

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 7<sup>th</sup> July 2015

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### CONSTITUTION OF JOINT COMMITTEE TO CONSIDER PRESIDENT'S RESERVATIONS

**Hon. Speaker:** Hon. Members! Hon. Richard Onyonka, we are in the National Assembly Plenary Hall. I know that most of you have been active in some proceedings, a while ago. Hon. Members, this Communication relates to a Message that came from the Senate on the Public Procurement and Asset Disposal Bill and related matters.

Hon. Members, as you are aware, on June 18<sup>th</sup> 2015 the National Assembly considered the Presidential Memoranda on the Public Procurement and Asset Disposal Bill 2014 and passed it fully while accommodating the President's reservations. Subsequently, and in accordance with the Constitution and our Standing Orders, I conveyed the decision of the House to the Senate. However, the Senate, by way of a Message dated 24<sup>th</sup> June 2015, invoked the provisions of Senate Standing Order No.158 and returned the Memorandum to the National Assembly proposing the formation of a Joint Committee of the Houses of Parliament to examine the Memoranda.

Hon. Members, you will recall that in an earlier Communication, I had observed that some provisions of our Standing Orders are not in tandem with the expectations of the Constitution. Specifically, the provisions of Standing Order No.155 which is also replicated in Standing Order No.158 of the Senate Standing Orders and which commits Presidential Memoranda on a Bill considered by both Houses to a joint committee, partially offend the provisions of Article 115 of the Constitution. While Standing Order No.155 foresees the adoption of a report of a joint committee of the two Houses, Article 115 of the Constitution requires that any amendment to the President's reservations or, indeed, a total rejection of the reservations should be supported by a vote of, at least, two-thirds of the Members of the National Assembly and two-thirds of the delegations in the Senate.

Similarly, my colleague, the Speaker of the Senate, in Communication, seems to have also observed that part of the Senate Standing Order No.158 relating to the manner of considering the President's Memorandum does not accord with the requirements of Article 115 of the Constitution. My colleague the Speaker of the Senate, therefore, requests that the two Houses form a joint committee in the manner provided for in Standing Orders relating to

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formation of joint committees, so as to give the two Houses an opportunity to jointly consider the President's reservations. He also observed: "This, however, does not take away the prerogative of each House to make a separate decision on the Presidential Memorandum".

Hon. Members, I find the request contained in the Message to be fair and reasonable even though it is coming rather late as far as the Presidential Memoranda on the Public Procurement and Asset Disposal Bill 2014 and, indeed, Public Audit Bill 2014 are concerned. You know too well that the National Assembly has already considered the two Memoranda and the House has since become *functus officio*. Nevertheless, the character of bicameralism requires all of us to be accommodative and supportive of its complexities.

In this regard, therefore, I hereby direct that pursuant to the provisions of Standing Order No.213 (3) and Rule 9 of the Houses of Parliament Joint Sitting Rules, the Committee on Selection embarks on the process of nominating five Members for appointment by the House, as Members of the joint committee for the purposes of considering the Presidential Memoranda on the Public Procurement and Asset Disposal Bill 2014 and, indeed, the Public Audit Bill 2014.

Due to the urgency of this matter, the Committee on Selection should conclude that business before 2.30 p.m. tomorrow, Wednesday, 8<sup>th</sup> July 2015, so as to accord the House an opportunity to consider the Motion to approve the names of the persons nominated to serve in the joint committee during the afternoon sitting of the following day. Hon. Members, let me also confirm that in accordance with the provisions of Standing Order No.213(6) and Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint committee shall be by separate Houses. In view of the fact that National Assembly has already deliberated on and made a decision on the Presidential Memoranda on the Public Procurement and Assets Disposal Bill 2014 and the Public Audit Bill 2014, the membership of the National Assembly in the joint committee will be expected to convey and uphold the decision made by the National Assembly on 18<sup>th</sup> June 2015 and 23<sup>rd</sup> June 2015 on the two items since they cannot invalidate the resolutions passed on those two dates.

I thank you.

Hon. Members, just familiarize yourselves with the Standing Orders. There is never a requirement that the Speaker starts to clarify things. You can go and find out in your institutions of instructions; you are all qualified in the various professions that you are members of.

## MESSAGES

### MESSAGE ON NATURAL RESOURCES (BENEFIT SHARING) BILL

**Hon. Speaker:** Hon. Members, if you could allow those who are coming in to sit. Hon. Members, we are at the stage of Messages. This is Message No.17 of 2015 from the Senate.

Hon. Members, I wish to convey that I received a Message from the Senate on Wednesday 2<sup>nd</sup> July 2015, regarding the Natural Resources (Benefit Sharing) Bill (Senate Bill No.34 of 2014).

Hon. Members, the Message states and I quote:-

"The Natural Resources (Benefit Sharing) Bill (Senate Bill No.34 of 2014), which was published in the *Kenya Gazette* Supplement No.137 of 12<sup>th</sup>

September 2014 as a Bill originating from the Senate was passed with amendments by the Senate on Wednesday, 24<sup>th</sup> June 2015.”

The Senate now seeks the concurrence of the National Assembly on the said Bill.

Hon. Members, I am aware that the Clerk has since circulated copies of the said Bill. After being read the First Time, pursuant to the Standing Order No.143, the Bill will stand committed to the Departmental Committee on Environment and Natural Resources for consideration. The Committee is expected to submit a report before the Bill is considered by the House for Second Reading.

I, therefore, direct that before the Bill is scheduled for First Reading, the Budget and Appropriations Committee should submit to the House its recommendations pursuant to Article 114 of the Constitution relating to money Bills. For the benefit of Members, the House Business Committee has since been informed by the Kenya Law Reform Commission that Parliament should enact legislation dealing with agreements for the exploitation of natural resources before 27<sup>th</sup> August, 2015 to actualise the provisions of Article 71 of the Constitution. I will expect the Committee to confirm whether by passing this Bill, Parliament will have fulfilled that obligation.

Thank you.

**Hon. Were:** On a point of order.

**Hon. Speaker:** What is your intervention, Hon. David Were?

**Hon. Were:** Hon. Speaker, I stand on a point of order under Standing Order No.216. This is with regard to appointment of Members to Departmental Committees as envisaged under Standing Order No.216 (1), which provides that there shall be Select Committees to be known as Departmental Committees. Standing Order No.216(3) provides that unless the House otherwise directs, the Departmental Committees and the subject matter respectively assigned to them shall be as set out in the Second Schedule.

On the Second Schedule, under No.J, page 208, the Departmental Committee on Labour and Social Welfare is charged with the responsibility of considering issues to do with labour, trade union relations, manpower or human resource planning, gender, culture and social welfare, youth, National Youth Service, children’s welfare, national heritage, betting, lotteries and sports. Yesterday, we got a notice from our Clerk indicating that we will be having a meeting today at 11.30 a.m. to meet the Cabinet Secretary for Devolution and Planning with regard to Questions relating to NYS. The Members complied and came on time. But when we looked at the Order Paper, it indicated that the Questions which were meant to be addressed by our Committee had been referred to the Departmental Committee on Finance, Planning and Trade.

To my recollection, I have not had any situation where this House has otherwise directed that matters that are mandated to be handled by the Committee on Labour and Social Welfare should be handled by the Departmental Committee on Finance, Planning and Trade. It created confusion to the Committee Members. We waited but, unfortunately the Cabinet Secretary had been informed that she was required to appear before the Committee on Finance, Planning and Trade. So, we were unable to attend and execute our mandate as per the Standing Orders.

I want your direction as to what happened; that matters that should have been handled by our Committee throughout were given to another committee. It is the Committee on Labour and Social Welfare that has handled the budget for NYS. That can be attested to by even the Chairman of the Budget and Appropriations Committee. We are the ones who have been presenting the budget for the NYS and all the matters that relate to NYS. Today, we were

surprised that our Committee was short-changed and the matter was sent to a different Committee. I want your direction on this matter.

**Hon. Speaker:** Very well. I will address the matter shortly. But let us get through the other motions.

**Hon. Members:** On a point of order, Hon. Speaker.

**Hon. Speaker:** At this stage, none of you can be of any help. Just relax. The matter is in very safe and competent hands. Just feel comfortable where you are.

Next Order!

