kenyatta has touched the most high voltage nerves, which were never touched even by his father. Nobody has a problem with the report on security and the report on our international obligations. The one that is bothering everybody is the annexure from the Ethics and Anti-Corruption Commission. What made the President bring it? Was he within the law? Article 254 says that the President is supposed to receive at the end of every financial year a report from the Ethics and Anti-Corruption Commission. It says he can ask for it.

Article 132, again, talks about what the President is supposed to do. He is supposed to report, in an address to the nation, on all the measures taken and progress achieved in the realisation of national values referred to in Article 10 of the Constitution. So, the President cannot come here and talk about Jubilee. He must come to this House and talk about his achievements and realisation of national values based on Article 10 of the Constitution.

For avoidance of doubt, Article 10 of the Constitution talks about national values and principles of governance, which include good governance. President Uhuru Kenyatta talked about it. It also talks about integrity, transparency and accountability. This involves telling Kenyans who is involved in public resources misappropriation.

Today the country knows that the constitutional principle that one is innocent until proven guilty still holds. Up to now, nobody is guilty. Under Article 10 of the Constitution; the President must tell Kenyans about national unity, sharing and devolution of power, the rule of law and democracy, and participation of the people. He must also talk about human rights, dignity and equity, social justice and inclusiveness. We have been talking about two tribes being against many others. The President must talk about non-discrimination. Article 10 of the Constitution tells the President to bring any document he has to Parliament and to say anything he feels like saying.

Hon. Nuh has asked if the President has published the document. That is what I did this morning, within the Standing Orders. We could not give that document to the country on Friday or Saturday because we respected procedure and the Standing Orders. We did it this afternoon for the National Assembly. I did not know that my colleagues in the Senate had a morning sitting. This morning, the moment the Leader of the Majority Party tabled the documents, they became public. They have been publicised and are on television.

Hon. Speaker, I hope you will give us good guidance. I am sure the men and women in this House gave a voluntary standing ovation to the President; this has never happened since Independence. You cannot give a standing ovation and then backtrack on it. Nobody compelled you to do so. It was because the interest of the nation was stated in black and white. Corruption was laid bare. People who had issues were laid bare.

The President apologised. Some of us have suffered serious historical injustices. A fund was set up for us. He apologised to the people of Wagalla. Former Presidents Moi and Kibaki never did it. The matter before us is public.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, for avoidance of doubt, familiarise yourselves with Standing Order 107. If somebody says something you do not agree with, that is not an occasion for you to claim to be rising on a point of order. If you are judged to have raised a false point of order, you will be deemed to be grossly disorderly. I want you to be very clear because we agreed that we must administer the Standing Orders very strictly and to the letter. It is not everything that somebody says which you do not agree with that constitutes disorder. Remember that hon. Nuh rose on a point of order, which hon. A.B. Duale was responding to. Now everybody is on a point of order. I can see several of you were requesting to rise on a point of order. I do not want anybody to rise and address anything different from this one. The issues of Articles 35, 132 and 254 relate to the values and all those other things mentioned in Article 132.

The issue hon. Nuh wants to canvass is if the Motion is properly before the House. That is all. I do not want people to rise and start claiming other things. Do not try to make a personal statement here. If you do, you will be out of order. It is only about whether the Motion is properly before the House. That is the issue. We do not want people who are going to start exonerating themselves from this or the other. This is not the stage as yet. I am saying this because some of you have approached me for various reasons. I can see that most of you have opened their eyes wide because you think this is the opportunity. It is not. First of all, let us deal with the issue of admissibility of the Motion.

Hon. Nyamweya, you have the Floor.

Hon. Nyamweya: Thank you, hon. Speaker. I require your indulgence. I have gone through this document. I expected the annexure that was forwarded to Parliament to have been signed by the person who forwarded it. I am probably missing the page on which the person who forwarded the document to the House signed. Nobody has signed this document to show where it has come from.

Hon. Speaker, I need your indulgence so that we know exactly who its source is. Definitely, the person who authored it is not the President. It was forwarded to us to discuss. I agree with what the President said. His Address was great. However, the procedure is very clear; that we need the signature of the author of this document as well as the covering letter which forwarded it. I want you to guide us on that point.

Thank you.

Hon. Speaker: Hon. Members, just before you get into trouble, the letter forwarding this document was not written to Parliament. It was written to the Speaker of the National Assembly. I cannot come here to bring a letter addressed to me. The method of communicating what I receive from the President is provided for in our Standing Orders. It is through messages. So, even as you think you are being clever, please realise that some of the things you may be asking are not available to you. The letter forwarding the document is not for your attention. However, you have raised a valid point, hon. Nyamweya – that there is no signature on the report. I am going to address that aspect very soon. Is there any other Member who wants to comment?

Hon. Aluoch: Hon. Speaker, allow me to, with all humility and respect, to disagree and unequivocally say that the issue that hon. Nuh has raised---

(Loud consultations)

Hon. Speaker: Hon. Members, please, I need to hear what the hon. Member is saying. Those of you who may not want to hear what he is saying can take a walk and allow those of us who want to hear to hear it. It is futile for the hon. Member to rise, address the House and I do not hear what he is saying. How will I rule on something I never heard?

Proceed, hon. Aluoch.

Hon. Aluoch: Thank you, hon. Speaker. Allow me to, with all humility and respect, disagree with you. The issue that has been raised by hon. Nuh is much more serious than just a question of interest. This is because the issue is basically how reports from independent commissions come to Parliament. How do they do so? It is important for us all to understand what Article 254 of the Constitution says. That is how reports are received by Parliament. Article 254 of the Constitution says:-

“As soon as practicable, after the end of each financial year, each commission and each holder of independent an office shall submit a report to the President and to Parliament.”

The Report that we have before us was not submitted to Parliament by the Commission. It was submitted to Parliament by the President. That, in itself, offends Article 254 of the Constitution.

Hon. Speaker, what we are discussing now is going to set a very serious precedent that other Houses will have to follow. We have to be very serious about it, and we must be conscious of the fact that we must follow the Constitution.

In my humble view, the Report ought to have gone to His Excellency the President and to Parliament simultaneously. As it is now, the Report came as an annexure to the Address of the President. In fact, I was very keen on Thursday last week.

Hon. Speaker: Hon. Olago Aluoch, you are now addressing the issue raised in Article 254 (1) of the Constitution. Can you go beyond that Article? This is because whatever we have here is not what you are referring to. Just to assist you, go beyond Article 254 (1).

Hon. Aluoch: Hon. Speaker, do you want me to refer to Article 254 (2)? Article 254 (2) which is completely different from Article 254 (1) says:

“At any time, the President, the National Assembly or the Senate may require a commission or holder of an independent office to submit a report on a particular issue.”

Parliament did not ask for a report when President came.

(Loud consultations)

We need to understand this. I am talking on a very serious note. Look at me carefully.

(Laughter)

The interpretation of Sub-Section (2) is not what you think. It simply says that the President, the National Assembly or the Senate can ask for a report. We did not ask for a report. If the President wanted a report then he wanted it for himself but he has no right to bring it to the House. What I am addressing is an issue that does not require numbers but your direction to the House. So, I am not terrified that there are people saying “no”. I know that this interpretation is the correct one.

Thank you.

Hon. Speaker: Any other person who feels that he or she wants to address the issue? Hon. Cheptumo.

(Loud consultations)

I told you that we must allow both sides to speak.

Hon. Cheptumo: Thank you, hon. Speaker. I wish to say that if you read Article 35 of the Constitution, it is so clear. It provides that every citizen of this country has a right to access any information. I do not think this is so much of an issue about what is before us now. Article 132 (c) (ii) and (iii) says:-

“The President shall—

(c) once every year—

(ii) publish in the Gazette the details of the measures and progress under sub paragraph (i); and

(iii) submit a report for debate to the National Assembly on the progress made in fulfilling international obligations of the Republic.”

Hon. Speaker, the Report before us is submitted under Article (132) (c) (iii) of the Constitution. The issue of publicising that document under Article 132 (c) (ii) does not give a time limit. The law does not expressly say that the President shall table that Report after gazetting it. As you give your ruling, hon. Speaker, I want you to be guided by the argument that the President was not under any obligation to publish that document in the *Kenya Gazette* before tabling it in the House.

I want to go to Article 252 of the Constitution. This responsibility of the President under Article 132 is what he discharged on Thursday. He was to inform the nation through this National Assembly as it is required of him under Article 132 (c) (iii). That is the duty the President discharged on Thursday. I would wish to request my good friend and brother hon. Junet--- If he alleges that a document before this House is not before the House constitutionally, it is for him to prove that. It is for him who alleges to satisfy this House and the hon. Speaker that, indeed, the document is before us unconstitutionally. It is not enough to allege. We are required, as an assembly of elected leaders, to justify why we think this Address by the President, which is before us, is unconstitutional.

I expected this House to be happy that for the first time in the history of Kenya the Head of State took extraordinary steps and told, not just Kenya but also the world, that this country is serious in fighting corruption. There is one section of this nation which has been shouting and saying that the Jubilee Government is not fighting corruption. I think hon. Junet was one of them and he should be very happy today that the President has been able to come forward and tell the nation what he said.

So, hon. Speaker, we need to discuss this Motion now. With all due respect, it is very important that you be guided by my submissions as you give your ruling.

Thank you.

Hon. Speaker: Hon. Members, I do not think we need to debate this beyond what I have heard. This is not the business that is before the House. It was just a point of order. The hon. Member for Suna East or Suna West Constituency?

Hon. Nuh: Suna East.

Hon. Speaker: Yes. He claimed to rise on a point of order about the Motion that is about to be moved by the Leader of the Majority Party. Among other issues he raised was on Article 35 of the Constitution. I think the relevant part is Article 35 (3) which says that:

“The State shall publish and publicise any important information affecting the nation.”

The hon. Member did not refer me to any important information affecting the nation which has not been, in his view, published or publicized, and how that would impede the Motion before the House. I, therefore, dispose of the first issue relating to access to information under Article 35 and say that it is superfluous.

Relating to the issue under Article 132(1)(c)(i) of the Constitution which, for the avoidance of doubt, reads:-

“The President shall-

(c) once every year-

(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values referred to in Article 10.”

The President is, once every year, required to report in an address to the nation. His Address has been communicated. It is the Paper laid by the Leader of the Majority Party. That means that the President has fulfilled his mandate to report in an address to the nation.

With regard to publication in the Gazette, that is an Executive function. The publication of the Report in the *Kenya Gazette* does not bind this House in regard to debate or not to debate. What is important is that the Address by the President is already before the House without objection. Hon. Members are at liberty to consult that Address and make what they may of it.

Thirdly, the hon. Junet raised the issue of Article 254 of the Constitution and, more specifically hon. Jonh Olago Aluoch alluded to it; it says:

“At any time, the President, the National Assembly or the Senate may require a commission or holder of an independent office to submit a report on a particular issue.”

We do not have a report here which either the National Assembly or the Senate has required from the Commission. Nobody has argued that the relevant Commission has not published the report that they are supposed to publish at the end of every financial year. More importantly, Clause (3) of Article 254 says:-

“Every report required from a commission or holder of an independent office under this Article shall be published and publicized.” Nobody has said that a report required from the commission has not been published and publicized.

Indeed, the argument is that the report, as hon. Nyamweya has said, that is attached to President’s Address is not signed. It is true but more importantly even the President’s Address, which each of you has a copy of is not signed. Are we being told that therefore, even the Address is not authentic? I am sure that all of you have a copy of the President’s Address. In paragraph 101(a) of that Address, the President has clearly stated, for avoidance of doubt, that:

“Today, I take the extra-ordinary step of attaching the afore-mentioned confidential report from the CEO of the Ethics and Anti-Corruption Commission (EACC) as an annex to my annual Report on Values to Parliament.”

He says he has taken the extra-ordinary step. Extra-ordinary circumstances, obviously, require extra-ordinary measures.

The issue before the House is the President’s Address. If hon. Members decide, one way or the other, because the Motion is a simple one--- The Motion reads as follows, for avoidance of doubt:

“THAT, the thanks of the House be recorded for exposition of public policy contained in the Address of the President delivered on Thursday, 26th March, 2015.” Those who are not so minded may decide to canvass the issue whether to express any thanks. It is not a resolution. There is no resolution. It is to express thanks. Those who are not happy with this Address in the manner that it is are at liberty to say that they are not thankful to whatever the President has done.

(Laughter)

That is the Motion. The Motion is not resolving that you adopt the report or the Address. You are merely being requested to express thanks. You can, actually, express displeasure if you so wish. This is the Motion. I am sure every one of you has the Order Paper. You are not being asked to adopt this Address. No House in this country has ever been asked to adopt Address whenever it has been delivered from the Chair. So, it is an Address and the Motion is “you express thanks.”

So, you can actually say that you are not thankful because it is not signed, for instance, or because there is something that is attached to it that you think is not authentic. Those could be some of the examples of the reasons why you may not be thankful. Everybody is at liberty to express themselves one way or the other. It is not fair for the House to fail to transact this business before us merely because of form. Let us go to the substance. We are addressing form as opposed to substance.

If in the course of debate, any of you feel that you want to expunge any part of this Address, again it is within your power to do so. All you need to do is the usual way: convince yourselves and others to go along with whatever view you may want to canvass. For me, it is fair that we debate the Address.

Go ahead and allow the Leader of the Majority Party to move his Motion. Every one of you will be at liberty to express themselves one way or the other. It is just about thanks. So, you can rise in your place and say you are very annoyed that you may want to commit suicide because of this Address, because it has annexed something that is unpalatable.

(Laughter)

You are at liberty to do any of those.

Hon. Members, let us allow the Leader of the Majority Party to move the Motion. Thank you.

MOTION

PRESIDENTIAL ADDRESS

Hon. A.B. Duale: Hon. Speaker. I beg to move the following Motion:- THAT, the thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 26th March, 2015.

I move in support of the Address presented by the President during the Special Sitting of Parliament on 26th March, 2015. As per the Constitution, the President was to do three things.

One, the President was supposed to outline the state of the nation in relation to our national values and principles of governance as elaborated well in Article 10 of the Constitution. Two, the President was to give the state of our national security as provided for in Article 240 and Section 16 of the National Security Council Act. Finally, the

President was to give our country's status in fulfilling her international treaty obligations as provided for in Article 132 of the Constitution.

This is the second time the President has delivered the State of the Nation Address since coming to power.

I do not want to take a lot of time but to highlight two major issues that came from the President.

(Loud consultations)

You have given direction that if you want to consult widely, there are facilities available by the Parliamentary Service Commission (PSC) for people to transact that business.

Hon. Keynan and hon. (Ms.) Nyasuna, who are Members of the PSC, I am sure, will agree with me. There are facilities.

Hon. Speaker: Hon. Members, let us allow the Leader of the Majority Party to finish moving.

Hon. A.B. Duale: Hon. Speaker, in the history of our nation, has any Head of State delivered an apology to all those whom the Government has wronged either in act or by omission? It is only this President who, with extreme humility and personification of the best of our values, apologised on behalf of his Government; he apologised on behalf of all the governments since Independence - from Wagalla to the death of a great man called Tom Mboya, the post-election violence, the murder of the late Mbai, Robert Ouko, to Malka Mari, Garissa Massacre, the 1992/1993 post-election violence, and all omissions and commissions of wrongs by his father, retired President Moi, retired President Kibaki and his co-principal and former Prime Minister Raila Odinga. President Uhuru Kenyatta apologised on behalf of everybody who was in previous governments and in his current Government.

Hon. Speaker, that sets the stage for national healing. That sets the stage for our country's reconciliation. I do not think that apology was in vain. It was the beginning of a long journey of national healing and national reconciliation. The theme of his Address was cohesion, integration and bringing our country together as one entity.

This, in my opinion, is the most important part of the Address. The President has underscored the commitment of his Government to the post-election violence of 2007/2008, the related cases which were presented to him and above all, the President, for the first time in history of our country, has directed the National Treasury to set aside money, or establish a fund of Kshs10 billion, over the next three years to be used for restorative justice.

Every year – I want to speak for the people of northern Kenya - when we commemorate what happened in Wagalla, widows, children and the people of Wagalla are in abject poverty. I am sure this Kshs10 billion fund will restore the social and the economic life of the people of Kenya.

I was a university student when Dr. Ouko died; during demonstrations, one of my colleagues died in Moi University. Nobody sent an apology about what had happened. President Uhuru Kenyatta, we will respect you for many generations to come. That Address made the hon. President of the USA, for the first time in two days, to say "I am

coming to Kenya.” Obama is coming to Kenya not for any other reason. Obama as a son of this country has seen Kenya has changed.

On corruption, I want to make it very clear. In the Constitution, the principle of innocence until proven guilty is fundamental; all those who are named are still innocent until proven guilty, but the die is cast. The line has been drawn between those who believe in the lord of impunity and corruption and those who believe in Uhuru Kenyatta and the people of Kenya. This reminds me of George Bush Junior; on 11th September, 2001, he said: “You are either with the terrorist or you are with us”. Uhuru Kenyatta, the President, is saying: You are either with the lords of impunity or the lords of corruption”

Twelve governors have been named. A number of them survived because they substituted names of chief officers for their names. Kenya must change. We do not have medicine in our hospitals. We do not have roads. We are facing a serious security challenge because of corruption. Corruption is a dragon and all of us must fight it.

The Ethics and Anti-Corruption Commission (EACC) has 60 days. The Director of Public Prosecutions (DPP) has 60 days. We want to ask the Chief Justice to rise to the occasion and establish the Anti-Corruption Court and give direction that those cases must be concluded within three or six months, so that Kenya can be in a better place.

Hon. Speaker, many issues have been raised. Very close confidants of President Uhuru Kenyatta have resigned. Very close confidants of the Deputy President are in this list. People perceived by the Opposition to be pro Jubilee, like the Governor of Machakos, are in that list. If there was a way that list could have been doctored, I am sure Jubilee would have removed some of their perceived friends.

Independent institutions created by the Constitution such as the Ethics and Anti-corruption Commission, the Office of the Auditor General and the Office of the DPP, must rise to the occasion and help the people of Kenya in the war against graft. Corruption has been a cancer and PLO Lumumba during his time talked of “high voltage files”. President Kibaki could not touch those files. The former Prime Minister, Raila Odinga, during his tenure as a co-principal, decided not to touch those files. President Moi may have perpetuated corruption. The Late Kenyatta never did it, but I am sure that President Uhuru Kenyatta today is in the same league as the person buried on Saturday, the first Prime Minister of Singapore. That was the man who took Singapore to where it is today. We must follow the likes of the first Prime Minister of Singapore and the Prime Minister of Malaysia. Time has come when we need to remove corruption from the Kenyan political class.

Hon. Speaker, all of us here in this House, have talked about corruption in county governments. Today the die has been cast. You cannot hide. I want to tell the people of Kenya that in 2012/2013, President Uhuru Kenyatta, together with his deputy, were taken to the constitutional court to make a determination on their eligibility to run for office. The court, a three judge-bench, gave a verdict and said that under the Constitution, Uhuru Kenyatta and William Ruto could vie for the presidency. I want to challenge the Judiciary---

I am told governors are going to court; I want to see a constitutional court that will give a verdict and say that a certain governor cannot step aside and should continue engaging in corruption using the money given for our people at the county level. It is about your morality. It is about your conscience. Each of us in the political class and all

State officers earn salaries and allowances. Those salaries are meant for us to pay school fees for our children and feed our families. We can no more use public resources sanctioned by this House to the tune of Kshs1.3 trillion or Kshs1.4 trillion on individuals holding offices.

I want to tell the people of Kenya, including the President that they are under obligation--- Citizens are under obligation to go and remove governors who have been named from their offices. We have the powers. The people of Kenya have powers because they elected those governors. Governors can pay top lawyers in this country, but they must be accountable to the people of Kenya.

I beg to support and that is my pleasure. I do not have any displeasure. I will give hon. Keynan a chance to second, because the Leader of the Minority Party told me he does not want to second but he will speak later.

Hon. Keynan: Thank you, hon. Speaker. I stand to support that the thanks of this House be recorded for exposition of the public policy contained in the Address of the President as delivered on Thursday, 26th March, 2014.

Before I say what I want to say, on that particular day, on Thursday last week, I can still remember being amongst the reluctant Members who stood last to give the standing ovation that we gave to the President of the Republic of Kenya. When I realised everybody was on their feet, I asked what was going on. That was when I went back to my dictionary and learnt what a standing ovation for an Address by a sitting president meant.

Having said that, I want to go back to my village, where I come from. I have had the privilege of representing a constituency called “Wajir West”.

It was in Wajir West where Wagalla Massacre of 1984 took place. I lost a number of relatives, my uncle and a number of cousins. In 1999, I brought a Question to this House. That Question was ably handled, although I disagreed with the answer that was given by the current Deputy President, who was then an Assistant Minister in the Office of the President, and in charge of internal security. At that time, it was difficult for the then Government to acknowledge that there was Wagalla Massacre. Every year, we celebrate the killing of many innocent women, children and the elderly in the Wagalla Massacre. When I see a sitting Head of State today apologising in the name of restorative justice and accepting the mistakes and omissions that we have had, this brings some questions to the fore. Can we reconcile? Can we go back to the drawing board? I am sure that my voters, who have been voting for me many times in Wajir West – today I represent a different constituency – will say that for the first time they have seen leadership in President Uhuru Kenyatta. This is something that we must acknowledge.

Secondly, there is something that the hon. A.B. Duale said. Last week on Tuesday we had a PIC session with the Kenya Meat Commission (KMC) officials. I want to narrate this story. In 1968, the Kenya Meat Commission was the most vibrant and the biggest profit-making institution in the Republic of Kenya. Today, it is a dead entity. It is a shell. The holding land of the KMC has been grabbed. In 1968, we seconded some of our highly qualified veterinarians and other technical staff to Botswana Meat Commission in order to make them appreciate the development we had made. I am afraid to say that 50 years down the line, Botswana Meat Commission supplies meat to the entire world. The Kenya Meat Commission has no board, managing director or holding

ground. This is because of corruption. We must be prepared, as a country. The late hon. Saitoti once said: “There comes a time when the country is more important than an individual”. Therefore, I want to tell all my colleagues here that this is a step in the right direction. This country, over the years, on paper, we have called ourselves an economic giant; the regional economic hub; the regional investment hub; the regional humanitarian hub and the regional communication hub. These titles have been misleading. The reason is that we have not acted in accordance with these titles.

Those of you who had time to look at the Report of the US State Department that was released on Monday last week, will realize that it does not have very good things about Kenya. Every day, when you read newspapers, you get the impression that this country is under siege. You read all manner of things; for example insecurity, corruption and failure by different institutions. The sovereign Republic of Kenya has invested heavily in the representative democracy that we have today. That is what Article 1 of the Constitution clearly says. Therefore, since the sovereign power of the people of Kenya is vested in the elected representative, and these are the Members of the National Assembly, I want to urge every Member of this august House to stand and support even the slightest positive steps towards the elimination of corruption in our Republic. There is a reason why we are called the august House. This is a step in the right direction, because we are opening up. If you read Article 35 of the Constitution and also Articles 118, 125, 124, 254---

(Loud consultations)

Hon. Speaker, I want to ask the Members to consult in low tones. There are many sources of law. Under our current Constitution, the first source of law is the Constitution. The second source of law is the statutes. We also have delegated legislation, precedents and tradition. Finally, we have presidential exposition. In other jurisdictions, where there is a lacuna in the interpretation of the law, presidential speech can also be seen as one of the sources of law. It is not my making. You can refer to all the civilised jurisdictions and parliamentary democracies.

This Report has a lot of inconsistencies. It was either done in a hurry or some of the facts were misrepresented. We need to define the term “Accounting Officer.” In some counties, junior officers are being paraded. So, who is an Accounting Officer? Whoever is doing it should apply due diligence as we need not have inconsistencies in this particular Report.

(Loud consultations)

Hon. Speaker: Order, Members! Order, Eng. Gumbo! I know some of you may not be happy to be told and reminded where you are. This is the august House or the plenary, or the Chamber.

(Question proposed)

Hon. Members, I want to invoke Standing Order No.1 to allow hon. Chepkong'a, because of the deadlines that are contained in the Motion, to table his Report as well as give notice of Motion.

Hon. Chepkong'a: I thank you hon. Speaker for your consideration. As a Committee, we met until very late. So, when we were preparing the Report, we were a little bit delayed. However, I thank you very much for giving me this opportunity to lay the Paper.

PAPER LAID

Hon. Chepkong'a: Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday 31st March, 2015:-

The Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of two nominees for appointment as Commissioners to the Judicial Service Commission.

NOTICE OF MOTION

ADOPTION OF REPORT ON APPOINTMENT OF JSC COMMISSIONERS

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

THAT, pursuant to Article 171(2) of the Constitution and Section 15 of the Judicial Service Act, 2011, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs laid on the Table of the House on Tuesday, 31st March, 2015 and approves the appointment of Kipng'etich Arap Korir Bett and Winifred Waceke Guchu as Commissioners to the Judicial Service Commission.

I thank you, hon. Speaker.

Hon. Speaker: Very well. Hon. (Ms.) Odhiambo-Mabona, do you have a point of order?

POINT OF ORDER

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker for indulging me. I arise under Standing Order No. 22 on President's Address; Standing Order No.91 on Responsibility for Statement of fact; Standing Order No. 1 that gives you general discretion and Standing Order No. 216 on Departmental Committees.

I want to state at the outset that I sit in the Departmental Committee on Agriculture, Livestock and Cooperatives. Even though the issues that I am raising have been canvassed in the Departmental Committee on Agriculture, Livestock and Cooperatives, for technical and legal reasons, I stand as the Member of Parliament for Mbita and not representing the Committee. I want to indicate that I stand especially under Standing Order No. 91 and if you indulge me, I will just read it quickly:-

“(1) A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be in disorderly within the meaning of Standing Order No. 107 (Grossly disorderly conduct) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

It came to my knowledge that some Members of the Committee on Agriculture, Livestock and Cooperatives made allegations about money that was supposedly given out. It is in public domain that there are allegations of about Kshs60 million or Kshs4 million that was allegedly given to an individual or to the Committee as a whole. The Committee had a meeting and most of the Members were displeased before the President gave his Speech. At the meeting of the Committee on Agriculture, Livestock and Cooperatives, the Members who made the allegations were asked to substantiate and they indicated that for various reasons they were not happy with the Report. One of them made an allegation upon which the other two Members then hinged on to claim that Members of the Committee on Agriculture, Livestock and Cooperatives were given money. They have since apologised to the Committee and withdrawn the allegations. We even called a Press conference, but unfortunately it was not covered because it was overtaken by the excitement of the President’s Speech.

Hon. Speaker, I call on you to make a ruling. In circumstances such as that where Members, upon which we presume the Ethics and Anti-Corruption Commission relied on, have since withdrawn and apologised to the Committee, what then happens? What should be done? I would want to raise it also in relation to Standing Order No.216 in relation to Departmental Committees. It is long and I will not read it, but it articulates the role of Departmental Committees and the Committee on Agriculture, Livestock and Cooperatives is one such Departmental Committee. I would want you to rule on the issue of individual responsibility as against corporate responsibility.

I want to rely on Articles 10, 19, 47, 49, 50, 73 and 75 of the Constitution of Kenya. I want to read that together with the Leadership and Integrity Act. I will only sample some of them. Article 10, which has been canvassed before, is on values. If you look at the values, it is express on individual terms. Article 19 on the Bill of Rights is also in individual terms. All of them are on individual terms. I want to just look at Articles 73 and 75. I have explained the others because of lack of time and I do not want to go deep into them.

Article 73 is on responsibilities of leadership.

“73. (1) Authority assigned to a State Officer-

(a) is a public trust to be exercised in a manner that-

(i) is consistent with the purposes and objects of this Constitution;

(iv) promotes public confidence in the integrity of the office.”

It does not talk about a Committee or State officers, but individuals.

Part (2) states:-

“The guiding principles of leadership and integrity include-

(d) accountability to the public for decisions and actions; and,

(e) discipline and commitment in service to the people”.

Article 75 talks about the conduct of State Officers. It states:-

“75. (1) A state Officer shall behave, whether in public and official life, in private life, or in association with other persons in a manner that avoids---”

It indicates what should be avoided. If you look at the Schedule, parliamentarians are State officers. If you look at the Report, it does not indicate individual names. It speaks of the Committee. That is why some of the newspapers were happily fishing to find out who is in the Committee on Agriculture, Livestock and Cooperatives. We even have Members of that Committee who have been mentioned as not attending Committee meetings. They were indicated in the same vein as having received bribes when on the other hand, they are about to be expelled for not attending meetings. I just want to give you an example of how ridiculous it is.