## PETITION

### ESTABLISHMENT OF SPECIAL PRISONS AND REVIEW OF PENAL CODE

Hon. Members, Standing Order No.225(2)(b) requires that the Speaker reports to the House any petition, other than those presented through a Member. I, therefore, wish to convey to the House that my office has received a petition from three inmates from Naivasha Maximum Prison; namely, Nicholas Okoth, Nicholas Ouma and Richard Chemenzo, regarding radicalisation of inmates, review of the Penal Code and amnesty of inmates who have served for more than seven years. The Petitioners are praying that the National Assembly:-

(1) Considers providing for establishment of a special prison/unit for terrorists and pirates to curb the alarming rate of radicalisation in prisons.

(2) Review the Penal Code to align it with the Constitution.

(3) Recommend for blanket amnesty for inmates who have served for more than seven years.

(4) Advocates for immediate relocation of the motor vehicle number plate production industry from the Kamiti Maximum Prison to the National Youth Service Headquarters, amongst other prayers.

The Petition, therefore, shall stand committed to the Departmental Committee on Administration and National Security. The Committee is requested to consider the Petition and report its findings in accordance to Standing Order 227(2) and also give this Petition due attention since this is the second time that the National Assembly is receiving a petition from persons under incarceration. The first petition of this kind was received on 23<sup>rd</sup> February 2015 and conveyed to the House on 10<sup>th</sup> March, 2015.

**Hon. Midiwo:** On a point of order.

**Hon. Speaker:** What is your point of order?

**Hon. Midiwo:** Hon. Speaker, this is just out of curiosity. I know that you have a legal mind and you have been a magistrate. Would it be in order for me to ask you to clarify the rights of inmates? The Petition that you have just read to the House seems to be a petition where persons under incarceration are wishing to direct the Government on how to run its affairs. Those are people in jail. Would it be fair to ask whether they have a right to seek that direction? It seems to me that we may be misusing this particular provision. Many Kenyans do not have food on their tables and in prison there is food. If you can use this window of Parliament, stay in prison and be fed by Kenyans, would it not be okay just to stay there and keep doing your work? I am just curious. I know incarceration is not for fun. It is not even for work. You are kept away

from the public. If these wishes are granted, it means prisoners are directing how the Government serves the general public. I need to know if that is a right that prisoners can enjoy.

The curious one is the issue about number plates. Where do inmates see number plates? These are people who have been in prison for more than seven years. My understanding of incarceration is just that. You are away from public activities. We need to be careful not to misuse the Floor of this House and taxpayers' money to reward wrong things. I would really wish that, that is clarified to this House.

**Hon. Speaker:** Hon. Members, I can see some excitement. There is nothing to debate on this. The Committee to which the petition is referred is at liberty to look at it. If they think it is frivolous and discloses no cause of action, then they can make a finding. The Constitution says that any Kenyan can petition Parliament on any matter. Even those ones who are in Naivasha Maximum Prison, as long as their names appear to be Kenyan or they can confirm to be Kenyan, can petition you. It means that going forward, you will be petitioned about many things. It is up to you to decide how you want to deal with the things about which you are being petitioned. Hon. Nyikal, what clarification do you need?

**Hon. (Prof.) Nyikal:** Hon. Speaker, my question is extremely simple and straightforward. How did the petition get out of prison to this place?

**Hon. Speaker:** I think that is one of the issues that the Committee is going to address. Hon. Nyikal is raising a pertinent issue. How did those people who are incarcerated and are in a maximum security prison, sneak out their petition? Maybe, that is one of the issues that the Committee will be exploring to find out how this happened. The matter raised by Hon. Nyikal is serious. Should there be need to hear them, where will you hear them from? Does the Committee go to sit in the maximum security prison? It is an important issue that the Committee concerned will need to find out - how the petition managed to get out of the maximum security prison if, indeed, it has maximum security.

Next Order. Leader of the Majority Party.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, those could be quacks. The Chairman and the Committee must go to Kamiti Maximum Security Prison and confirm if they are the same guys. They could be quacks in the streets of Nairobi. We need to do a very serious investigation.

Hon. Speaker, I beg to lay the following Papers on the Table:-

The Report of the Auditor-General on the Financial Statements of the National Hospital Insurance Fund (NHIF) for the year ended 30<sup>th</sup> June 2014 and the certificate therein.

The Report of the Auditor-General on the Financial Statements of the Youth Enterprise Development Fund Board (YEDFB) for the year ended 30<sup>th</sup> June 2014 and the certificate therein.

The Annual Report and Financial Statements of the Kenya Literature Bureau (KLB) for the year ended 30<sup>th</sup> June 2014.

The Annual Report and Financial Statements of the Micro and Small Enterprises Authority (MSEA) for the year ended 30<sup>th</sup> June 2014.

The Annual Report and Financial Statements of the Kenya Dairy Board (KDB) for the year ended 30<sup>th</sup> June 2014.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (CDF), Bumula Constituency, for the year ended 30<sup>th</sup> June 2014 and the certificate therein.

**Hon. Speaker:** Chairperson of the Public Accounts Committee (PAC).

**Hon. (Eng.) Gumbo:** Hon. Speaker, I beg to lay the following Paper on the Table:-  
The Report of Public Accounts Committee on the Judicial Service Commission (JSC) and the Judiciary Special Audit Report of May 2014.

**Hon. Speaker:** Chairperson of the Departmental Committee on Health.

**Hon. (Dr.) Pukose:** Hon. Speaker, I beg to lay the following Paper on the Table:-

The Report of the Departmental Committee on Health on its consideration of the Diabetes Management Bill, 2015.

Hon. Speaker, I also seek your indulgence. We laid a Paper on the Table of this House in July last year on the Report of NHIF. We even moved a Motion to discuss it. We gave a notice for debate of the NHIF Report and up to today, it has not been listed for debate.

**Hon. Speaker:** The point is noted for the House Business Committee (HBC) to consider. Chairperson of the Departmental Committee on Defence and Foreign Relations.

**Hon. Gethenji:** Hon. Speaker, I beg to lay the following Paper on the Table:-  
The Report of the Departmental Committee on Defence and Foreign Relations on its consideration of:-

- (1) The East African Community Protocol on Cooperation in Defence Affairs.
- (2) The Mutual Defence Pact between the Republic of Kenya, Uganda and Rwanda.
- (3) The Agreement on the Establishment of the Eastern Africa Standby Force.

**Hon. Speaker:** Very well. Chairperson of the Departmental Committee on Justice and Legal Affairs.

**Hon. Chepkong'a:** Hon. Speaker, I beg to lay the following Papers on the Table:-

The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Vetting of Judges and Magistrates (Amendment) Bill, 2015.

The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Ethics and Anti-Corruption (Amendment) Bill, 2015.

## NOTICES OF MOTIONS

**Hon. Speaker:** Hon. Nicolas Gumbo.

### ADOPTION OF JUDICIAL SERVICE COMMISSION REPORTS

**Hon. (Eng.) Gumbo:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee on the Judicial Service Commission and the Judiciary Special Audit Report of May 2014.

**Hon. Speaker:** Chairperson of the Departmental Committee on Defence and Foreign Relations.

### ADOPTION OF REPORT ON EAC PROTOCOLS

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

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of three Protocols laid on the Table of the House, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of:-

- (1) The East African Community Protocol on Cooperation in Defence Affairs.
- (2) The Mutual Defence Pact between the Republic of Kenya, Uganda and Rwanda; and,
- (3) The Agreement on the Establishment of the Eastern Africa Standby Force.

**Hon. Speaker:** I will pass the Order and move forward to the Chair of the Departmental Committee on Labour and Social Welfare.

Hon. David Were.

**Hon. Were:** Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House today Tuesday, 1<sup>st</sup> April 2015:-

1. Sessional Paper No. 3 of 2013 on the National Productivity Policy.
2. Sessional Paper No. 4 of 2013 on the National Employment Policy and Strategy for Kenya.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very Well. Hon. Members before we proceed, allow me to recognize the following students who are in the Public Gallery from the following institutions:-

1. Chief Mbogori Girls High School, Maara Constituency, Tharaka Nithi County.
2. Karuri Mixed High School, Kiambaa Constituency, Kiambu County.
3. Young Angels Academy, Kamukunji Constituency, Nairobi County.
4. Father Martin Boyle Academy, Tinderet Constituency, Nandi County.