My concern is that we would like to have a ruling from the Speaker. Let me not speak for the Committee, but for myself. I said that for technical and legal reasons, even though it has been canvassed in the Committee, I will speak as hon. Millie Odhiambo. I am, as I am sure the rest of the Committee Members are, committed to the issue of fighting corruption. I want to be held personally accountable as hon. Millie Odhiambo, Member of Parliament for Mbita. If there is an allegation against hon. Millie Odhiambo on any corrupt practice, I want to be named as hon. Millie Odhiambo-Mabona; Member of Parliament for Mbita. I do not want to be covered under a vague terminology of the “Committee on Agriculture, Livestock and Cooperatives.”

I want to reiterate that it was canvassed as a Committee, but for technical and legal reasons, I am speaking as hon. Millie. It is the view of majority of the Members of the Committee that they want to be held personally responsible and accountable. Therefore, I request that you give a ruling whether constitutionally, I can be held accountable for the crimes of another person or whether based on the Articles that I have read, I can only be held personally accountable on issues of ethics and integrity. Is there any corporate responsibility or it is individual responsibility?

Hon. Speaker: I do not need to be addressed on this. Hon. Millie Odhiambo has raised weighty matters. It is only fair that I give a written Communication addressing the issues that she has raised. There is nothing much that is going to be learned from you wanting to express your knowledge on Article 76 of the Constitution. We will make reference to all of them to address the serious point that hon. Millie Odhiambo has raised.

Most of you, obviously know why she is raising that issue. Let us just go on with the Motion. Tomorrow afternoon, I will pronounce myself on the issues of responsibility of individual Members, particularly on the issue that she has raised on Standing Order No.91 on the accuracy of Members’ statements even though we have had occasion to express ourselves on it in the past.

I do not want to be derailed by dilatory Motions. This is likely to prejudice the other. The issue is fairly straightforward. We need to make it very clear to everybody, all and sundry, so that you do not lump all the Members. If you want to investigate hon. Millie Odhiambo, as she has said, investigate her as hon. Millie Odhiambo. It is fair that we set the record straight.

Hon. Yusuf!

Hon. Abdi: Thank you, hon. Speaker. I would like to express my full support for the President’s State of the Nation Address. I fully support and commend the recommendations in the statements that he made on that day, in particular his apology for

massacres and unresolved murders, tortures and other human rights violations carried out by the State.

This is a historic and positive first in the history of independent Kenya. The 26th March 2015 will be a day in our history that will be remembered by future generations and celebrated by all Kenyans who mean well for this country. His call for national healing and restorative justice represents a momentous statement to all Kenyans who have suffered at the hands of the State. The President's Address paves way for the repair, reconciliation and rebuilding of our relationships. The President's statement marks a departure point and a break from our dark past. That is why it must mark the end of the culture of violence, impunity and corruption. It is the start of a new chapter and bright beginning for our country. We shall never allow or tolerate any such violations from now on. Never again should a Kenyan father, mother or child suffer because of our political, ethnic and religious differences.

I also fully support the President's call on corruption. Graft is a cancer that is slowly killing our country. The President has done his job for us – that of oversight. He has brought this pressing issue back to this House for action. Today the Kenyan public has awoken to one truth. It has come to know the lie that the Opposition is reformist. This lie that the Opposition is reformist has been exposed. The Opposition is using rules to try to stop this debate. Why? Maybe it is because it is exposing many corrupt people among their midst. It has shown that the Opposition is a bunch of reactionaries and opportunists. The Opposition has today committed political suicide by opposing this wonderful statement to attack the cancer of corruption in our country. Article 1---

Hon. (Dr.) Simiyu: On a point of order, hon. Speaker.

Hon. Speaker: Yes, Hon. Eseli. There is a point of order, hon. Yusuf.

Hon. (Dr.) Simiyu: Thank you, hon. Speaker. Is the hon. Member correct to vilify the whole Opposition bench using the terms that he has used, especially after what hon. Millie Odhiambo just said a while ago? Is the Member really in order to vilify the Opposition *en masse*?

Hon. Speaker: Hon. Yusuf, if you want to pinpoint a Member, like we advised some Member recently, you go through a substantive Motion.

Hon. Abdi: Article 1 of the Constitution is outraged by the runaway corruption that we have. Article 2 of the Constitution wants action now and now. That many of the suspected public---

(Loud consultations)

Hon. Speaker, can you protect me from these noisy---

Hon. Speaker: Hon. Yusuf, what is the issue? You should withdraw the statement that the Members of the Opposition are a bunch of criminals.

Hon. Abdi: Hon. Speaker, I stand guided by you. I withdraw.

Hon. Members: Apologise!

Hon. Speaker: Proceed.

Hon. Abdi: Article 1 of the Constitution is outraged by the runaway corruption in our country. Article 2 of the Constitution wants action now and not tomorrow. That many

of the suspected public State officials who have been suspended had been vetted and passed by this House---

Hon. Speaker: Hon. Members, let me just make this announcement because most of you may not have read the Order Paper properly. On the front page, "Notices" shows very clearly that:

"The House resolved on Wednesday, February 11, 2015 as follows:-

THAT, pursuant to the provisions of Standing Order 97(4), debate on the Motion on the Address by the President shall be limited to no more than five (5) minutes for each Member speaking, thirty (30) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party."

So, hon. Members, try to make your points as fast as possible. Five minutes is not a long time. Unfortunately, hon. Members, if you also make statements that attract the wrath of your colleagues, remember that is likely to eat into your five minutes. It is better to go straight to the point.

This time now goes to the Leader of the Minority Party. He has precedence over all of you. The rest of you have only five minutes. He is the one on the Floor now. Hon. Nyenze.

Hon. Nyenze: Thank you, hon. Speaker. It is unfortunate that we have such Members in this august House who claim the Opposition is a bunch of corrupt people. These are people who are bringing shame to this House. The Presidential Speech was good and great. It touched on things that Kenyans want. The reasons why we made two standing ovations are because of the mention of corruption, the apology he made and the support he required from Kenyans.

Now that you have given an indication through a ruling, as sought by hon. Millie Odhiambo, that we cannot condemn people collectively but individually we can accuse them, I do not want to dwell on that. However, it is a very good direction so that we do not have a committee of 27 or 29 members where people are being called corrupt. It is published everywhere and yet the only people who have issues are three or four. We have to raise the threshold. Once your name is mentioned, it is tarnished and people see you as corrupt. You have to raise the threshold for someone who calls you a thief and the accuser has to produce enough evidence.

The President's apology on the wrongs committed by previous Governments and this Government was a good thing. It is biblical when you say: "I am sorry." Even those who are agitated, wronged or who have suffered like in the Wagalla Massacre, you really soothe their hearts. For a whole President to tell the nation: "I am sorry" it really touched our hearts. That is very clear. Not many presidents would say "I am sorry" as Uhuru did. So, that is a plus.

The President talked about an economic growth of six per cent. This is projected by the World Bank and other forecasts. Though we were promised an economic growth of double digits, if we can sustain an economic growth of six per cent, and it is doable, we will create jobs and wealth for Kenyans and this country will be a better place to live in.

The President also talked about mining. He talked about Kenya being the biggest economy in Sub-Saharan Africa that is not mineral-driven. The agricultural economy is not dependent on mineral wealth.

We are a blessed country. We have a lot of mineral wealth ranging from oil in Turkana, coal and limestone in Kitui, iron ore in TaitaTaveta and the rare minerals in Kwale. If all these resources are harnessed properly, this country can grow at 11 per cent.

Last week, the world lost a leader from Singapore; Lee Kuan Yew. The President has said that he was his role model. I have heard very many Kenyans say that at Independence we were at par with Singapore but today it is 100 times more developed. The per capita income is the highest in the world other than the United States of America (USA), Switzerland, and the United Arab Emirates (UAE). This is a country that has no mineral resources, but because of good leadership it has done very well. If we were at par we should find out what has made Kenya one of the poorest countries in the world. Without doubt corruption is one of the biggest contributors to poverty in this country.

I want to say this without fear of contradiction and without a shred of doubt. Any Kenyan leader, any Member of Parliament or Senator who is not seen to be fighting corruption will be in the wrong side of history. Anybody who does not stand up and fight corruption will be destined to the dustbins of political oblivion. A lot of names have been mentioned, of corrupt people in this country. Just by mere mention of a name, one is thought to have messed up with his or her Constituencies Development Fund (CDF). An opponent can claim that hon. Mbadi bought this or that, and without proper investigation that information is splashed in the newspapers. Then the Ethics and Anti-Corruption Commission (EACC) starts investigating the issue just because an opponent of hon. Mbadi has said that. We have opponents. I am saying this because of the case of someone very straightforward like hon John Serut, who was given some money. He only delayed with it but eventually he put it in the bank. Now he is under investigation. The accusers have to be specific. No politics should be played. There should be no sacred cows. When we fight corruption it has to be from the President down to the man in the streets. There should never be an exception and it should not be applied selectively.

Yesterday I toured my constituency and there was a sombre mood in all parts of Ukambani where I passed through. This is because all the five people that we had in Government have been sent home just because of mere suspicion that they were corrupt or someone accused them of corruption. We have nobody left from Ukambani in this Government. Ngilu has gone; Nduva has gone; Mutua has gone and Muthama has gone. Now, you also want to remove Matemu.

(Laughter)

There is nobody left. I am in the Opposition and I am saying that we have to raise the threshold. I am not defending corruption. In fact, I will be the first one to fight corruption. Let us not politicise corruption. The only person that we have left is someone who was appointed as an ambassador to the troubled country of Somalia and the other one is in a country that is neither in Asia nor in Europe. So, we are left with nobody in Government.

(Laughter)

Hon. Speaker, the sombre mood in Ukambani is just because of mere speculation that somebody is corrupt. It is very worrying. I am very happy with what you have said

about the question raised by hon. Milly Odhiambo. Are we accused collectively or an issue of three people would drag all of us and have us collectively accused?

I am happy that you appointed someone of the calibre of hon. Moses Cheboi to chair the Powers and Privileges Committee. I am requesting that issues of corruption by Members of the National Assembly--- There is separation of power. The Executive and Legislature have politicised issues. We have to be fair, effective and subject it to proper investigation, instead of blanket condemnation where the media would pick and paint the Departmental Committee on Agriculture, Livestock and Cooperatives as corrupt when the issue is touching on three people or a whole Public Accounts Committee (PAC) when the issue touches on five people. I think your indication on that ruling is very right. Let us not tarnish names of clean people who are committed to serving this nation and call them thieves.

Today I have seen a donkey with words written on its sides. A donkey in my culture is not a very good animal. We do not even eat it. I have seen the words: “Mpigs stop raping our wives.” It was so bad. The other time you saw “Mpigs”. We are honourable Members. What has brought us to this level? Who are those people who are trying to tarnish honourable Members’ names? I am sure 95 to 99 per cent of the Members of the National Assembly are clean and decent people.

(Applause)

They do not rape people and they do not steal. They lead good lives. It is very wrong for people and the media or a certain group to try and cast aspersions. They should not impute improper motives on these hon. Members. We need protection. I thank you hon. Speaker because every time the National Assembly is under attack, you come to our defence. This is the hour that we need that kind of defence. This august House is at the lowest level because the media has created it. When they say 58 Members of the National Assembly are corrupt and it is only a few, hon. Birdi being one of them, it is not true. She only stood there - I could see the conversation in the police station - and yet it is also said in the media that she is under investigation for corruption.

So, there is something very wrong on collective responsibility and individual culpability. Once we separate that this National Assembly will not be seen as a den of thieves, corrupt people and rapists, I am sure our honourable Members who are female--- I am very happy with the honourable Member of Parliament for Othaya. She talked well. It is wrong for someone who is married to go and entertain herself with another man who is not her husband up to the wee hours. I do not want to talk about it because it is a matter that is under investigation. It is a shame.

While I do not try to cover up for the Member of Parliament, surely, there has to be standards. If you are a married person, you have to respect yourself. You do not have to stay out with another man until past midnight and say that you were being raped.

Hon. Speaker, I want to dwell on the Presidential Speech, which is more important. We have moved to geothermal power. One thing I like criticising Jubilee Government about when they do wrong is that they have spread electricity---

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

Hon. Speaker: What is your point of order, hon. Chidzuga?

Hon. (Ms.) Chidzuga: Mhe. Spika, ningependa mheshimiwa atueleze iwapo mapenzi ni ya mwanamke peke yake. Mbona anaelekeza lawama kwa wanawake peke yake, na hasemi wanaume pia wajiheshimu? It is a two-way affair.

Hon. Speaker: Hon. Chidzuga, that is a point of argument.

Hon. Nyenze: Thank you, hon. Speaker, for ruling wisely. You have Solomonian wisdom. It was a point of argument.

(Laughter)

Hon. Speaker, I am not accusing women. I want to dwell on the Presidents' Speech because it is very important.

The President talked about electricity connectivity and said that by the end of this year, a million families will be connected to electricity.

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

Hon. Speaker: What is your point of order, hon. Kajuju?

Hon. (Ms.) Kajuju: Hon. Speaker, I understand the background from which my friend, the Leader of the Minority Party, comes from but is it in order for him to purport to set the standards of morality for either a married person or any other person as long as it is a woman? We have our freedom. That is why we say "My dress, my choice; my time, my body"

(Loud consultations)

Hon. Speaker, it will be very wrong---

Hon. Speaker: Hon. Members of the female gender, allow hon. Nyenze to make his point. He is not setting morality standards for anybody. Issues of your dress, your body, your time and things like those; surely, those are points of argument.

Hon. Nyenze: Hon. Speaker, I was only reporting what our fellow Member of Parliament said – that women should not stay with men until very late and then after the advances, you say other things.

(Loud consultations)

Hon. Speaker, protect me. The President said that over one million families will be connected to the national electricity grid. Most of the primary schools are connected to the national grid. This is very good.

An hon. Member: On a point of order!

Hon. Nyenze: Hon. Speaker, could you protect me from the lady activists? Now that geothermal power is contributing more to the national grid, the cost of electricity is coming down. If we bring the cost of electricity down, this country's economy will grow faster. Five hundred and eighteen megawatts of geothermal power have since been added to the national grid. The Kyoto Protocol of 1999, which Kenya embraced, says that we want clean energy, and not energy that will pollute the environment. If we pursue geothermal energy, which is clean energy, electricity will be cheaper and the cost of

doing business will be reduced. Therefore, I do support the Presidents' Speech on the direction of electricity generation.

Kenya is the biggest economy in East and Central Africa. It has access to 130 million people. It is a big manufacturing country. Let us support regional integration, so that we can trade more with Uganda, Tanzania and other East African countries. With the inclusion of South Sudan and Ethiopia, Kenya will---

Hon. Speaker: Yes, Member for Bungoma County.

Hon. (Ms.) R.N. Wanyonyi: Thank you, hon. Speaker. I stand to support the Presidential Speech.

Just to mention, in the history of this country since Independence, we have had so many injustices that have taken place but at no point have we heard a person of the calibre of the president apologising to the nation. By apologising for such injustices, on behalf of previous presidents and governments, the President set a pace which ought to change this nation. As a nation, we need to heal from past injustices. Once an apology is given, if forgiveness is given, it brings healing. The President has set the pace for the healing of this nation. I congratulate him for that.

On devolution, especially the budget for the devolved governments, he noted that it is continuously increasing, initially having been Kshs190 million and Kshs226 million in the current financial year, with a projection Kshs258 million in the next financial year. In itself, that is a clear indication that the President is committed to devolution – something we must be thankful about and for which I commend the President.

One thing that is lacking in the President's Speech is the fact that he did not address the issue of gender equality despite the fact that this principle is enshrined in the Constitution. We needed that principle to have been highlighted. The two-thirds gender rule in terms of employment in State corporations and other Government Departments ought to have been brought out clearly. We are looking forward to seeing the two-thirds gender rule applying. We should not forget that Kenyans are waiting to see this august House complying with that constitutional requirement.

The President has touched on a number of things. In the health sector, we are now seeing improvement even of dispensaries at the county level; facilities have improved. He has set the pace for the transformation and development of this country.

With those remarks, I beg to support the Speech of His Excellency the President.

Hon. Mbui: Thank you, hon. Speaker for this opportunity.

The President is at liberty and is mandated by the Constitution to give the State of the Nation Address once every year. In the State of the Nation Address, the President is basically expected to give a scorecard of the achievements of his Government. I was very impressed by the President when he took the bull of corruption by its horns. In fact, this house stood up three times to applaud him. I hope that when we talk about this issue of corruption, the President will follow it up with action.

Hon. Speaker, corruption has been a problem for this country for a long time now. The President seems to be on the right track. However, when you look at the issue of managing the country, you realize that the President ought to have addressed the areas where we seem to have major problems. One of the problems we have, of course, is in our education system. Teachers are not working and there is rampant discrimination against children in private schools. Our infrastructure is dilapidated. There were promises

given to the people of this country about irrigation of a million hectares of land something we have not yet seen. This Government came to power on the promise of setting up a digital platform. Unfortunately, two years after elections, we still have not seen the laptops meant for our children. Security is wanting. There are major failures on the part of this Jubilee Government.

With regard to corruption, I totally agree with the President that we must address these issues while following the law. The President, similarly, has to follow the law when he is addressing issues. There were problems with the Report that we got in this House. One, there were many individuals that were named. From what we have gathered, some of them did not even know that they had been charged yet the Report was tabled on the Floor of this House. We were told that they are being investigated. In fact, some of the Cabinet Secretaries went to the Ethics and Anti-Corruption Commission (EACC) to ask what they had been charged with. It is important that in future we follow the law.

There is also the issue of mob lynching. Members of the Public Accounts Committee (PAC) and the Departmental Committee on Agriculture, Livestock and Cooperatives have been collectively accused of corruption which I think is totally unacceptable. For some of these things, maybe the President needs to apologize to the Members of this House who have been grouped together and their integrity insulted.

I also take issue with the interference in the affairs of independent commissions, one of them being the Ethics and Anti-Corruption Commission (EACC). The President took sides with the Executive against the Commissioners. Actually, if you looked at the body language and the things he said, it is very clear that he is trying to push out some of the Commissioners. So, I guess this was not fair; it was not right. He needed to give them space because this is an independent commission. He is also giving direction and directives to the Office of the Director of Public Prosecutions (DPP). We know that this is an office with a constitutional mandate able to carry out its responsibilities without being directed. I feel that by directing other arms of Government, for example, the Judiciary and telling them that they must handle 175 cases within a period of less than 50 days, it is very unfair.

Again, on the corruption debate, I want to address the issue of Machakos County because that is where I come from. This is one area that I agree with the President. We have seen, with regard to Machakos--- A lot of our people have witnessed these things happen. We have seen instant millionaires. We have seen people who get to political office with nothing and within a year, they attend *Harambees* to donate hundreds of thousands of shillings. So, I think this is something that needs to be addressed.

The people that have been named, including the Governors should step aside. This is because they are in office and as they continue being in office they are likely to interfere with investigations. Members of Parliament do not have to step aside; they have no offices that they can interfere with any investigation. So, let Governors step aside. Let investigations be done and within a short period, I am sure, some of them will be in Kamiti Prison.

(Laughter)

Hon. (Dr.) Laboso: Hon. Speaker, I want to thank you for giving me this chance to record my thanks for the President's Speech. What is alarming is that we have an

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

elephant in the room that has completely overshadowed all the other good things that the President talked about. As the Leader of the Majority Party said earlier on, the President gave us three full reports. However, from what we are hearing you would imagine that all that the President talked about was the now famous “list of shame.”

Hon. Speaker, we were clearly informed about the strong economy of our country. Kenya is now the ninth largest economy in Africa. Kenya is the third fastest growing economy after China and Philippines. Nobody is recording that! We were informed about the developments in the energy sector. We have been told how we are almost--- Much of our energy is green coming from the geothermal plants that have been started in the country. Now, there is enough energy for businesses to run a 24-hour economy. The increase in energy, of course, is going to translate into savings to the public. However, that again is not interesting. The interesting part is when we talk about corruption.

We have now gone almost 70 per cent digital and we have migrated from analogue to digital. This has been done by the Jubilee Government. The Lamu Port and South Sudan-Ethiopia Transport (LAPSSET) Corridor project is a major project that is going to even make it easier for us to do business with others. The regional integration is going to be deepened by this project. Nobody is talking about the reforms in the National Youth Service and the wonderful jobs it is doing within our slums. Nobody is talking about the Huduma Centres, that is the one stop shops that are now spread across the country. What everybody wants to talk about is corruption and the list of shame.

Hon. Speaker, before I talk a little bit about that list, the President in his humility and acceptance of everybody, decided on behalf of all of us – he considered all the wrongs we have done to each other both in the past and presently - to go out of his way and apologise. He apologized on behalf of this Government and past governments. That was an act of humility that we need to commend. We need to give him the accolades that he deserves.

One thing that has been a subject of debate from Thursday last week is this list of shame. I thank the Executive for what it has done. I am very much in support of what the President did. However, whatever the shortcomings of what he did – it may not be perfect - he took action that no one had expected of him. Through that action, the President has shown us that he is willing and ready to bite the bullet. He bit the bullet and he gave us a list. The rest is for those who have been mentioned in the list to clear their names, whether it is a Governor or an MP. I do agree with what hon. Millie Odhiambo-Mabona has said that corruption cannot be collective. So, it must be individual. Each person must clear his or her name individually.

Hon. Speaker, I would like to encourage whoever has been mentioned in that list-- - I also want to commend you for the action you took, hon. Speaker. This is because even before the President gave us his list, you had already made a ruling in this House ---

(Loud consultations)

I was just commending the action that the Speaker took to suspend the activities of the Public Accounts Committee. We were already in the process of investigating the matter that has again been brought before the Ethics and Anti-Corruption Commission.

We can still use the same mechanism to deal with the issue that is before us in the other Committee that has also been mentioned. I strongly believe that what we heard in Mombasa is going to address a lot of the things that have been ailing this Parliament. Let everybody carry their cross. Let us bite the bullet on this question of corruption.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker for giving me this opportunity. I wish to record my thanks for the Exposition of Public Policy contained in the Presidential Address on 26th March, 2015. However, I do so with a bit of reservations. I am one of the people who were first, unlike the seconder of the Motion, to give the President a standing ovation. I did not hesitate to do so because this country is about to sink under the weight of corruption. We need action against corruption.

Therefore, I was convinced that the President was minded in dealing with the issue of corruption. Having looked at the Report, the President has not slayed the dragon's head neither has he touched the eggs. If we want to deal with corruption, we must slay the dragon's head and the eggs. The President has poked the dragon with a needle and has left it intact with the eggs. I want to encourage the President that he must deal seriously with the issue of corruption. Right now, some of the names that have been brought to this House today have questions on them. We are talking about clearing the names before one is appointed. We are already asking some people to step aside yet we are approving people in this House who have questionable history.

The other issue that I would like to raise is the issue of politicization. In law, when you are prosecuting a matter, justice must not just be done, but must be seen to be done. Looking at the list, I want to be convinced that it has not been politicised and then the President will have my support. A glance at that list does not convince me as hon. Millie Odhiambo. I will be bringing amendments on some of the issues that have been canvassed especially the issue of stepping aside by elected leaders. There is no legislative framework. Therefore, when you tell an elected leader to step aside, there is no provision for that. When I was told my name is on the list from the Committee on Agriculture Livestock and Co-operatives, I was willing to step aside, but I did not know from where to where. There is no law for me to step aside.

I want to thank hon. Laboso for speaking to issues of performance of the Government. It is good to give credit where it is due. I want to give credit on the First Lady's initiative on maternal health care. In the same vein, I do not see the same commitment on issues of international conventions such as the Convention on Elimination of all Forms of Discrimination against Women. Many of us women here have just come from the United Nations where we were looking at the progress with the Commission on the Status of Women. From the way some of our male colleagues are talking on the issues of women's protection, there is no seriousness in dealing with the issue of protection of women's rights. That is why there were many points of order when the Leader of the Minority Party was making reference to the fact that married women cannot sit if you are an elected leader. There is no elected leader who is a married woman for purposes of election. When I am elected, I am a leader; period. The married and unmarried do not apply here. I am just a leader.

(Applause)

The other issue I would want the President to put a lot of energy on is the issue of the elderly and the cash transfer programme. Too little is going to the grassroots. The people of Mbita asked me to enquire when this programme will be expanded to cover all the elderly people. Our elderly people are very few.

I can see my time is running out, but the President apologised for the past injustices, which was a good thing. These past injustices are not only limited to certain areas. They cover the Wagalla Massacre, but also the Internally Displaced Persons (IDPs) especially the integrated IDPs. In the past, when people have been compensated, integrated IDPs have not been treated fairly. The money that will be given should cover the integrated IDPs.

Hon. Speaker, I record my thanks with reservations.

Hon. Aburi: Asante, Bwana Spika. Yangu ni machache sana. Ninaunga mkono Hotuba ya Rais aliyotoa Alhamisi. Ukiangalia Wabunge katika Bunge hili, wamehangaishwa wakiwa chini ya mkanda mmoja wa magavana. Pesa zote za nchi ya Kenya zinapitia katika Bunge hili. Pesa za Voi, Kisumu, Embu, Laikipia na Meru zinapitia katika Bunge hili. Waheshimiwa katika Bunge hili wanajua ni pesa ngapi zinaenda katika kaunti zao. Lakini zikifika kwa kaunti, zinachukuliwa na wakora wasioshiba kule. Wanakaa chini pamoja na mawaziri na wawakilishi wa kaunti ambao hatuwaelewi na kugawa pesa hizi na kusema kuwa zingine zinaenda Malaysia, China, Texas, India, Dubai na zingine zinatumiwa kununua ng'ombe dume wa kuwazalisha ng'ombe wetu.

Tumeteswa ya kutosha. Mungu alimguza Rais Uhuru na kuyaleta mambo ya wakora hawa. Tumeunga kama Wabunge wa ODM, TNA na URP. Wale wakora ambao tulipigia kura 2013 na kuwapandisha juu ya mti ili watuletee matunda, wameshindwa kutuletea matunda. Wanakula matunda wakiwa huko juu na kututeremshia matawi. Wakati umefika wa Wabunge wa ODM, TNA na URP kuleta miti na kuni ili tuwakishe moto chini ya ule mti. Rais Uhuru Muigai Kenyatta anafaa kuleta pilipili na Mhe. Spika ulete kiberiti ili tuwashe moto ndio hawa magavana wahisi moshi wakiwa kule juu na wateremke chini ndio Wabunge wapande juu.

Tumeteswa ya kutosha. Ukiangalia kule mashinani, Mbunge ako Nairobi siku saba. Akirudi kule mashinani, anamkuta mwakilishi wa kaunti ako na mambo yake pale na anaendesha Range Rover. Wawakilishi wa kaunti wanahudumia eneo dogo sana. Hawa wawakilishi wa kaunti wanapewa pesa nyingi sana na magavana ndio wawapige waheshimiwa. Pesa tunazozipata katika Bunge hili hazitoshi kuzunguka eneo la Bunge lote. Tumetosheka kutawaliwa vibaya na wakoloni Waafrika; ngozi nyeusi. Hawa magavana; washenzi wasioshiba, wanafaa kuongezwa kokoto kwa tumbo ndio wasihisi njaa tena.

Wakati umefika tuungane kama Wabunge katika Bunge hili. Ukiangalia katika Kaunti ya Meru, tunalilia kwa choo na hatusikii harufu. Gavana wa Meru Kaunti amekua kama mungu mdogo na hata Rais Uhuru hamfikii. Ukienda kwa kila wadi, ameweka zulia nyekunda. Miradi iliyoko katika Kaunti ya Meru inafanywa na CDF. Kwa mfano, ukiangalia kwa Mhe. Mithika Linturi, kazi ambayo inafanyika kule inafanywa na CDF. Ukiangalia kwa Aburi, kazi ambayo inafanyika kule inafanywa na pesa za CDF. Pesa ya Serikali ya Kaunti ya Meru haionekani. Hizi pesa zote zinazotoka kwa Serikali kuu zinatumiwa kwa serikali za kaunti na zinawekwa kwa mifuko ya magavana.

Hawa magavana hawafai kuambiwa wasimame kando. Rais Uhuru Kenyatta anafaa kutumia sheria ambayo ilitumika kule Nigeria na kuwachukua hawa wanauma, mmoja kwa mwingine na kuwafunga. Hiyo stori iishe.

Ninaunga mkono Hotuba ya Rais. Ningetaka kumwambia kuwa hakuna maana ya kumbembeleza punda kwa mteremko, mwachilie ateremke. Utambembeleza akipanda.

(Applause)

Hon. Onyonka: Asante sana, mhe. Spika. Ndugu yangu, mhe. Aburi ameongea mambo mazito. Kwa sababu ametumia lugha ya taifa, ingekuwa vizuri nami nimfuatilie kuongea kwa lugha hiyo.