You are welcome to the National Assembly proceedings.

Hon. (Ms.) Millie Odhiambo.

**Hon. (Ms.) Odhiambo Mabona:** Thank you, Hon. Speaker. I want to draw the attention of the House to something very important that happened when you were away. Last week, this House passed the Marriage Act and one of our Members has taken upon himself to make sure he obeys the law to the letter and got married. Indeed, he had his honeymoon at State House. If State House can recognize a Member of this House, would I be in order to request that, as a House, we congratulate Hon. Mwaura for joining us in this noble institution?

*(Applause)*

I have been in this institution for nine years and have enjoyed the fruits. Now that he has joined us, I will take this opportunity to congratulate him and request that the House, in the same way, acknowledges the change of status. You can even see in his attire that the status can be evidently seen.

**Hon. Speaker:** Hon. Millie Odhiambo, you said you are congratulating Hon. Mwaura but you should have proceeded to wish him well in the new union. Also ask him to proceed to do the necessary so that he can similarly, like you, enjoy the union. Congratulations to Hon. Mwaura, nevertheless!

Hon. (Ms.) Wanjiku Muhia.

*(Laughter)*

**NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO.33(1)**

**ONGOING CRACKDOWN ON ILLICIT BREWS**

**Hon. (Ms.) Muhia:** Thank you, Hon. Speaker. I have been in the union for a long time and I can see the Leader of the Majority Party is thinking that I am being congratulated on the same course. Hon. Speaker, allow me, in a second, to join Hon. Millie in congratulating Hon. Mwaura.

Hon. Speaker, pursuant to Standing Order No. 33(1), I would like to seek leave to move the adjournment of the House for purposes of discussing the ongoing crackdown on illicit brews in the country, and especially in Central Kenya.

*(Applause)*

Hon. Speaker, in the recent past, there has been concerted effort by members of the public to dismantle production and supply of illegal beers. Easy access to cheap illegal beers has resulted in the diminishing capacity and reduced lifespan of the citizens, especially the youth. They have weakened the fabric of the society, slowed down the economy and increased insecurity among other social ills. The crackdown has been welcomed by the local communities affected and many positive effects are expected.

I, therefore, seek for adjournment of the House to discuss this ongoing crackdown on illegal brews as it is an important national matter.

Thank you, Hon. Speaker.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Members, you have the requisite numbers. The hon. Member has the requisite support and she had approached the Chair much earlier. It is, indeed, a matter of national importance. So, I decree that the House will adjourn at 5.30 p.m. to discuss the matter.

Hon. Members, you will recall that in June 2014, we resolved as a House to amend parts of our Standing Orders. Among the issues agreed on was that in fulfilment of Article 156 of the Constitution, Cabinet Secretaries (CSs) would be appearing before Committees of the House to respond to matters under their dockets. To this end, CSs have been appearing before Committees every Tuesday from 10.00 a.m. to 1.00 p.m.

Hon. Members, the process, which I believe is understood by each one of us, involves Members drafting Questions through the Clerk's Office which are thereafter directed to the relevant Ministry for a response. Subsequently, the Clerk's Office in consultation with the Office



of the Leader of Majority Party schedules the Questions to be answered on any given Tuesday when the House is in session.

Hon. Members, Standing Order No. 216 as read together with the Second Schedule to the Standing Orders provides for the appointment, membership, mandate and functions of the Departmental Committees. In this regard and considering the matter at hand, the Second Schedule specifically provides that the National Youth Service (NYS) is a subject that falls under the Departmental Committee on Labour and Social Welfare. It is, therefore, regrettable that during the forwarding of the schedule for appearance, it was erroneously indicated that the matter which was raised by Hon. Were, the Chair of the Departmental Committee on Labour and Social Welfare would be handled by the Departmental Committee on Finance, Planning and Trade. Consequently, the matter as well as the concerns of the Chair of the Departmental Committee on Labour and Social Welfare have been duly noted and will be rectified accordingly.

Hon. Members, it is noted that the new dispensation has created several overlaps among Government Ministries in relation to the Departmental Committees which may have caused the error. However, be it as it may, all concerned officers and offices are required to undertake the necessary due diligence in processing of the relevant business so as to avoid the kind of confusion that the Hon. Chair of the Departmental Committee on Labour and Social Welfare has mentioned, and the necessary corrective action should be taken.

Thank you, Hon. Members.

**Hon. Speaker:** Hon. Gladys Wanga, you have pressed your intervention button.

**Hon. (Ms.) Nyamunga:** Yes, Hon. Speaker. If you indulge me on your ruling, does it mean that the meeting that was held today with the Cabinet Secretary (CS) discussing the National Youth Service was null and void and that the Departmental Committee on Labour and Social Welfare should proceed to interrogate the matter afresh?

**Hon. Speaker:** No. The members who were there are Members of this House and the issues that were discussed are national. It is only that corrective action will be taken, but should there be need for further consideration, the appropriate Committee will be the Departmental Committee on Labour and Social Welfare to deal with any matters touching on NYS. That is the correct position. The Members who appeared there are all Members of Parliament and the issues that were discussed were being canvassed there by Members. We will, therefore, expect that should there be any need for any report to be made, then the Departmental Committee on Labour and Social Welfare and Members who were present there can make it but, of course, the matter was not one that required a report. It was to respond to questions. So, unless there were any undertakings which were given by the CS which would require a follow up, it will be by the Committee on Implementation.

Next Order.

## BILLS

### *Third Readings*

#### THE WATER BILL

**Hon. Speaker:** Hon. Members, the business on this Bill was concluded last week on Thursday. What remains is the Question to be put and I proceed to do so.

*(Question put and agreed to)*

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

THE SECURITIES AND INVESTMENT ANALYSTS BILL

*(Several Hon. Members withdrew from the Chamber)*

**Hon. Speaker:** Again, hon. Members, including those who are tired and are walking out, do not walk. Just be where you are, even this one from Lamu. Is it that it is difficult to understand English? Hon. Members, for avoidance of doubt, going forward, I propose to begin implementing Standing Orders so that Members who do not pay attention to what is happening are kicked out.

*(Applause)*

What remains of this Bill is again to put the Question and I proceed to do so.

*(Question put and agreed to)*

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

Next Order.

*Second Reading*

THE ETHICS AND ANTI-CORRUPTION COMMISSION  
(AMENDMENT) BILL

**Hon. Chepkong'a:** Thank you, Hon. Speaker. I beg to move that the Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No.33 of 2015) be now read a Second Time.

The Departmental Committee on Justice and Legal Affairs has already tabled its Report. This is an amendment that originated from the Committee. The Bill seeks to amend the Ethics and Anti-Corruption Commission (EACC) Act to increase the number of commissioners from three to five.

Secondly, the Bill seeks to provide for the chairperson and members of the EACC to serve on a part-time basis. It further seeks to provide for a timeline for the appointment of the chairperson and members of EACC when a vacancy arises. The Committee, as required by Article 118(1)(b) of the Constitution of Kenya and Standing Order No.127(3), advertised in two newspapers – *The Standard* and *The Daily Nation* – on 25<sup>th</sup> June, 2015, copies of which have

been annexed to our Report. They were inviting members of the public to make presentations concerning the amendments contained thereon. There was no response to those advertisements placed in the two newspapers.

Fourthly, the Committee considered, as required by Standing Orders, the Bill in its original form and made no amendments and, therefore, recommends that this Bill be approved by the House.

Hon. Speaker, the rationale behind the proposed amendments was contained in our Report which was adopted unanimously by this House when we proposed the removal of the two commissioners of EACC. In brief, the reason why we are seeking to increase the number of commissioners from three to five is this:-

It is unacceptable to have a commission of three members whose quorum is two. That cannot be a meeting. That is a meeting in secret. It is a secrecy meeting. Can you imagine two people purporting to dispatch the business of a very serious organization like EACC? It leaves a lot of room for conspiracy between two people. It is important that we increase the number so that we can ensure that matters that are being discussed are considered in a very impartial and unbiased manner. So, we are proposing that the number be increased from three to five.