Jambo la kwanza ambalo ningependa kusema ni kwamba nakubaliana na Hotuba ambayo Rais Uhuru Kenyatta alitoa hivi majuzi alipohutubia Bunge hili. Ukiangalia kwa makini, shida zilizoko humu nchini zimeambatana na kuunganishwa na ufisadi. Nakubaliana naye kwa sababu ukiangalia sababu inayofanya idara ya polisi kutofanya kazi, utagundua kwamba polisi wanakula mulungula njiani. Ukienda katika shule ambazo zina shida ya mtihamu, na ambako wanafunzi hawajapewa vyeti vyao, utagundua kwamba sababu ni mtu fulani alikuwa anangojea apewe pesa ndio atoe vyeti hivyo kwa sababu ni lazima ale mulungula.

Rais Uhuru Kenyatta amesema kwamba ni lazima uchumi wa Kenya uendelee kukua. Shida za uchumi wa Kenya haziwezi kutatuliwa bila ya kupambana na ufisadi. Sababu za msongamano wa magari jijini Nairobi ni kwamba wale ambao walikuwa na jukumu la kutengeneza barabara miaka 30 iliyopita walipora hela, na barabara hazikutengenezwa.

Mhe. Spika, nikija kwangu binafsi, nina kesi kortini. Kesi hiyo inasema kwamba nimefuja Kshs132 milioni. Inasemekana kwamba pesa hizo zilitoka katika Hazina ya Maendeleo ya Maeneo Bunge (CDF). Ninataka wale wanaohusika na kuchambua mambo ya ufisadi serikalini wanisikize kwa sababu kisheria siwezi kuongea yaliyo kortini. Nitaongea yale yaliyofanywa na Tume ya kupambana na ufisadi ambayo ilivunjwa.

Jambo la kwanza wanalosema ni kwamba katika mwaka wa 2008, nilikuwa Bungeni miezi mitatu. Wanasema kwamba wakati huo nilichukua Kshs132 milioni nikaenda kununua sukari ambayo mimi nilitumia. Ningependa kusema kwamba wakati huo, pesa nilizopata katika akaunti ya CDF ya Kitutu Chache zilikuwa Kshs24 milioni tu. Huo ulikuwa mwaka wa kifedha wa 2008/2009. Wanaendelea kusema kwamba nilifuja pesa hizo kutoka Agosti, 2008 hadi 2009. Hela ambazo CDF yangu ilipata katika mwaka wa 2009/2010 ni Kshs54 milioni. Ukijumlisha hazifiki Kshs.132 milioni.

Jambo la pili ambalo ningependa kuzungumzia ni kwamba wale wanaotuchunguza katika ufisadi ni lazima wafuate sheria na wahakikishe kwamba kuna ukweli. Pia, ni lazima wajue kwamba mimi simhalifu hadi korti itakaponipata na hatia. Ni lazima wahakikishe kwamba wamepata ukweli wa mambo. Nawaomba wale ambao wana Ripoti iliyoletwa hapa Bungeni leo waangalie ukurasa wa tatu. Inasema kuwa nilifuja fedha za eneo Bunge la Kitutu Chache, ambazo zilikuwa Kshs132 milioni. Hiyo ndiyo sababu walinipeleka kortini. Ukienda katika ukurasa wa 43 wa Ripoti hii, wanasema----

Hon. Speaker: Hon. Gichigi!

Hon. Gichigi: Nakushukuru, mhe. Spika kwa kunipatina nafasi hii. Namshukuru Rais kwa Hotuba aliyotoa hapa Alhamisi, wiki jana. Kwanza, nina furaha kusema kwamba nimekuwa mashinani leo. Wananchi wamefurahi kwa sababu ya stima iliyowafikia wakati huu ambapo Serikali inalenga shule za msingi. Tunatarajia kwamba, kama vile Rais alivyoahidi, zile shule ambazo hazijafikiwa zitafikiwa kufikia mwisho wa mwaka huu wa kifedha; yaani mwezi wa sita.

Mhe. Spika, pia tunaishukuru Serikali kwa kuanza kugharamia malipo ya mitihani katika shule zetu za umma. Kwa niaba ya wananchi, na haswa wakazi wa Kipipiri, tunashukuru kwa hilo. Pia, watu ambao wamefurushwa kutoka sehemu zao na sasa wanaishi na wananchi wengine wanashukuru kwa zile Kshs10 bilioni ambazo zimetengwa kuwasimamia ili waweze kupata mahali pengine pa kuishi. Maisha yao, ambayo yamekuwa ya huzuni kubwa, yatabadilika.

Nikija katika Ripoti ya Tume ya Maadili na Kupambana na Ufisadi (EACC), kuna msembo wa kisheria ambao unasema, “mshukiwa hana hatia mpaka ithibitishwe kortini kuwa ana hatia”. Kwa hivyo hatupaswi kusema kwamba wale watu ambao wametajwa katika Ripoti hii ya EACC wana makosa. Nadhani Rais aliwaagiza mawaziri wake na wafanyakazi wengine wa Serikali wang’atuke afisini mwao ili uchunguzi ukamilike, na wasipopatikana na makosa watarudi kazini. Nafikiria hivyo ndivyo alivyomaanisha. Baadhi ya marafiki zetu waandishi wa habari wameripoti kana kwamba watu ambao wametajwa hapa tayari imethibitishwa kwamba ni wafisadi na wameshafanyiwa kesi, wamehukumiwa na kupatikana na makosa. Ni muhimu hilo liwekwe wazi. Kuna uwezekano kwamba baadhi ya watu ambao wametoka katika afisi zao watarudi kazini wakipatikana hawana makosa.

Ni muhimu sana wananchi wa Kenya wajue kwamba sio kwa sababu eti Serikali haijafanya uchunguzi wake bali ni kwa sababu hawajapatikana na makosa. Pia ningetaka EACC ianze kufanya kazi yake vile inavyofaa. Ni vibaya sana kuanza kutajataja majina ya watu. Ukiangalia katika Ripoti hii ambayo tumepatiwa, unakuta mtu anaambiwa, “wewe waziri, uliunga mkono jambo fulani”. Hakuna ushahidi au maelezo yoyote yalitoletwa yanayothibitisha kwamba katika kuunga mkono jambo hilo ulihusika katika ufisadi wowote. Unaambiwa tu kwamba una makosa kwa kuwa uliunga mkono mradi fulani au ulipitia mahali fulani. Ni muhimu sana EACC imshauri Rais katika ombi lake la kupewa Ripoti kuwa kuna watu wamepatikana na makosa na wengine wanaelekea kushtakiwa. Wale ambao wametajwa tu katika malalamiko ya hapa na pale hawafai kuorodheshwa hapa kama watu ambao wanastahili kukaa kando. Sheria inajulikana; ni lazima wapewe nafasi yao ya kujitetea.

Nikimalizia, kuna ombi ambalo limeletwa hapa Bungeni la kuwataka maafisa wa tume ya kukabiliana na ufisadi, ambayo imewafanya mawaziri na maafisa wengine wang’atuke afisini mwao, kwenda nyumbani. Kama kuna watu ambao wanastahili kuondoka afisini mwao kabla ya wengine ni makamishna wa EACC. Wanafaa kung’atuka, wafanyiwe uchunguzi na Bunge na wakipatikana hawana makosa warudi. Haifai waendeleo kufanya kazi katika tume hiyo.

Hon. Deputy Speaker: Hon. Gladys Wanga.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker. I would like to record my thanks with serious reservation. Over the last couple of days, public debate has been dominated by the list or the Report of the Ethics and Anti-Corruption Commission (EACC) that was

tabled by the President. There is probably more public debate than any debate that we can make on the Floor of this House. From my own perspective and I am sure it is also that of several hon. Members of this House and citizens of this country, we support the fight against the cancer of corruption.

If we look at the amounts of money that are lost from our annual budget through corruption, we all must be obliged to support the fight against it. When I got hold of this Report this morning and I looked through it, I was disappointed. This is because in the court of public opinion there are people who we know are being investigated and should have been in this Report. One of them is Isaack Hassan of the Independent Electoral and Boundaries Commission (IEBC). We know that Isaack Hassan should be part of this Report and part of the people---

Hon. Speaker: Order, hon. Wanga! If you want to discuss a person, please bring a Motion. Make reference to your Standing Order No. 87. I think it is unfair to spoil other people's names because of the privilege we enjoy.

Hon. (Ms.) Nyasuna: I am much obliged, hon. Speaker. I am so guided.

Coming to the serious matter of the EACC, we know that there has been tabled a petition on the Floor of this House by a member of the public against EACC. So, you wonder how the same EACC is going to be able to bring before us a credible report of people who have been named here as being investigated. That is a Report that we cannot trust. This is a serious matter. There are several matters that are missing including the matter of land that has been grabbed. We know we have recently been looking at school land that has been grabbed.

[The Speaker left the Chair]

[The Deputy Speaker (Hon. (Dr.) Laboso) took the Chair]

We were hoping that these kinds of issues were going to be seriously raised within this Report, hon. Deputy Speaker. We have not seen them in this Report.

The history of stepping aside in this country is telling. There are people who have stepped aside but several days, months or years later, they have been reinstated without any action being taken against them. We must then seriously look at whether the people who have stepped aside now are under serious investigation. This is why I am raising the issue of EACC. I still strongly feel that this House should expeditiously deal with the matter of the EACC so that we have an EACC that is not facing a credibility crisis.

The very serious issues that have been raised including that of integrity should be looked at. I do not want it to go without saying that the issues that were raised by the Leader of the Minority Party conferring unto himself powers to regulate when women can walk, stay out, stay in and alluding to the fact that because they stay out long then there is entitlement for rape I want to go on record that, that is not the way to go. We all must remain as decent citizens of this country taking care of ourselves.

I thank you for giving me this opportunity.

Hon. Deputy Speaker: Hon. Kanini Kega.

Hon. Kanini Kega: Thank you, hon. Deputy Speaker for this opportunity. From the outset, I rise to record my thanks and support to this very good Motion. On Thursday, His Excellency the President did not disappoint Members of Parliament or the Kenyan population. He alluded to all the successes that this Government has been able to achieve over the last two years. Maybe to pick on two, he clearly said that since Independence, Kenya has only been able to generate 1700 megawatts of power up to 2013. Between 2013 and today, a period of two years, this Government has been able to generate 514 megawatts which is a 30 per cent increase. The benefits have been seen immediately and these are some of the issues that are not being said. If you look and compare the electricity bills with those we used to have two years ago, they have significantly reduced by about 20 per cent. Those are major steps.

Before the Jubilee Government got into power, we had so many companies that were relocating out of this country and going to our neighbours like Ethiopia. Some of the major issues that they were talking about is that the cost of power is very expensive in Kenya. With the injection of the cheaper 514 to 515 megawatts of power and with the projection of about 5,000 megawatts in the next five years, honestly we believe and know that the cost of doing business will be low here in Kenya. That one also translates to creation of more jobs for our youth.

His Excellency the President also alluded to the fact that the Government is seriously working on the Standard Gauge Railway (SGR) line from Mombasa. That will, of course, ease the kind of transport hitches we have between Nairobi and Mombasa. He also said that the Government is committed to paving 10,000 kilometres of roads. That will definitely open up most of the rural areas. Those roads will translate to a better economy. It is also very important to highlight that it is now said that Kenya is one of the preferred investment destinations in the whole world. It is number three, hon. Deputy Speaker. This is not any mean achievement.

The President also said that despite the many achievements that the Government has been able to achieve, there are quite a number of challenges. He talked about three challenges: Insecurity, corruption and incohesiveness. On security, the President said that the Government has bought about 2,400 vehicles. That is a number that has not been seen before. If you calculate them with the number of constituencies that we have, it is about eight vehicles per constituency that will be addressing the issue of insecurity. The President also said that he is committed to recruiting more police officers so that we are at least able to man our borders. He also talked about setting up of a forensic lab. For a long time we have not been able to profile cases of criminals who are coming to our country. With the establishment of the lab, it will be easy.

As I conclude, he passionately talked about corruption. He said that this is an evil that cannot be tolerated in this country. When you look at this Report by EACC which was given, of course 90 per cent of it is good. There is the first part which is very conclusive. They have given timelines and dates when the cases will be prosecuted. Then there are the middle ones where they are talking about investigation but there are some cases where they are talking about allegations and innuendos. We have to take it to EACC that next time they are giving us a report, it has to be very conclusive.

With that, I beg to support. Thank you.

Hon. Deputy Speaker: Hon. Iringo? He is not here?

Hon. Iringo: Hon. Deputy Speaker, I am here. I am not transparent; you can see me. Let me take this opportunity to add my voice to this Motion. First and foremost, let me thank the President for his Speech. It was historical and one of the best speeches he has ever made since he became our President.

He looked across the board, especially on matters pertaining to the development of this country and how far the Government has gone to try and live to its mandate. I will echo some of the sentiments raised by some of my colleagues in this House. Let us not take this Speech of the President to mean that he was just coming here to present a list of those people who are said to have looted or to have done unconstitutional issues and, especially, the misappropriation of funds that are meant for this country. Let us look at the positive side of the Speech which he made, especially as far as the economic growth of this country is concerned and the strides we have made.

The Standard Gauge Railway is already under construction. That is an historical landmark project which the country is undertaking at this point in time. The LAPSET Corridor Project is also in the offing and the berths are being put up in Mombasa and Lamu. Let us look at the strides the Government is making to improve the levels of education in our schools, especially the free primary and secondary education and also the electrification of all primary and secondary schools.

I believe electricity and power in our villages, kiosks and our environs will open up jobs and enterprises for the youth, especially when the white collar jobs are becoming quite inaccessible. The President went out of his way to apologize for the atrocities done by the past governments or regimes. He did it on behalf of himself and the other leaders who were there before him to the Kenyan nation. That was a bold move because most of the errors or misdemeanors which had been done did not arise during his reign, but he took that bold step.

I appreciate that he set up the kitty to look into those people who are disadvantaged; or those people who were affected by the errors or the crimes of extra-judicial activities which done by past Governments. Let the Government go out of its way and compensate those who were affected. That is because if they get a token of appreciation by way of compensation, it will be more appreciated than just mere words of sorry. As far as I am concerned, that was a bold step or the first step that the President took. That is a step in the right direction.