Secondly, the Departmental Committee on Justice and Legal Affairs also proposes that the chairperson and the four commissioners serve on a part-time basis. The reason being that we considered a number of situations and, as you know, this House has expressed itself in the past that most of the commissions that have been created under Article 15, the so-called “Article 15 Commissions” should be made part-time. For instance, the Independent Electoral and Boundaries Commission (IEBC) and the National Gender and Equality Commission (NGEC), once the IEBC concludes elections, what will the nine commissioners be doing for five years in office? There is nothing that they will be doing in office for five years.

Secondly, when you consider the EACC commissioners, the role of EACC is purely policy and not executive. Yet, they have been made executive. There is no policy that they perform from Monday through to Friday. So, just like any other ordinary board of a serious organisation, like the one I served, the Communications Commission of Kenya (CCK), you can imagine if it had full-time board members. It would create two centres of power in which it will be very difficult to dispatch business. The only thing the board members will be doing is to micro-manage the secretariat, which is also executive. In this case, you can imagine, the secretariat is mandated with the responsibility of carrying out investigations. In the presence of commissioners who are supposed to enact policy from time to time, they will always want to know the position of investigations. That is the reason there is a lot of interference in the Commission.

The other reason we are recommending that commissioners serve on a part-time basis is that, if you insist that you want someone to serve on a full-time basis, take for instance, senior lawyers of the calibre of a Judge of the High Court or Court of Appeal, you will be asking that senior lawyer to close his or her law firm for six years. The Commissioners of Ethics and Anti-Corruption Commission (EACC) have a six-year non-renewable term. If you close your law firm for six years, when you come back, all your clients will have disappeared. As a State officer, you are not expected to continue having the law firm while, at the same time, serving on a full-time basis. So, it is unwise to have commissioners on a full-time basis.

The third reason is that we recognised that when you seek to have employed persons on full-time basis, most of the time, as we have seen in the past with regard to EACC, you only attract people who have been job seekers. When their contracts expire in one body and the EACC advertises the positions, they say: “Oh, I have been a job seeker. I think this is something I am going to do.” This is true if you examine all the commissioners that have been sitting at EACC. We are not creating positions for job seekers. We are creating positions for people seeking to fight corruption in this country. So, the reason we are proposing that the commissioners serve on a part-time basis is so that we can attract persons who are competent, qualified and have something to do. We do not want people who have nothing to do. This is not the place to go and do nothing. They should go and do something somewhere else instead of coming to practise doing nothing at EACC. It is a very serious outfit.

With those remarks, I would like to request the Member for Meru, Hon. Florence Kajuju, to second. I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Florence Kajuju.

**Hon. (Ms.) Kajuju:** Thank you, Hon. Speaker. I rise to second this Bill. EACC is a very important commission in the Republic of Kenya, especially when we have to do deal with very many issues, including the challenges of devolution. We have looked at the amendments as a Committee and arrived at a unanimous decision that it is important that the commissioners serve on a part-time basis, so that they are also able to participate and work efficiently when they have a sitting.

Under Article 250 of the Constitution, each commission should have, at least, three and not more than nine commissioners. However, what has happened is that we end up with the maximum number and not an average number. If we were to look at the wage bill in as far as the payment of commissioners is concerned, they are paid from the Consolidated Fund. They spend a lot of money compared with any other body within the Executive or other arms of Government, which might not be commensurate with the amount of work that they do. Therefore, it is important that we amend Sections 4 and 7 of the EACC Act so that we can have part-time commissioners who will be in a better position to deliver their mandate. Commissioners are supposed to develop policies and the implementers of those policies are the secretariat. If the secretariat is strong enough, then it means that whatever policies are made by the commissioners will be executed in a proper manner. We also found out that it is important to have part-time commissioners so that we can attract the qualifications that are expected in a commission that is as important as EACC.

Therefore, I second the Bill and beg hon. Members to agree with us, as a Committee. It is important we move these amendments and have them passed by the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Order, Members!

*(Question proposed)*

**Hon. Speaker:** Do I see Hon. Olago Aluoch?

**Hon. Aluoch:** Thank you, Hon. Speaker. I wish to support the amendments as placed before the House. It may not be known to all of us that one of the reasons why the EACC collapsed was because of the power struggles between the commissioners and the secretariat to

the extent that there were attempts by the commissioners to override the secretariat and vice-versa. These amendments will heal that problem that has been in the Commission before, so that commissioners will provide guidance and not meddle in implementation. The part-time commissioners we are going to have need not be investigators as long as they are persons who have knowledge in economics and law.

Guidance to the Commission is very important because lack of guidance would certainly derail the Commission. The commissioners we are going to have, if this Bill is passed, should be persons who will not be going to the Commission as job seekers, but persons who are employed usefully elsewhere and who are willing to provide services to the Commission without sitting at the Commission headquarters every day.

The commissioners we have had, right from Justice Ringera, Prof. Lumumba and Mr. Matemu, are persons who, at the time of their appointments as commissioners, were looking for jobs. When that happens, then you have a person who has the time and opportunity not just to guide the Commission, but also to participate in the implementation of policies in a way that contradicts the roles of the commissioners and those of the secretariat. To that extent, therefore, this Bill is going to serve its purpose. It will give the secretariat the power that they need to implement the objectives of the Commission under the Act.

I support the amendments.

**Hon. Speaker:** Hon. Priscilla Nyokabi.

**Hon. (Ms.) Kanyua:** Thank you, Hon. Speaker. I also stand to support the Bill by the Departmental Committee on Justice and Legal Affairs on EACC.

When we were looking at the petition for the removal of the Commissioners, the Chairperson then, Mr. Matemu and the Vice-Chair at that time, Ms. Irene Keino, the level of infighting in that Commission surprised the Committee.

Hon. Speaker, we found a Commission in which the members of the secretariat and the Commissioners would wake up to do nothing but fight each other. To avoid this level of infighting that we found in that Commission, we recommend part-time commissioners. Our view is that part-time commissioners will help to navigate the fight against corruption much better than what we have in full time commissioners.

We have all spoken about the question of having a board and a secretariat and separating their roles. I have had the pleasure of working as a Chief Executive Officer (CEO) with a very good board. You cannot, as a CEO, live with your board every day. It would drive you insane as a CEO; that every morning you wake up, your chairperson is there. Every afternoon, your chairperson is there and every evening your chairperson is there. He tells you in the morning to do this and five minutes after, you meet in the corridor. It is not acceptable and it is not possible. Nobody can work like that.

The CEO and secretariat must receive guidance, policy direction and oversight from the board but not every day. Once in a month is about as much as they can take on this process. What we are recommending as a Committee is the re-designing of the Commission. In this new design, the board which is the commissioners and the Chairperson would undertake their role of oversight and policy direction and the secretariat led by the CEO would then be left to implement the views of the board day by day.

Looking at the petition, it occurred to us that there might be issues with the secretariat as constituted. We think that the first task of the new commissioners will be to vet the secretariat that exists at the Ethics and Anti-Corruption Commission (EACC). They have to vet the CEO, the Deputy CEO and the investigators. Those who meet the bill will then be allowed to operate under the EACC.

The other reason why we propose and support part-time commissioners is to avoid job seekers. We are in a country where commissioners have become rotational. They serve in the EACC; rotate to the National Land Commission; rotate to the Truth, Justice and Reconciliation Commission; rotate to the IEBC and rotate to the Commission on Administrative Justice. We did not create commissions so that commissioners can rotate from one commission to the other. We want to avoid a scenario of job seekers. If you are a Kenyan and want to assist the country in the fight against corruption, we think you cannot do this as a job seeker. You need to have resolved to come and commit yourself to the fight against corruption. When we have full time commissioners, we are encouraging a culture of job seekers in our commissions and encouraging a culture where some of us, as young as we might be, as much as we want to serve this country, we go into commissions on which we do not have the requisite experience to serve and lead. When commissioners are working on part-time, we were of the view that this will attract the best retired judges, best minds and people who are already earning a living in another arena. When they come to the Commission, they come to fight corruption. They do not come to the Commission as job seekers.

We also found three commissioners to be a very small number. In the petition, two Commissioners were enough to make decisions. All you needed to do was to collude and make all decisions that you needed. A number of five, we think, will do better justice in terms of quorum for the Commission and in moving forward the agenda of the Commission. We think five Commissioners is a difficult number to collude with. Three was far too few for quorum and even for the business that the Commission has to continue with.

There has been a debate in the Committee about appointing a full time Chairperson. That debate has received quite a fair consideration, but if you look at where the Commission needs to go and look at comparative commissions in our continent, especially Nigeria, you actually find that the person of the chair we are looking for would not be a full time person. The Chairperson we are looking for is a person of integrity; somebody who has served; somebody who will move the public with them and somebody who when he writes a letter to citizens, they know that the EACC has written to them.

Nigeria, Kenya and Pakistan compete on the list of transparency index, on the country with the highest levels of corruption. It is a very sad scenario for any country, ours included. One time, Nigeria had beaten Kenya to the list. When Kenya asked how Nigeria had done it, they said “you really must know that we also speak to the people who compile the list.” That is how bad our corruption has become that we are able to talk to those compiling the list and discuss with them what position they will put us. So, those people who provide the list at one time in Nigeria were laughing at Kenyans, that our corruption was high, but it had not reached the people who made the list. At least, they were talking to the people who made the list. In that country and on a very serious note, if the Ethics and Anti-Corruption Commission Chair in Nigeria writes to you, you panic. The brothers in Nigeria run helter skelter when they receive a letter from their Ethics and Anti-Corruption Commission. When you get a letter from the Nigerian Ethics and

Anti-Corruption Commission just asking you to go and explain your transactions, you panic at that level. You organize your legal team and you go and prepare your answers. It is almost similar to what lawyers go through when the disciplinary committee asks them to visit it. For those of us in the legal profession, one of our worst nightmares is to receive summons from the disciplinary committee. Even when you know you are clean or you have done nothing wrong, the very fact that you are on the list of those expected to meet the discipline committee gives you a nightmare. That is the EACC we want to see in our country.

Here in Kenya, when the EACC calls you, what you do is organize a gang that will accompany you to their offices. You also organize *Isukuti* dancers to accompany you to the EACC. You also ask women who had been organized the previous day to accompany you to the EACC; meaning it is a joke to go to the EACC. In fact, just recently, we watched on television women who were dancing and yet, they did not know the governor they were dancing for. When they were asked the name of the governor, one lady told everybody on live media: “*Jina ya gavana ndio sijajua ni gani.*”

(Laughter)

Those are the jokes we do not want to see in the EACC; that a governor is invited to answer questions on how they have spent money, he calls the Governor of Nairobi County who knows the gangs in Kibera, who then calls the women who showed up the previous day to accompany the governor to go and answer questions before EACC.

The chairperson we are looking for, with these amendments today, must bring an end to such conduct. An invitation to EACC is not a date with *Isukuti* dancers. It is not a date with those who want to be paid Kshs200. It is not a date to misuse the poor people of our county. The chairperson must be such a strong personality. The chairperson must command legal authority and that chairperson cannot be the kind that we have in the regulations and rules we have now. That is why we want the chairperson to work part-time, a very formidable citizen who demands that when a governor is invited to EACC, they call their legal team to prepare their defence like they do in Nigeria - and not *Isukuti* dancers.

I support the amendments with those remarks. I really hope as a country, we take corruption seriously. Countries are coming down on corruption. Ours is not very far from that list. If we do not take charge of the corruption in our country; if we do not confront corruption as leaders, it will see an end to our country.

Thank you, Hon. Speaker. I support the Bill.

**Hon. Speaker:** Leader of the Minority Party, you could say whether you also think it is good for people to be invited to go with supporters and, maybe, to say prayers for them.

**Hon. Nyenze:** Thank you, Hon. Speaker. I do not think there is anything wrong to go with *Isukuti* dancers and other dancers as long as it does not disturb the work of Ethics and Anti-corruption Commission. They go there to show support. It is a chance for them to come to Nairobi and know where the Commission is located. I want to support the amendments. This Bill is timely. Since the war on corruption started, we have had so many chairmen and commissioners. I am happy to note that two of them are from my region - starting with Harun Mwau, Mumo Matemu and others. But there was also Ringera and others.

Hon. Speaker, I have listened to the very able Chairman talk about these amendments, the reasons and the need to adopt them. I do agree with him that the in-fighting that has been there between the commissioners and the secretariat has “killed” most of the corruption cases. If these amendments will do away with that in-fighting, then they are welcomed. I urge Members to support these amendments.

Also, the idea to increase the commissioners from three to five will help in forming quorum. It will bring a bigger pool of resourceful people together who will make a good policy statement. We know the Committee’s recommendation is that the commissioners’ work is policy, guidance and oversight. However, even in these other parastatals, wherever chairmen or boards stay near CEOs and other workers, there is bound to be conflict. In order not to create centers of power, I think these amendments are good. Let the secretariat do its work but, as Hon. Nyokabi has said, let there be fresh vetting of all the people who serve in that Commission, so that there is no witch-hunt and that qualified people who are supposed to hold those offices are the ones who own the offices.

There have been allegations by those who have been called to testify or give their part of the story that some of the accusations are politically instigated. I just want to say that the secretariat can do good work if we recruit the best brains. But there is one thing that I oppose, which is the Committee’s recommendation that they do not want job seekers. They want retired judges or those people who can stand without expecting anything. Let us not shut the door to Kenyans. In fact, the young Kenyans are very alert. I am sure if they are appointed on part-time basis – meaning that they are not permanent in office - they can also offer very good services. Lawyers and people who are young have the energy and can drive the country forward. But if we say it is the old retired judges, why do people retire? Civil servants are told to retire because their usefulness has reduced to a level where they cannot discharge their duties effectively. Now, when you re-appoint them and you leave young people, you are contradicting yourselves. So, make sure that jobs are open to all Kenyans. Most of those commissioners have promised jobs to young Kenyans. Let jobs not be the preserve of the old retired judges. Let them be for young lawyers, young educated people and all Kenyans, so that we also create jobs for the young. I want to say that when Aaron Ringera was nearing retiring, he said corruption fights back and Kenyans took it lightly. Corruption fights back because the people who are accused of corruption; most of them have acquired a lot of money. They can hire the best lawyers and are powerful. So, that statement was very true at that time and also at this time. I want to say that the secretariat is having a very difficult time. Every time people are called to the Ethics and Anti-corruption Commission, they mobilize their communities, politicians and other leaders and start saying that they are being targeted. So long as there is fair play and everything is done overboard and on the table, let us give the secretariat room to do what it is trained to do - to investigate and give a report.

I will go further and say the following: I support giving EACC prosecutorial powers so that they can act on corruption. That is because corruption gobbles close to Kshs700 billion if we go by the current Budget that we have just read. About 30 per cent of the Budget is lost to corruption and that is a big chunk of our money. Corruption should be fought by all and sundry and we should not try to interfere so long as fairness has been done. Let us not cry that we are being targeted so long as there is fairness. That way, we will finish corruption in this country.



As for public money that is meant for development and is corruptly misdirected to a few people's pockets, it creates instability in the country. There is a small group of people who get very rich at the expense of the poor *mwanaanchi*, who was meant to be served by that money. Today there are hospitals, but they have no drugs because of corruption. There are no roads. People cannot put food on their tables. Parents from constituencies that we represent cannot take their children to secondary schools because of corruption. We must fight this vice by all means and every Kenyan should support these amendments and the Bill, so that corruption will be a thing of the past. Kenya has been ranked as one of the most corrupt countries in the world. I do not know whether it is true - but it must be true! That is because rankings have shown that Kenya, Nigeria and a few other countries are on top of the list and yet, Kenya is a very religious country. About 80 per cent of the population is Christian and 20 per cent Muslim. It is like everybody is religious. That is the case and yet, we are ranked among the most corrupt countries in the world. This should not be allowed. When the President came here and gave a very good speech, we all gave him a standing ovation. This was because, for the first time, we saw an attempt by the President to lead the fight against corruption from the front. That is why both sides across the political divide--- We will support anybody, whether they are the Opposition leaders or the President, who stands firm to fight corruption and there is no kind of political war being waged against some people who do not ascribe to a political position.

Last but not least, in the constituency where I come from, and in the whole county of Kitui, we have not participated in fighting illicit liquor but we will start next week.

With those few remarks, I support.