The President mentioned the issue of youth and how he is working to see that our youth are engaged, especially those who leave school. I appreciate the re-energized National Youth Service (NYS) which is already in process. Personally, I have gone to Ruaraka where the Headquarters of NYS are, and I was impressed with the activities that are taking place there. There is a lot of equipment there. Personally, my constituency - Igembe Central - has benefited from the services of NYS and their machines. I have several NYS machines in my constituency. They are digging water pans for the people and the animals. That is a bold step. Our youth are being engaged and the funds that have been used to buy that equipment are put into good use, especially in the arid and semi-arid areas.

Finally, let me touch on the list which was published. The President took the bold step to say that those people should be investigated. He said that those who gave the names should do thorough investigations. Despite the list being there, let us dig into the

issues which were addressed and let us not condemn those who are innocent. Let us not let those who are guilty free.

Hon. ole Kenta: Thank you, hon. Deputy Speaker. I also would like to thank the President and to record my support for the Speech that he gave to this esteemed House. In fact, the President should be lauded for what he has done in the last two years. When you look at the economy, when we are number nine in Africa as the largest economy, and when we are number three as far as progress in the economy is concerned in the world, then we must really be proud of him.

It is very important that security is being addressed because that has been the problem. If at all we give the President Support as leaders and as Kenyans, I am sure we will achieve more. The fact that the President has spoken about historical injustices is a way to heal the wounds that have afflicted this country for so many decades. It is important that those who have been wronged are compensated from the Kshs10 billion fund. But more than anything else, restitution should also be part of it. The people who lost land or other things should be restituted because if you do not do that, then there will always be a lot of pain, bitterness and that is what causes things like tribal clashes and all that. We should encourage good governance. In fact, if you look at the list, whoever is not supporting the President in this is undermining good governance of this country and supporting corruption.

I urge my colleagues here that the first thing we should do is to agree that anybody mentioned in this list must step aside. The “die has been cast”! Cabinet Secretaries have stepped aside. So, why should the governors not do the same? In fact, the worst thing is this: People who have been entrusted with the running of the counties have betrayed us more than anything else. For example in Narok, people have been killed because of fighting corruption. We are now telling the Cabinet Secretary (CS) of Interior and Coordination of National Government to get the right people and take them to jail, instead of taking Members of Parliament who are saying “this should not be done.” Hang the perpetrators of these heinous crimes and not the people who are shot dead for no apparent reason other, than calling for the truth.

What is worrying most is this: On page 19, I have seen that a member of this Government spent Kshs100 million of taxpayers’ money to purportedly sponsor the removal of a CS of the same Government. How can the Government “eat” itself? That should be investigated so that whoever was given that Kshs100 million, and whoever participated in it must be taken to jail. He or she must refund the money. Mentioning Parliament is a very dangerous thing and whoever did that, we should cleanse ourselves by saying: “Let her be arrested.”

Let me come to my last point, so that my colleagues can get a chance to contribute. We have heard - and the President himself has talked about the Ethics and Anti-Corruption Commission (EACC). The question is: How do the hunted become the hunter? That is one thing we must take care of. We should take care of the issue of EACC so that it can judge others. That is because you cannot tell them to judge others when they, themselves, have got a “log in the eye”. The most important thing is to get rid of the middlemen in that Commission so that we can move forward. On the issue of timelines, I will support what the President said. But I believe 60 days is not enough time to investigate, take people to court and convict them. It is something that should be looked

at afresh. In essence, all we are saying is that the EACC must be removed. Let other people take its place. More than anything else, the President said that he has drawn the line. He has drawn the line and nobody should stand between Kenyan and what is right in the fight against corruption and other matters of economic crimes. I support him.

Thank you

Hon. Kajwang’: I thank you, hon. Deputy Speaker, for allowing me an opportunity to put my voice into this. Unfortunately, I have to register my displeasure on the Presidential speech that has been billed as one of the most important speeches that any President has given in the recent years for two reasons. Five minutes is so short a time that I am unable to talk so much about these things. One, on this thing called “public apology”, everybody has talked about it. People are excited that for the first time now, the President is coming to apologize to the nation. Apology can be good. But if an apology is stated without a context or in a vacuum, it can also be an insult. Apology must, first of all, be predicated upon an admission. Two, then it is predicated upon being able to tell the person who has been offended what it is that you are apologizing for. Three, is restitution. I listened to the President and I was wondering which of those families he was speaking to, if he was talking about the people who have lost their lives in the recent regimes. Was he talking about the family of the late Tom Mboya? Was he talking to the family of the late Pio Gama Pinto? Was he talking about the family of the late Dr. Robert Ouko? If he was, is it an admission that Tom Mboya lost his life because of the Government of Jomo Kenyatta? Did he make an admission that Dr. Ouko was killed by the Moi’s regime? Was it an admission or was it an expression that there has been past historical injustices?

Hon. Deputy Speaker, if you have not been there, you do not know how it feels for somebody to come and say: “I apologize”, but knowing very well he has not stated what it is he has done. Some of those people are not looking for the restitution money. All the Tom Mboya family is looking for is somebody to look at them face to face, and say: “I did this thing wrong. My father did this to you and we apologize for it”. That is the kind of apology we are looking for. The Ouko family is not looking for money. They are looking for somebody to say: “Ouko lost his life during the Moi regime and I apologize”. That is the kind of genuine apology we are looking at. Listening to the type of apologies presented here, some of them are ICC witnesses. They are widely known to be ICC witnesses, people who have died out of extra-judicial killing. When the President is saying he is sorry, whom is he talking to and how is he talking? I found that to be displeasure rather than thanks.

Number two, is corruption. Whereas, it is laudable that people have been told to carry their crosses but, hon. Deputy Speaker, picture this. The Ethics and Anti-corruption Commission is an Independent Commission who has the wherewithal to deal with corruption. Then they write a Report and take it to the President. What are they saying? They are saying that they are unable to do what the law expects them to do and they are pointing accusing fingers to the President; that he is the problem and he should go and deal with those people.

After that, the President does the most unprecedented thing and brings that Report to us. Now, hon. Members, what are we going to do with this Report? We are not investigators. We are not judicial staff and we cannot prosecute anybody. Yet, a Report

has been brought to us. What do we do with this Report? Is this not the perfect way of killing an important subject?

(Applause)

These people will go to court and say we are harassing and lynching them. The judges will agree that we are doing that because there is administrative action. There is a right to a hearing, which we are not doing. These guys are getting fodder to run away from what they should do. Even when we are clapping and saying that people ---The way in which this thing is going, we are giving these people a reason to run away through the judicial processes that are there. I think the President needs to call the Ethics and Anti-Corruption Commission and tell them they have to do their job; by taking these guys to court. He should call the DPP and tell him to take those named to court.

With the two reasons I have cited, I register my displeasure upon the President's speech.

Thank you, hon. Speaker.

Hon. Deputy Speaker: Hon. Korir!

Hon. Korir: Thank you, hon. Deputy Speaker, for giving me this opportunity to record my thanks upon the President's speech. Before I go on, I would like to quote the Constitution Chapter 254, which talks about Reporting by Commissions and Independent offices.

"At any time, the President, the National Assembly or the Senate may require a Commission or holder of an Independent Office to submit a Report on a particular issue".

There is an issue here. We are putting something that is very serious in this country. Corruption is a cancer and you cannot treat cancer with malaria. We are talking about a serious issue in the President's Speech. What it does is that it waters the importance of the Report by the Ethics and Anti-Corruption Commission. We want the Legal Department of this House to bring the Report from the Ethics and Anti-Corruption and table it here.

(Applause)

We should discuss it independently, but not with the President's Speech. This Report is watering down the good Speech that the President gave. It is also watering down the issue of corruption that is serious in this country. When I look at this Report, it is nonsense! It is nothing because it is talking about "analyzing and preliminary investigations." That is nothing.

The EACC should stop. Once your name goes to the public that you are corrupt, that is public opinion court and you are done as a Member of Parliament. Before they bring this Report, they need to know that they are bringing something serious; something that will hold before the courts and have a proof that will stand before everybody else.

Hon. Member: They should complete investigations!

Hon. Korir: Yes! This Report should not have come before the Floor of the House before it is completed and before we have serious names that need to be discussed

before the Floor of the House. Otherwise, those who are mentioned should take the EACC to court for defamation and for spoiling their names.

(Applause)

Secondly, I applaud the President's Speech. The President gave a good Speech. The Speech has given this country hope for the future. To hear that our economy is growing; to hear that we are the best destination for investment; to hear that every primary school is going to get electricity, is hope for this country. That is what we need. I would like to thank the Government for giving us - as hon. Members - an opportunity to give them the list and the names of schools that need to be given electricity. That is because we are the people who know the schools that need to be given electricity.

Hon. Deputy Speaker, I would like to express my dissatisfaction with the Government on the issue of agriculture. According to the Speech by the President and the Report laid on the Floor of the House by the President, he talks about agriculture. He says that 17 per cent of Kenya depends on substantial rain fed agriculture which has been adversely affected by fluctuating climate condition. I will like to disagree with that. If you visited Cherangany, Moi's Bridge and Eldoret a couple of months ago, you would see farmers sleeping in their tractors and lorries for days and months without eating, while trying to sell their maize to the Government. The Government is not buying the maize. It is not paying them and we spend billions of dollars going to look for irrigation, while we can buy the maize from the farmers. It is very unfortunate that we are doing that. Our farmers are suffering. They are in pain and yet, they have maize that has grown very well. Why are we lying that we are depending on something that is failing us? It is not failing us! There is maize. The rains are coming and farmers are going to plant. But when they plant, there is nobody to buy. If the Government is serious on the issue of agriculture, it should buy maize from farmers. Let it come to Cherangany and buy the maize at Kshs3,500 a bag. I am telling you we are going to plant the maize and feed this country. Thank you, very much for giving me the opportunity to contribute.

Hon. Deputy Speaker: Hon. (Ms.) Kanyua

Hon. (Ms.) Kanyua: Thank you, Deputy Speaker. I wish to take this opportunity to register my thanks for the Speech of the President and to congratulate him for being bold. It is when the ship is captained in times of turbulence that you can tell you have a good captain. This country has a lot of turbulence; turbulence in terms of tribalism and turbulence especially because of corruption. You just need to look at how turbulent the country has become since the Report was tabled. For the President to have captained this ship so far, we will say a lot of thanks to him and ask him to remain bold as the rest of the processes are taken care of.

I wish to support the Report on several reasons, one of the major ones being the economic growth. I think that if we sustain the 6 per cent which is still way below the double digit that we require, we will be in a good step. The essence of the Report or the Speech that the President gave us had a lot of indicators on the growth of the economy which are really admirable. As we look at those indicators, we have to worry about corruption. We have to worry about our rate of corruption in terms of a country, but support the economic growth and urge that as the economy grows, the people of our

country can feel that economy growing. It is still sad that 34 percent of Kenyans are living below the poverty line. So, even if the economy is growing at 6 percent, the woman who was poor last year is still poor this year and that is not acceptable.

I support the Report, especially with regard to Government programmes. A lot has been said about electricity. Recently, when we met the Commissioners of the Interim Electoral and Boundary Commission (IEBC), they proposed to the Committee the idea of using dry cells in the 2017 elections. The members of the Committee almost got off their seats. We have to use electricity across many other processes, including in the electoral process. So, having all the primary schools with electricity will not only enable our children study well, but also enable our electoral processes perform a lot better than they have in the past.

When you look at the question of roads, again, I support the infrastructure development that is going on. I regret very much that the Cabinet Secretary in charge of roads has been named in the Report. It is extremely regrettable because the things that he has been able to do on roads, ports, airports, the (LAPSSET) and so on are all very commendable. On the apology and the Kshs10billion fund, it is very commendable for a country to issue an apology for things that have happened in the past.

Hon. Deputy Speaker, I spent a lot of time with victims before I joined this House. As somebody who spent time with victims, I cannot express my gratitude more in terms of what the fund will mean. There are many people who lost their lives during post-election violence; many of them were bread-winners. Those families have to be taken care of. There are many people who got diseases and were affected by different elements. The compensation to the post-election violence victims will come in very handy. I come from Nyeri County and so, I am a bit worried whether the *Mau Mau* could be captured. We continue to harbour families that cry and suffer pain over what happened during the fight for Independence by *Mau Mau*. As we look at the regulations and the Bills, we need to question how far back we can go. The country has carried enough pain. The Kshs10billion will be helpful. Of course, you can never restore life, but the country can cut a clean cake. What I am asking colleagues here is this: Let us not look at the rear view mirror all our lives. We need to look at the economy that is growing.

Lastly, hon. Deputy Speaker, is the big question of corruption. I support what the President has done in the list. It is a completely imperfect process. However, we had to start from somewhere. Everybody in this country has been telling the President to take action. He has taken action. It may not be the action we expected, but he has taken action. What we can do, as a House, is to support that process. We need to make sure that from now on, we have a sieving process. It is painful when you are not corrupt to be told that you are corrupt. It is also painful for those of us who are in this House who are not corrupt to carry the tag of corrupt leaders when only a few of us are corrupt.

I end with the story of the stampede by wildebeests. A time comes when a species must save itself. We have to swim the Mara River. Some of us will survive and others will not survive. However, that is what it means to save our country.

Thank you, hon. Deputy Speaker.

Hon. Anami: Thank you, hon. Deputy Speaker, for giving me this opportunity to register my acknowledgment and appreciation of the President's Speech. This is in the hope that he will deliver on the issue of economic growth. I also want to underline the

spirit he has. He demonstrated it here while apologizing to Kenyans for the past injustices. We are in a country where a lot of challenges confront us. I would have been very happy if the President touched on some of those things specifically. That is because a lot of the issues we discuss at this level do not really reach our people in the same spirit. We have Kenyans out there who are interested in mapping out their lives. The challenges that confront our people are: Inaccessibility to education, health care, employment and essential services like security. I know that in the President Speech, there were a lot of implications. However, we need to cascade these concerns down to the grassroots so that our people can appreciate.

I would like to talk to the issue of poverty alleviation. Our people are experiencing a lot of poverty because of injustices that the President apologized about. Our people are experiencing poverty because of the corruption that the President talked about. So, we need to take this matter seriously. I give the President the benefit of doubt. I would like to encourage him that he walks the talk. I would like to encourage all the people listening to the President and working under him to listen to what he told us here, and to cascade it down to the people. We have instances where such very well articulated policy statements are not translated. When it comes to services that we are talking about, you realize that there are no teachers out there. The shortage of teachers is affecting everyone. That is because of corruption. We agree every now and again on budgetary estimates that will enable the various Government institutions to serve the people. We expect them to take the services to the grassroots. However, that does not happen. So, what happens then is that our people are over-burdened because of corruption.