**Hon. Speaker:** Hon. Amina Abdalla.

**Hon. (Ms.) Abdalla:** Thank you, hon. Speaker for giving me this opportunity to support this amendment Bill. Unfortunately, for me, this is the third time I am amending this anti-corruption law by changing names, individuals, increasing the numbers, having a board, calling it radical surgery and many things. The situation seems to be getting worse. So, I am just wondering whether we are doing window dressing with these amendments; we are just increasing the appetite of anybody who wants to practise corruption.

I say this because even if we amend the numbers, our current law is not equipped to capture the big fish. It is not equipped to capture the person who makes billions that are transferred to foreign accounts. It is only able to capture those who are opportunistic like the policeman at the road and the person who will take a few thousands or millions of shillings that are laced with some substance by the Ethics and Anti-Corruption Commission (EACC). We are actually not doing much of a service. My friend, Hon. Nyokabi, was speaking to the improved version of the anti-corruption body in Nigeria. We should not aspire to have such an anti-corruption body. What we should aspire is our Criminal Investigation Department (CID) to be able to do their job, so that we do not need an anti-corruption body.

However, now that we are all involved in this window dressing, let me support the few amendments that have been presented in this window dressing exercise by saying that it is useful for the number of commissioners to be increased for purposes of dealing with the challenges of quorum and manipulation. I also believe that it is necessary for any institution to have one centre of power. If that centre of power is in administration, you handle day to day management with policy and oversight. This will help. I am not so sure whether it will improve more than that because this law is not designed for people who have organised and planned corruption. It is

called premeditated corruption. You will never capture them. Even if you put them in a list of shame, there is nowhere a Cabinet Secretary (CS) signs. You can only capture the accounting authority.

Let us tell one another the truth. We are not going anywhere with this law, as it is. In fact, I hear that there were two persons who were experts in this business of evading the EACC. They said that in Kenya all you need is to know the people holding the following four offices or know a person who knows them. You either know the person pulling the strings in EACC, a powerful judge and the Director of Public Prosecutions (DPP); if you want you can also add the Director of Criminal Investigations. You do not need to know them personally. You just need to know a person who knows them. In essence, this is just a game in window dressing.

However, I want to deal with a matter that is a hangover from the Coalition Government and no subsequent legislation deals with it. Hon. Jakoyo, you should listen to this. During the Coalition Government, one side did not trust the persons who were heading certain institutions. So, what we did to remedy that was that for any powerful and important institution, we decided that the recruitment would be done through a recruitment panel, so that the two sides of the coalition would be comfortable. We set up recruitment panels consisting of representatives of the Judicial Service Commission (JSC), human rights groups and others. There were about seven institutions that were basically put in every recruitment panel. They took the job of the institution that then was responsible for recruitment on behalf of the Executive, that is the Public Service Commission (PSC).

Now, even after the coalition ended, we seem to introduce these recruitment panels in new legislation. The other day I saw it in the recruitment of the Auditor-General. In this one we also have a panel. For example, if a representative of the JSC or the Gender and Equality Commission is not available, the Government is left to wait for that individual who has been nominated by that body to constitute a panel. I know that the law is not applied retroactively. I have already spoken with the Chair of the Departmental Committee on Justice and Legal Affairs. In this case, let us begin by changing these recruitment panels. Why do we not have trust in institutions that we in this House have set up? I am going to propose an amendment that the job of recruiting these commissioners be put where it is supposed to be, in the PSC. I urge hon. Members that in all subsequent recruitments where we are talking about recruitment panels, all I need to do--- I do not even know the PSC Commissioners. I only know Margaret Kobia. However, I know every panellist that these organisations are going to send. So, if I want to lobby for my constituent, I know whom I am going to talk to. So, let us not create something to solve a problem when the PSC is still there.

Hon. Speaker, now we have a crisis. I urge the Chair of the Departmental Committee on Justice and Legal Affairs that the problems in this Bill are beyond just the commissioners. Let us solve the crisis we have now and recruit them. Let us look at the fact that we are not winning this war. The only way to win it is for us to look beyond just the secretariat versus the Commission problem; let us look at the day to day running of the Commission. I know that many of us have toyed with the idea of giving prosecutorial powers to the Commission. For some time, I had bought into that. However, what killed my enthusiasm for having a Commission with prosecutorial powers is the speed at which their airtight cases get dismantled by the DPP and vice versa. I would not support prosecutorial powers because we got the best brains and we are

paying them well, yet their cases are just hanging in the corridors of power because of not being that airtight.

I believe there is something fundamentally wrong with this Bill. That is why we are unable to see any tangible results. In fact, I was doing some statistics and I noted that of the women who get as far as the court, the percentage that gets prosecuted is higher than that of males. So, I urge somebody to undertake a study to determine how most of the women who are ever charged are actually jailed. You jailed Dr. Gachara and Nabutola, yet there are bigger thieves among you men and they are always getting away with it. I am just wondering if this Commission is gender insensitive. I am very serious. Of all the women who were charged by the EACC, the percentage of the ones who went to jail is 100. There is no single man I know who has gone to jail through the Ethics and Anti-Corruption Commission (EACC). This matter of knowing people really works. We need to amend this law, so that you do not need to know people; you just need to have a good case.

With those many remarks, I beg to support.

**Hon. Speaker:** Hon. Amina Abdalla, they say in a certain language that there are people who know how to cover their trail. More importantly, we need to get a study, as a country, of countries that have successfully fought corruption. Do they have these kinds of outfits? Are we wrong in having these kinds of outfits to fight corruption?

Hon. Maanzo, you are next in the list.

**Hon. Maanzo:** Thank you, Hon. Speaker, for giving me an opportunity to support the amendments to the EACC (Amendment) Bill of 2015. The amendments are timely and the country needs them. We all know what happened when we had the three commissioners. So making them five will enable them attain a quorum. By also making them part-time, we are likely to source from very serious Kenyans who will be able to fight corruption in the country.

Corruption is very expensive for the country. Unfortunately it ranks from the bottom of the country to the top. It starts on the day we are elected. It is very difficult for a Member of Parliament to be elected without spending money. The expectation of every Kenyan is that you must bribe them to find yourself in this House. In fact, people who are elected are expected to loot and take the loot to their constituents. We have to change, not only by making law but also the attitude of Kenyans generally, so that the new generation, the children growing now, will begin learning morals from primary school, corruption will be fought from a very early age; we will be able to eliminate it for generations to come.

It may be that a law is very important. The Act and the institution need to be strengthened through law; all the loopholes can be sealed. You will find that the institution is not as devolved as the Constitution devolved other institutions in the country. The fight against corruption has not yet gone to the counties. As we put commissioners in place, one of the justifications for increasing them is to be able to reach bigger part of the country, namely the counties, where most of the corruption is going on and is undetected. The Commission is only able to handle a few cases.

The Commission also needs to be strengthened. I had an opportunity to visit it as a lawyer. I have dealt with it and I have represented clients charged by them for a long time. It is true, as Hon. Amina is saying, most of them are able to go through the law, but because you have to prove a case beyond reasonable doubt, that is where the crux of the matter is. Therefore, we

have to strengthen the institution so that it can secure many convictions of big suspects, so that others can learn that corruption is a bad thing, and that no one benefits from it eventually.

It is true that the country is losing billions of shillings through corruption. It is good for us to come up with a law that will take care of this money and also change attitudes and the thinking of Kenyans, so that all of us can build this country and not destroy it. It will also ensure that others do not take advantage of the savings of Kenyans and the money allocated to work for Kenyans and put it into their own pockets.

I support and say that we still need to introduce more amendments to this law to make it stronger; we should even fund the EACC more and devolve it to the counties.

Thank you, Hon. Speaker. I beg to support.

**Hon. Gichigi:** Thank you, Hon. Speaker. I rise to support this Bill. It is coming to help better a bad law. The wrangles that we saw in the last few months at the EACC were clearly caused by the architecture of the current law, where there were two centers of power. Further, there was a situation where you had very limited mandate and functions of the commissioners, yet they were permanent holders, and would go to the office every day. Since they were idle, they obviously tried to interfere with the mandate and the turf of the secretariat. I congratulate the Committee for quickly seeing the problem and trying to eradicate it.

Further, I think this is a trend that we must adopt in other commissions that have similar problems. An example is the commission in charge of gender. These are people who should not be in office full time. They should only go there to deal with policy issues and get reports; when you have somebody who is paid a salary to be in an office and they do not have work, they will create work for themselves. The work will be to interfere with other people's mandate. I am happy about the savings that this country is going to make through the new law; but let us extend it to other commissions.

The issue of corruption started with the independence of this country. It has been there and in my opinion, the people who have been in office have been the originators of corruption in this country. It is only fair to say that the last few months have seen this country truly fight corruption, where the big fish have also been netted by the initiative our President started in this House. The problem that we have is that corruption has been devolved. We have serious problems in the counties; perhaps, the EACC and other bodies that are supposed to fight corruption have their resources and structures overstretched. Going to every corner of this country where all sorts of crazy things are happening, is extremely difficult due to the manpower and resources that they have.

It is important, therefore, that even as we change the structure of the EACC, we also see to it that their capacity is built in terms of resources and funding, so that they can reach areas that they have not been able to reach so far. Perhaps, we should have functional and serious offices in all counties in this country.

As we pass this law, I will request the panel that is going to appoint or select, the people to fill the current vacancies to come up with people who are not very tired, as another Member indicated. We want people who will bring a fresh approach. It should be fresh faces in this fight and not necessarily noisemakers, or people who are always in the streets. The first thing that I would want them to look into is where people are paid but they do not do the job that they are supposed to do. Public officers are paid but you will find them on roads, streets and all over. The

last place you are likely to find them is their stations of work. That is one area we must deal with.

Hon. Speaker, the other issue is that before the current Chief of Staff of the Civil Service left his office at the Treasury, he had indicated - I think nobody has rebutted this - that about 30 per cent of the Development Budget is stolen. So far, nobody has unravelled that particular mystery. If this continues to happen in this country, then the pipe dream of Vision 2030 will remain that, a pipe dream. So, it is important to also unravel this matter.

I support this law. Let us expedite it so that the Commission can get leadership. As we speak, it does not have leadership and we are exposing it to the likelihood of legal challenges in terms of what they are currently doing.

I support.

**Hon. Midiwo:** Thank you, Hon. Speaker. I rise to support and make my contribution. In supporting, I want to raise some issues with the approach taken by the Committee. I believe in questioning the viability, or even the sensibility of this Commission. We have had this Commission but it was one of those things we were doing to attempt to deal with issues of corruption. It was a stop-gap measure before we got our new Constitution. I hear your sentiments and I am in agreement that, maybe, it is just the right time not to renew the term of this Commission. It may be godsend for all of us to have taken home those commissioners, and maybe it should just end there for the time being, so that our institutions charged with the role of maintaining law and order can begin to take root under the new Constitution.

I agree that commissioners need to be part-time, and not only the ones in the Ethics and Anti-Corruption Commission (EACC). I do not know the relevance of all commissioners. These commissions are milking the public coffers. We need money for our roads and hospitals. We need no commissioner on a full-time basis. The issue of having commissioners on full-time basis was misinformed. The only thing I want the Committee to address when it will be replying is this: When you say they are part-time, what powers will they have? The Constitution says that--- These people employ their own people. So, who will be the boss? What is occasioning this law is the contradictions of powers. I believe that the secretariat ought to have powers. That power so far is vested only in the Commission, according to what we are seeing here. It would be nice that the buck stops with the real fighters of corruption, because they have the facts. If that is addressed, then I will be supporting this Bill.

I also do not see a sense at all as to why you need five of them. We have been saying that commissions are taking too much of our money. It would be wrong for this Parliament to sit here and add more expenditure to taxpayers just because you want a quorum. The reason we said in the Constitution that the number of commissioners should be a minimum of three and a maximum of nine was not just by mistake. We were saying that where it is not necessary - especially in this one - it should be three or a number we can afford, but not nine. This figure of nine was brought about by the nature of our politics. Everybody said that because we are eight provinces, we do regional balancing and the Chairperson is now for the President to appoint. All that was the thinking of the previous Parliament. This one needs to be up with it. If you go to many countries, the person called the commissioner is usually a single person. It is true that person needs to be part-time. It must be somebody who has something to lose. Today, if I had a chance to say who the Commissioner of EACC is, I would say Speaker Justin B. Muturi alone. Do you know why, Mr. Speaker? It is because you have something to lose. If you go there and

mess with the war against corruption, then it will mess up your job as the Speaker of the National Assembly.

It should be a lawyer of integrity or the Chief Justice, somebody who has something to do and has something to lose if they implement a bad policy. Much of the work is done by technical staff. There is this problem of commissions which you are seeing. You have commissioners all over doing tendering and all kinds of things. We are creating a big problem. We are sowing a big seed that we may not be able, as a country, to deal with. I know governors, for example, have taken the cue. In the counties, governors are now the procurement officers. In fact, many counties do not have a procurement office. The governor is the procurement officer. It is because we have had the thing that the person who should be in charge of policy should be the implementer of everything. This is an opportunity, and I want to plead with my brother, hon. Chepkong'a, that we debate this matter soberly because it is an issue for both sides. There is really nothing controversial here. So, let us just do it right.

Let me say that I disagree with the so-called prosecutorial powers for the EACC. I know my leader has said that they need to have it. They need not have it, and I am saying that for many reasons. I have been in this Parliament debating this anti-corruption thing for many years and we have always said no. We have said no because there are institutions charged with that. Let us have trust in those institutions. This country has been treated to four days of mayhem where the Executive told sitting legislators to deal with GSU to do the work of the police.

You see what they are doing, they are hurting this economy because they were told to ignore the police and deal with the GSU. Why can we not have trust in our own policemen? We must have trust in the Director of Public Prosecutions (DPP). We must. If there is a problem, this House must legislate on what is to be done. You cannot say that we should look at the work. Hon. Charity Ngilu was charged with obstruction. You take somebody to court for some purported obstruction of people who have committed very heinous crimes against the State. That is work done by the so-called anti-corruption commission, and you want to give them power to prosecute. I have said on this Floor that the work done by this body needs to be cross-checked by a parliamentary committee. They need to report to a parliamentary committee before we change the Constitution. Two, if they get to do it, they must convince Kenyans that the work they are doing is not witch-hunting.

Today, I went to the EACC to give them information about corruption. There are officers who are being bribed left, right and centre by the governors. They go there and they are told: "We are Kenyans. *Wachana na maneno*, here is your millions". There is no investigation going on yet there is wanton corruption going on. I, therefore, say that because this is a simple law, we must make a recommendation that the current secretariat be vetted afresh or re-employed. Let us begin anew in a discussed manner, so that whoever is working there knows that they are going to work under a Parliament that is serious and willing to protect the taxpayers' wishes. They must be people of integrity. As it was, you could not tell those commissioners to go home, that is just say, "Matemu and Keino go home", and then you leave the people they had employed intact. These are their workers. So, you cannot fire them. It is like treating a symptom and leaving the disease. The people there must follow these other commissioners. When we are finished and done with this law, they must go so that we have commissioners, preferably three and not five, to save the taxpayers' money. That team must be discussed in this House. We know who they are

and we see their composition, so that it is done once and for all. The Executive has expressed a will to fight corruption. Let us help them. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Yusuf Chanzu.

**Hon. Chanzu:** Thank you, Hon. Speaker. I stand to support the Ethics and Anti-Corruption Commission (Amendment) Bill because in the first place, even as much as we say that there is a statement that it is going to involve additional expenditure, this is going to be a cost saving measure. I support what Hon. Jakoyo Midiwo has just said about the numbers because the idea was to have between four and nine Commissioners in all commissions. It was at the time when we were fighting for change trying reduce the powers at the centre and giving them to other institutions, which we hoped were going to take care of what was to be the future of this country. Unfortunately, everybody who has been running for jobs in these commissions is for the kind of perks that they can get.

I remember the time when we had a lot of competition in the last Parliament when we were trying to put in place the commission led by Mr. Nyachae and so on. The competition was in how much money these people were going to earn as commissioners, depending on who had taken them to this commission. The competition was between the two principals who were there: President Kibaki and Hon. Raila. So, it is important that we make them the way--- In fact, we have had examples of institutions which have worked very well like the Communications Commission of Kenya (CCK). The Chairman of the Committee has mentioned it. He was the Director-General and I saw the laws that we have changed in this country in communication. It has been a commission which did not have full time employees at the board level. They were all members of the Commission who would just go there and get sitting allowances.