The terrorism we are experiencing is because of corruption. We are allowing a lot of things to happen. So, we need to support the President, pick this up and move with it. Unfortunately, when you look at the Ethics and Anti- Corruption (EACC) Report, it is actually work-in-progress. It is very disappointing. I got very discouraged. What they have given the President is not a Report. It is a collection of information that has come from complainants and yet, they have given it to him as raw as it was. What can we do with it? It is important that this Report fully comes out so that we deal with it and the architects and the authors of it to the conclusive end. As things are now, we are grateful for the President Speech but not very much about the Report from EACC. Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. (Ms.) Ghati. You cannot replace her. She wants to contribute. Is there something we can give her to use?

Hon. (Ms.) Ghati: Thank you very much, hon. Deputy Speaker for your indulgence. I also want to join my colleagues to thank the President. For the first time, the President gave a good Speech. It is a diversion from the previous Speech that he gave last year. I support the President's efforts especially when it comes to corruption. As my colleagues have said, corruption is eating this country. When I look at the Report, the list of shame from EACC, I am not a happy person because my County, Migori, is listed here. It is not good to see the allegations of misappropriations of funds to a tune of Kshs600million. There is something wrong somewhere. There is nothing honourable about corruption, whether it is by a governor, a senator or a member of parliament. There is nothing honourable about being mentioned in a Report like this; that has been made public for Members to see. Kshs600million coming out of my County is not a laughing

matter. It is rather serious. So, I want more investigations because I can see here that my Governor is under investigation for the alleged Kshs600million misappropriation. I would be keen to know where these allegations are coming from and what has been happening to that tune of Kshs600million.

The people of Migori need services. If my Governor is found to have misappropriated those funds--- My people are not rich. Action should be taken against all corrupt leaders.

The President gave an apology to this country about past injustices. It is good. However, just giving promises without action is null and void. We know, as a country and as a people, that the President owns a lot of land in this country. He has parcels of land in Mombasa and almost everywhere. Things like the post-election violence and land-grabbing are injustices that were meted to Kenyans. As an action point, I would have expected the President to say that he owns land in Mombasa and he is ready to give some of it to the landless and IDPs in Mombasa. That is the action that I expected the President to take.

On the issue of inclusivity, which the President clearly talked about, he said that he wants to promote social justice and inclusivity in his regime. We have seen reports in this country where appointments to parastatals, cabinet secretaries and principal secretaries go to just two or three communities. We are a country of 42 tribes. I expected the President to say: "From this point henceforth, I am going to make deliberate discrimination to ensure that communities that are historically disadvantaged get appointments." Opportunities are opening up in parastatals. That is what the President should say. We need action and not just speeches.

However, the cash transfer issue that the President talked about touches on me. I come from a county where the money from the cash transfer program for older persons, persons living with disabilities and vulnerable children is not trickling down to the people. I do not know where that money goes to. He talked about 500,000 households that are benefiting from the cash transfer program. In my county, the people with disabilities or older persons are not benefiting. When they benefit, it is not regular. That money is not coming every month or two months as it is supposed to. As much as it is a laudable effort by the President to say that the cash transfer program is reaching 500,00 households, the older persons need to get that money.

Lastly, we have seen escalating incidences of sexual and gender-based violence in this country. We have seen our children being defiled. Even in this House, our integrity is being put to test on rape allegations.

Hon. Deputy Speaker: Hon. William Cheptumo. He is not here. Hon. Ayub Savula.

Hon. Angatia: Thank you, hon. Deputy Speaker. At least, I am present. Thank you for giving me this opportunity to contribute to this important Motion regarding the President's Speech in Parliament last week.

First, I wish to congratulate His Excellency for recognising victims of past injustices. In my constituency, there are squatters who were evicted from Turbo and Kipkaren during the 1992 clashes. I hope they will benefit from the Kshs10 billion fund that is going to be set up.

In the Annexure to the President's Speech, in Item No.4, in the Office of the Deputy President, on 22nd October, 2014, there is a lady called Marianne Kittany. They have indicated that she is the Chief of Staff in the Deputy President's Office. She is accused of abuse of office and misappropriation of Kshs200 million. It is alleged that she diverted Kshs100 million from the Legislative and Inter-Governmental Relations Office to mobilise Members of Parliament in the abortive campaign in July, 2014 to impeach powerful Cabinet Secretary, Anne Waiguru. This is a very serious matter. As I have always said, it touches on the integrity of this House. A number of Members of the National Assembly signed that Petition to remove the Cabinet Secretary from office. When the matter came to the House for tabling, the Mover was not present.

Hon. Members: Corruption! Chicken!

Hon. Angatia: Hon. Deputy Speaker, we would like this matter to be investigated properly. Furthermore, this issue should be subjected to the Powers and Privilege Committee of the House, so that we can know what happened. What is happening to this House? This is an allegation that an officer in the Office of the Deputy President and a Cabinet Secretary are fighting using Members of the National Assembly. We will not allow it. We want to know the truth. When I go to Lugari, my constituents say that I was bribed. They say that we failed to remove the Cabinet Secretary because we were given Kshs100 million. The image of this House is at stake. This is not a joke!

The Ethics and Anti-Corruption Commission has indicated that the matter is still under preliminary investigation. Why do you submit this report to the House when the matter is still under preliminary investigation? In the public court, the view is that the Members of Parliament who signed that Petition were paid to do what they did.

Secondly, on the issue of the Committee on Agriculture, Livestock and Co-operatives, I would like the Speaker to invoke the provisions of the Standing Order No.107, so that an individual who is alleged to have been involved in allegations of bribery substantiates or apologises.

I am the one who tabled a banking slip of Kshs4 million in the Committee on Agriculture, Livestock and Co-operatives when investigations were going on. I requested the Committee to investigate the matter because I had received a complaint through my Personal Assistant, who brought me the banking slip. The Chairman of the Committee has admitted that he received the Kshs4 million, but he substantiated that the money was proceeds from his transport business. I withdrew the matter and apologised. Later, another Member of the Committee came and alleged that the Kshs4 million was part of Kshs60 million that was given to the Members of the Committee. I would like this matter to be investigated seriously. We have been lumped together in the Report by the Ethics and Anti-Corruption Commission and yet, I was the whistle-blower. This matter should be investigated, so that the name of the Committee is cleaned.

Hon. Deputy Speaker: Your time is up. Hon. Shakeel Shabbir.

Hon. S. S. Ahmed: Thank you, hon. Deputy Speaker. I would like to thank the President for his Speech on the state of the Nation. The fortune and fate of a country is dependent upon its leaders. Its leaders must have vision, courage and must say and do.

Recently, we heard of the loss of the leader of Singapore, Lee Kuan Yew. I read a very good article by the President telling us that Lee Kuan was his role model. He mentioned that Lee Kuan was here and visited his father, the late Mzee Jomo Kenyatta, at

the time of Independence. This is not the only issue that we wanted to bring forward. The issue is that he is the President of this country and has to have vision and courage.

We guide him and suggest that he must go ahead, do what he thinks is right, use the role models that he has mentioned and put right what should have been put right in 1964. Please, Your Excellency, finish off what your father, Mzee Jomo Kenyatta, the founding President, started. Please, see that through. We will support you.

Corruption has no party or tribe. I would like to go straight to the issue of corruption. So much is being spoken about corruption. In this House, we have the African Parliamentarians against Corruption (APNAC). Hon. Deputy Speaker, you are one of the members. The Speaker of the Senate and the Speaker of the National Assembly are members. There are about 30 members. All of them are beyond reproach. None has been mentioned anywhere. Hon. Millie Odhiambo has already clarified her role. She is also a very good and supportive member.

As Members of Parliament, we must all be beyond reproach. I urge you all to set a record. Let all Members of the 11th Parliament be members of APNAC. It will be a record. We will show by way of our commitment that, that legislative body wishes to control itself, work under the ethics, code of conduct and ideals that have been set out by the global body of anti-corruption. We are the legislative arm. I urge all of us to, please, do that.

In the last ten years, Kenya has been in the corruption list. It has been on that list for a long time. We are with other countries like Nigeria and Pakistan, but we are doing better. No matter what we say, the President has gone ahead and tabled a list. It shows the fact that he has drawn a line. This list should not be the last. This should be the beginning of the lists. We had in the earlier parliaments “name and shame.” This is the list. However, some of the issues in this list have got a lot of gaps. Some of them are just allegations. However, it is a start. I urge His Excellency the President to do that. Furthermore, I urge His Excellency to, please, put together all these anti-corruption bodies - and APNAC and this legislative assembly are part of them - with the State Department of Justice, the EACC and the other committee.

The Ethics and Anti-Corruption Commission (EACC) has a problem. The Chairman has not even been cleared. He never had the passion and we said so. Other commissioners are now fighting the Chairman. None of them is clean. So, their names must also be in this list.

With those few remarks, hon. Deputy Speaker, thank you very much for giving me the time.

Hon. Deputy Speaker: Hon. Fathia Mahbub.

Hon. (Ms.) Fathia: Thank you, hon. Deputy Speaker. I support this Motion on the Speech that the President read on Thursday last week. I applaud the President for the Speech and the commitment he gave to the country. As per the Jubilee Government, I can feel that there is change in terms of improvement in some sectors like health, where maternity services are now free for the poor women who want to deliver. In the education sector, schools have become free and examination fees have been scrapped. That is an improvement. In the Information, Communications and Technology (ICT) sector, I congratulate the Jubilee Government for monitoring digital migration so that, at least,

Kenyans can watch and learn a lot from many channels. In the electricity sector, there is change but much is yet to be realised.

On the cash transfers, I can confirm that in my county, the old and vulnerable people receive the money. It really makes an impact. In terms of the growing economy, it is true that Kenya is admired and it has become the preferred destination for investments. However, I want to remind the Jubilee Government that it has a challenge in terms of security. It has to deal with the terror attacks. It is not easy. The security officers must be proactive. They must stop being corrupt. They must think as patriotic Kenyans so that they are able to work as hard as Ethiopians. In Ethiopia, which is our neighbour, you will not hear anything like terror attacks. However, in Kenya there are terror attacks because every officer thinks of himself first.

In terms of dealing with corruption, the President has a lot to do with his Government. At every level, whether county or national, corruption is just too much and it has to be fought. Corruption has dragged Kenya behind and even killed the economy. He has to fight corruption by action. That is the reality if he hopes to take Kenya ahead.

On the Report which has been tabled today, I, being one of the members of Public Accounts Committee (PAC), want to register my displeasure with the Report and say that I am not corrupt. The Report says that Kshs1.5 million was shared amongst the Committee members. That is a big lie. That means that there are many other things here which are not correct. I was not corrupted. I do not think I can be corrupted based on my values, religion and integrity. Let the EACC be real. Let them not be the people who are sent to give State House information just to please the Government or the President. If it is true, let them give a factual report, but not to tarnish peoples' names. It really matters to have integrity. Our faces and names are very important. We are not the kind of people who would face charges for corruption.

The President says his Government is inclusive. He has to mean it by doing what Kenyans can see. We have many people who have been put in charge of various parastatals. Kenyans know the names from the 42 tribes. They can differentiate Mwangi, Odhiambo and Mohamed from people of Changanwe, Eastern and Western. So, if he wants to make a change, it has to be real.

Lastly, my county has been suffering from terror attacks. I want to tell the President to push his security officers to fight *Al-Shabaab*. It is not an easy game. He has to mean it.

Thank you.

Hon. Deputy Speaker: Hon. Opiyo Wandayi.

Hon. Wandayi: Thank you, hon. Deputy Speaker, for giving me this opportunity to contribute to this very important Motion. I want to state from the outset that the President made a very important speech. Implicit in that speech are good intentions. However, the taste of the pudding is in the eating. So, what really matters is the actions that will follow to make these good intentions become a reality.

On the issue of historical injustices, it is a fact that dispossession of land is one of the major historical injustices in this country and, perhaps, second only to assassinations. We are being told that the President has set aside some Kshs10 billion over a period of three years. That will be used to compensate those who have suffered atrocities of one kind or another. The question that one would want to ask is this: The people who

committed those atrocities, for instance, land grabbing, are well known. The people who took land from Kenyans to render them squatters in their own country are well known. So, why use taxpayers' money to compensate people whose land was taken away by people who are known?

Why not issue an Executive Order and direct that those thieves return the land to those from whom they took it from in Coast, Rift Valley and elsewhere? It is not magic. It is basically simple logic. Give a directive from State House and the thieves are known.

(Applause)

Corruption in this country is like a hydra-headed octopus. When you try to tackle it in the manner I am seeing it being tackled, it is like cutting one tentacle while others remain intact. After a short time, the tentacles sprout and it is business as usual. Desperate times calls for desperate measures. We want to see concrete action. On the issue of the Truth Justice and Reconciliation Commission (TJRC) Report, the President is apologising because of the TJRC Report recommendations. We know that the TJRC Report has been in this House for close to one year or more. It is true that this Parliament has gone ahead - at the instigation of Jubilee - to mutilate that Report by way of amending the TJRC Act after the Report has been submitted, thereby opening avenues for watering down the Report purposely to remove names of people who have been mentioned in that Report for committing atrocities against Kenyans. We cannot address historical injustices selectively. We must go the full hog and we must have the courage to do so.

I will support fully any attempt by the President to fight corruption. I will support it to the fullest possible extent but the fight against corruption must be done within the law. That has to happen. I am looking at this list that has been annexed here from the Ethics and Anti-Corruption Commission (EACC). Looking at number 87, we are told that one Paul Wasanga, a former Chief Executive Officer (CEO) of Kenya National Examinations Council (KNEC) is being investigated for impropriety surrounding procurement of examination materials. We are aware. It is in public domain that EACC has summoned other people in relation to this particular matter. The Chairman of IEBC has been summoned in broad daylight. We have seen him go to Integrity Centre to record a statement. We have also seen one Mr. Oyombra. Those people have gone to EACC because it suspects that they have committed a crime in relation to procurement. The principals in the United Kingdom (UK) have been jailed and yet, when you look at this list, you only see Paul Wasanga's name. You do not see the names of Isaak Hassan or Oyombra. This lacks the credence.

Hon. Deputy Speaker: Hon. Opiyo, your five minutes are over. Let us have hon. Yohanna Kipyegon from Emurua Dikirr Constituency.

Hon. Kipyegon: Thank you for giving me this opportunity. I wish to register my pleasure, happiness and thanks to the Speech made by the President. I must commend the President for the spirit and the breath that he gave to this nation on Thursday, a nation that was almost collapsing. Many of us had started thinking of ways of either impeaching the President or even going to the streets to demonstrate because this country was on its knees on matters of corruption. We were wondering whether the President knew what

was ailing the country. The Cabinet was rotten. The Judiciary and Parliament were rotten. County governments were a den of thieves. We were wondering whether hon. Uhuru Kenyatta was still the President of this country. His speech on Thursday showed us that he is still the President of this country. I want to applaud him and thank him for the several issues that he contemplated on. He gave us several matters which most of us have been asking whether they are functional. On most of the matters that the President touched on such as health, transport, education and electricity, I must applaud him because he has showed the way forward. He has showed that we have a plan for the citizens of this country.

Most notably are two issues that touched me. One is the fact that the President apologised for the wrongs, ills and mistakes which were done by the previous governments. We have had several questions which have not been answered. We have had assassinations, forceful evictions, land grabbing and people doing ills to the citizens of this country. Although the President never categorised or specified the particular crimes which were committed, he gave us hope that, in future, even those of us who have also been doing wrongs and who have been done wrongs in this country can also forgive each other. I remember a musician from South Africa sang a song that says: “Dogs and cats have forgiven each other - what is wrong with us as people?” The President took a step to apologise for the wrongs which have been visited on the country.

*[The Deputy Speaker
(Hon. (Dr.) Laboso) left the Chair]*

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

The second issue that touched me was the question of corruption. It was almost eating the fabric of the society. It had almost made Kenya one of the states which could be declared as a failed state. I must commend the President because he cracked the whip. Although we are asking several questions about the procedure to have been followed by the President, once the information from EACC or an independent commission has been forwarded to the President, the smart thing is to ensure that the information is made public. The best way is to bring it to this House. This House is the oversight House. It is the only House that deals with the oversight role.

Even though we know that this House may not do serious investigation such as the question of prosecution, but we believe that this House will look at those organs or agencies of Government that will deal with the prosecution. This House will oversight to ensure that truth and justice are achieved. I commend the President on the issues that touched on his Cabinet.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Very well spoken! Let us have the hon. Member for Lunga Lungu, hon. Mwashetani.

Hon. Mwashetani: Ahsante sana, mhe. Naibu Spika wa Muda kwa kunipa fursa hii ili niwe katika orodha ya wale wenzangu ambao watachangia ama kudadisi Hotuba ya Rais ambayo aliisoma hivi majuzi. Nakubaliana na Ripoti yake kulingana na yale

masuala aliyoyazungumzia kama vile umeme katika mashule. Shule zetu za sehemu tunazowakilisha hazijakuwa na umeme kwa muda mrefu. Lakini kwa sasa hivi---

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Members. Member for Kiharu, hon. Irungu Kang'ata, you are consulting too loudly.

Hon. Mwashetani: Ahsante sana Mheshimiwa Naibu Spika wa Muda. Kwa sasa hivi, tukiangalia watoto wetu kwenye mashule, wamepata umeme na wanaweza kusoma usiku. Baadhi ya hayo, kuna pia *Uwezo Fund*. Lakini ningependa kushikilia mambo mawili.

Kwanza, ni swala sugu la ufisadi. Nilipoangalia hii Ripoti ambayo imeletwa na Tume ya Kupigana na Ufisadi, ni Ripoti ambayo kwa kusema kweli, inashika viongozi wengi katika wale ambao wamechaguliwa kisiasa.

Uchunguzi wa ripoti hii haujakamilika. Lakini leo ukitajwa kua wewe ni mfisadi, nakupa mia fil mia; mwananchi aliyekupigia kura anatoka imani. Hili ni suala ambalo linatatiza sana. Niliposikia kuwa kutakuwa na ripoti kuhusu magavana na jinsi wanavyopora fedha za umma, nilidhani kutakuwa na mabilioni ya pesa ambazo zitaonyeshwa kuwa zimepotea. Lakini ripoti hii inazungumzia Ksh140 milioni na Ksh160 milioni. Kupitia ugatuzi, ambao tumeupitisha kikatiba, tunasukuma pesa nyingi sana kwa serikali za kaunti. Hivi sasa, Serikali ya Kitaifa imesukumia serikali za kaunti Ksh258 bilioni. Hizo pesa zinaenda mashinani kupitia kwa kaunti. Katika maeneo mengine, hakuna kazi yoyote iliyofanywa. Pesa nyingi sana zinafujwa, lakini katika ripoti hii, kitu kinachoshangaza ni kwamba hakuna habari ya kisawasawa ya kutuonyesha kuwa kweli pesa zimepotea kiviipi.

Suala la ufisadi ama suala la dhuluma za kihistoria si kuteswa peke yake; bali pia ni kunyang'anywa mashamba. Ninapozungumza, kwenye sehemu yangu ya uwakilishi bungeni, kuna mahali panapoitwa Kiwambale, ambako kuna wanavijiji ambao wameishi hapo kwa miaka 100. Lakini sasa hivi, wako katika hatari ya kuondolewa. Rais ametamka yeye mwenyewe akasema kwamba hata wale---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, let me confirm that if you have to check your details, you can consult the clerks-at-the-table. Allow me to listen to the Members speaking.

Hon. Mwashetani: Mhe. Naibu Spika wa Muda, historia ya watu wetu kunyang'anywa mashamba imekithiri. Zaidi ya mara tatu, tumeihusisha Tume ya Ardhi kwenye masuala ya mashamba ambayo yamechukuliwa. Lakini Tume hiyo bado haijatupatia mwelekeo wowote. Hivi sasa, hata wakazi wangu wa Lunga Lunga wanaoishi kwenye kipande cha ardhi chenye ekari 1,083 wanaondolewa. Nyumba zao zimeharibiwa na wataondolewa wakati wowote kutoka kwa mashamba hayo.

Mamlaka ya Kukusanya Ushuru (KRA) hokusanya fedha ambazo hutumika kutekeleza miradi ya Serikali. Kupitia Kamati ya Fedha, Mipango na Biashara, nilitaka kujua viwango vya ushuru wa VAT wanaotozwa wanabiashara wanaoingiza magari humu nchini, na jinsi ushuru huo unavyokusanywa. Lakini mpaka sasa, sijapata ripoti yoyote. Mwaka umepita sasa tangu nilipowasilisha ombi hilo. Kila siku nikiuliza swali hilo, napekwa huku na kule.

Kwa hayo machache, naiunga mkono Hotuba ya Rais na kumpongeza kwa sababu maandalizi ya safari ya kesho huanza leo.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Let us hear the Member for Baringo.

Hon. Members: He is not here!

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Then I will give the Floor to the Member for Seme.

Hon. Ekomwa:--- (*Off-record*)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. James Ekomwa, you are out of order! I will not entertain any nonsense!

Proceed, hon. Nyikal.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute.

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

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let me get your point of order. Please, make sure that it is a point of order, Member for Turkana South.

Hon. Ekomwa: Hon. Temporary Deputy Speaker, is it in order for hon. Members who came to the House late to be given the Floor ahead of those of us who came here at 2.00 p.m.? How come we have not yet gotten the opportunity to speak?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, you are out of order! You cannot be a Speaker. We have had Speakers from 2.30 p.m. You cannot convince this House that you can be a Speaker. Please, respect the Chair. I rule you out of order. We have had Speakers and Members have spoken. I want to be good today and tell you that you are not anywhere near the 35 Members' requests that I have on my list.

Hon. Ekomwa:---(*Off-record*)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, you are out of order! Get out of the Chamber since you cannot follow the rules and procedures of the House. I do not need to tell you where your name is.

Out of the Chamber!

(Hon. Ekomwa withdrew from the Chamber)

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I appreciate the effort by the First Lady on the Beyond Zero Campaign. Technically, the Beyond Zero Campaign is a good effort, but there are no logistics and strategies that will result in the reduction of maternal mortality. I can say that for sure.

The issue of medical equipment was also indicated in the President's Speech. In fact, we are putting so much money into the programme. Looking at the problem as it is now, my greatest fear is that we do not have people to operate the equipment when they are put in place. I am worried that we will probably have medical equipment lying somewhere and people will not be using it. There are many areas of programmatic nature that face the same sequence of reporting good things, but not changing peoples' lives.

On the past injustices, an apology, as one Member said, implies that you must admit that so and so committed an injustice. People are not looking for money when looking at past injustices. When your relative dies, you are not looking to be given

money. You want to know who killed them. If that person can come forward and apologise the Rwanda style, that will help.

Corruption is an area where the President has made a commendable effort. But I am worried after looking at this Report that this is work which has not been completed. In his Speech, he admits the failure of EACC. We need to do something about EACC. If we do not get a proper report in 60 days, the whole idea of stepping aside will have no meaning.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is up. Well spoken. Member for Embakasi Central, hon. John Ndirangu. Members, let us be advised to be carrying our cards. Member for Bomet Central!

Hon. Tonui: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Presidential Speech, which was well delivered. I watched it although I was outside the country. It was a very strong Speech. The President scored a clean A and, more so, in relation to the content of the Speech.

I was happy to learn of the new developments in the country. I learnt that we are the third fastest growing economy in the whole world just behind China and Philippines. That is a good direction that we have taken to ensure that we create employment opportunities for our youth. This is the biggest challenge that we are facing as a country. I was also very happy to note that inflation is currently being contained within a single digit. This will make the lives of ordinary Kenyans a little bit easier. The drop in the prices of petroleum products needs to be appreciated.

The President captured the issue of education in his Speech very well. We have enhanced free primary education funds and the free day secondary education funds. That needs to be appreciated. We also need to encourage the Government to allocate more resources to education to ensure that we have quality education in terms of adequate number of teachers in our schools. We have established many schools through the CDF but, unfortunately, they are poorly staffed. Those teachers also need to be highly motivated, so that they can give quality education to our children.

There is the issue of corruption, which was the core issue of the Speech that was well delivered. From this Report, my county is well captured as being among the top most corrupt counties in Kenya.

We are among the top most corrupt counties in Kenya. My Governor is captured having looted quite a lot. That can be seen even from the change of his lifestyle. Immediately after the elections, he used to contribute about Kshs10,000 in fundraisings. All of a sudden, he is contributing Kshs500,000! It can be seen from this Report that, that man has been accumulating a lot of resources from the county. There are many things. The allegations of misappropriating Kshs300 million, Kshs400 million, Kshs33 million and the allegations of single-sourcing are just a few of the scandals. We know of many other scandals that are taking place in our county, which have not been captured here. For example, I understand that on a daily basis, about Kshs1.3 million is paid to a petrol station to fuel the county vehicles. However, only Kshs300,000 is spent on fuelling the vehicles within the county. The other Kshs1 million is cashed for the county officials to go and share and the Governor is the major beneficiary. Those are the kinds of issues that the EACC needs to capture and ensure that they are included in this Report.

The EACC also needs to capture the issue of Kshs10 million for the disabled. The money was provided for in the budget of the county government. But it subsequently disappeared into thin air. A sum of Kshs340 million was set aside for the establishment of nursery schools. There are no nursery schools and no classroom has ever been constructed in Bomet County. They re-brand projects like dispensaries, which have been undertaken using the CDF kitty, and indicate that they are county projects. These issues need to be taken care of.

The issue of bouncing cheques also needs to be included in the list of EACC. I believe we will supply more details to the EACC so that they can have a very strong case. For the first time in history, we have a---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Hon. Members, remember that each Member has five minutes.

Next on my request list is the Member for Rarieda, hon. Gumbo. Hon. Members, you must be aware that this is just the first allotted day for debating the Presidential Address. We will have two more days.

Hon. (Eng.) Gumbo: Thank you, hon. Temporary Deputy Speaker. I have less than five minutes remaining.

Let me start by saying that, in my view, compared to this year, the President's last year Speech sounded more like a verse from the Book of Lamentations. This year's Speech is bold. Those of us who watch the world stage know that last week saw the passing of a model statesman; a man who devoted his life to the pursuit of prosperity for his people. I am glad that in an article in the papers today, our President regards the late Lee Kuan Yew, the founding Prime Minister of Singapore, as his role model. I, too, regard Lee Kuan Yew as a model Statesman. The reason why Lee Kuan Yew stood out was because he pursued prosperity through strict adherence to meritocracy. If the President truly means that he admires the late Lee Kuan Yew, then we want to see the prosperity of our nation under his leadership being pursued through meritocracy.

I am very disappointed that in his Speech, the President made no mention of food security. As we speak today, we know that about 40 per cent of our people are on the verge of dying because of starvation. To me, it is a big omission; that a speech of that magnitude made no mention of the dire situation that many of our people are facing in terms of inability to access food.

The action of public apology was an act of magnanimity, which has to be commended. As has been said before, we need a framework through which this public apology can make sense. It is true that power has been taken to 1,800 of our primary schools. However, those of us who live at the end of the grid know that we have power lines. But most of the time, there is no power at all. The talk about restorative justice is good, but let us have a clear framework.

Those of us who come from areas where Internally Displaced Persons (IDPs) were called returnees or Integrated IDPs, we know they were completely left out. We must have a clear framework where the compensation under the restorative justice will be effected.

Hon. Temporary Deputy Speaker, I am concerned at the way the President went about giving what we now call "The List of Shame." We know that public officers like ourselves are guilty as charged the moment your name comes out in the "List of Shame".

Our laws are very clear. The presumption of innocence until proved guilty is lost when we go about things in this manner. As I conclude, I want to say that without due process, the President's action, although with very good intentions, amounts to nothing more than futile firefighting and lynching by the mobs. This is the President and he must really do better than this.

Those are my remarks as I hope that what the President says, particularly with regard to national cohesiveness, we are going to see it in the appointments that are going to come in the parastatals that are not yet constituted.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members. Standing Order No. 24 which is about the President's Address to Parliament and specifically Standing Order No. 24 (6) says that: "A Member may give a notice of Motion that "The thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on 26th March, 2015." That was the date which was on Thursday last week. The Standing Orders say that such a Motion shall not exceed four sitting days. So, those hon. Members, the 12 requests that I have here now and the rest will have a chance to speak in the next allotted day.

Hon. Members, let me caution you. This is the time we need to have decorum in this House. We will not allow it otherwise. For example, hon. James Lomenen Ekomwa, you cannot be a special Member in this House. You can only be special in your constituency. Take note of that.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, this is a House of rules and procedures. The time being 6.30 p.m., this House stands adjourned until tomorrow, Wednesday, 1st April, 2015, at 9.30 a.m.

The House rose at 6.33 p.m.