The Act stipulated that there must be people who understand the matter that is to be dealt with in that particular commission. So, it is going to be a cost saving measure. If you look at the aspect that we need to fund like when you see the courts making rulings that teachers should be paid more---When I was reading the newspaper, I saw that the minimum pay for teachers was to be something like Kshs16,000, and they are supposed to stay in school from morning to evening, teaching in a country we say must attain Vision 2030. In fact, some of the money that will be saved from this should go towards improving the minimum pay for the teachers in this country, because there is no way we are going to develop a country from the top. We can only develop by developing institutions that will bring some kind of sense in our society.

This is out of experience that we have had and it has come at the right time. It is now five years since we put the Constitution 2010 in place. That experience should be enough for us to make changes to the law, particularly with regard to commissioners. It is going to be important that we look at all the commissions and reduce the number of commissioners. There is a commission we created whose commissioners we reduced to four and it is working very well. It deals with gender issues. There was a lot of tug of war. I remember when we went to Mombasa, there were a lot of arguments about the number being four and some people coming from outside. There is an activist who put us in this kind of situation and who came to argue about the number; the main reason why they wanted this number was so that we could appoint people on the streets to run the commission and control the Government. The most important thing is to look at how effective that commission is. That is an experience that we can borrow from.

The Ethics and Anti-Corruption Commission (EACC) is a very important institution in this country. In our case, we have these offices in Kisumu and Eldoret. We get reports on what is

happening in the country. The moment you make a report about what is happening in the counties, you are making money for these gentlemen. They have nowhere to go to now. The other thing is that we did not put in place proper measures on how the money we have given out to the counties should be spent. The money that is collected in market places is kept in county offices. In Vihiga County, the money is kept like petty cash. So, for anybody going there, there is already some money ready for him. So, it is not possible for the reports to come. So, it is important that we review this. We take this opportunity to come up with an institution that is going to take care of Kenya, because the more money we vote, the more we need institutions to handle devolved functions. We need institutions that are going to take care of the money we are voting. Otherwise, it is all going to naught.

There is already quite a huge sum of money we are voting out there but we have not seen any report just as *mhe*. Amina was saying. We have not seen anybody being prosecuted for misuse or squandering the money. It is important that the whole law is looked at afresh and we have a fresh beginning, so that we can achieve what we need to achieve for this country. I can see that the President is working very hard to fight corruption. The reason why the Government is being taken to court is because the President had to act the way he acted because the institutions were not working. The President had to call on Members of Parliament to take over the roles that are supposed to be performed by the police because our institutions are not working. It is time we had a total overhaul of this. We should look at the laws now. It is five years from 2010 when we put in place our supreme law; we should look at this institution and make sure that its officers are able to work.

Another thing is that people go and sit in offices like those commissioners. When I visited one of the offices there, it was like a bureau where people go and present their views. Somebody has got the comfort of sitting in the office and negotiate what should be done. If it is on part-time basis, there will be something for which somebody will hold an office. He goes home and comes for a meeting. He applies his mind and then he goes away. That is how it should be. We are also going to cut on expenses of running offices; the moment somebody has a full-time office, they have to have transport, office space and all the support staff. We are going to cut down on this. So, it is important that we support this law and also look into reviewing the composition of other commissions as their terms end.

With those few remarks, I support.

**Hon. Speaker:** Very well. I am sure most Members may not be aware that in February, 1999, there was formed a body known as the “African Parliamentarians’ Network Against Corruption (APNAC)”. The first Chapter was formed in the Republic of Uganda and the second Chapter of that organisation was formed in the Republic of Kenya in the year 2000. Since they do something about the fight against corruption, let us hear the Chairperson of APNAC, Kenya Chapter, who is also a Member of the Global Organisation of Parliamentarians Against Corruption (GOPAC), Hon. Shakeel Shabbir. I am sure most of you did not know this.

**Hon. S. S. Ahmed:** Thank you, Hon. Speaker.

At the outset I want to say that the Hon. Speaker was one of the main people who were behind this very noble course. Even when he was outside Parliament he was spending a lot of time with APNAC. We are very proud to have both the National Assembly Speaker as well as the Speaker of the Senate as members of APNAC together with many other eminent Members of Parliament like Hon. Millie Odhiambo behind me and the Hon. Leader of the Minority Party.



There are many of us who have signed up. APNAC is our own body and we want to be beyond reproach as Members of Parliament. We have set up our own code of ethics and procedures. Unfortunately it had died and we are trying to get it back on track. We have nearly 30 members. I plead with all that it will be great to have over 300 members, so that we can lead in fighting corruption. As the Chairman of APNAC we have discussed many times the issue of how we can start talking about corruption from within Parliament. There are many things that we have tried. As parliamentarians, we all know that we have to be beyond reproach. This biometric system that is here is one of the fruits of all Parliamentarians showing by deed to the Press, who keep telling us that we sign in and we are not in, that this is the way that we have dealt with that challenge.

Corruption is a major issue in Kenya. One of the aims of APNAC is to keep this fight alive from within Parliament. We would like to continue that way. We have a problem with the issue of recognition. Fighting corruption needs to be coordinated. Unfortunately, there is a steering committee on corruption. There is the Ethics and Anti-Corruption Commission (EACC), Department of Justice and others. All are key in fighting corruption, but all do it independently. Sometimes when we go to a place like the United Nations (UN) where there is the convention against corruption, we find that we talk differently. Yet when you put us separate we see that we have done a great deal of work in the fight against corruption. Kenya is ranked as one of the most corrupt countries. But it is one of those countries that are doing quite a lot to fight corruption. Yes, we have been conveniently ranked by somebody somewhere.

I would like to second that amendment on the EACC Bill before us. Commissioners are not the problem but the implementation. The secretariat is not the problem. It is the communication between the two and the understanding as to whether they talk on the same page. In the 10<sup>th</sup> Parliament, we discussed the issue of the then Chair and the issue came up as to passion. There was this term that we came up with called “passion meter”. We wondered whether somebody had the passion to fight corruption. We were told that, that does not matter but in the end it did matter.

As my dear friend, Hon. Jakoyo, has said, we need people of class. People who are beyond reproach to be commissioners. In religion, we know that the Pope and the archbishop are beyond reproach. So, there are a number of Kenyans here who will have nothing to lose, as long as you allow them to be on a part-time basis, and they will lead the fight against corruption. The President showed in March and earlier by action that he had had enough of corruption. We are very proud that we have a President who does not need any money. He is wealthy enough in his own right. So, do not go and get involved in corruption issues. He has said very clearly that people must step aside and be cleared and that is a good start. We have been to the United Kingdom (UK) and a number of other countries in the world, and as much as we---The President has stated his stand openly and brought a list of corrupt people. As a Chief Executive, he has a number of things to do. It is our job as Parliamentarians to join hands and make sure that we continue the fight against corruption from Parliament and not only when it comes to commissions and bribery.

This morning we were in a committee looking at one of the Cabinet Secretaries (CSs), who has been very topical. I was so proud that she was able to put her case very clearly. She said: “Listen, we have found something in the system and that does not mean that we are corrupt. It just means that the system is working. So do not kill the system. We have found the problem

and it has been worked on". There is an example that was given and I will remember this for a very long time. When you write a cheque for Kshs.500,000 to the bank, the bank manger calls you and asks you if you have written that cheque. It does not mean that the bank, or the system is corrupt. It just means that the system is working. So, when something comes to Parliament and at times we have a number of committees constituted, I will be grateful if Members of Parliament would be able to involve themselves as members of APNAC in every single committee. Not that you have to be a member of APNAC but be people who are committed to the values of ethics, morality and transparency. As you know, there have been questions asked within committees as to whether we are transparent. We have to do it from here by ourselves.

Impunity is a major challenge and its penalty is a problem. I have come across cases where a chicken thief is lynched when somebody of Triton fame, who has brought down this country, is walking around in Britain as if he is a great person and he is not touched. There is corruption of survival by police officers. It is not right but that is how bad things are. Then there is grand corruption. There is a person right now who has banked Kshs1.2 billion in his account in three years and he is scot free. We are wondering why then those young people who have taken Kshs100 are imprisoned. In China grand corruption culprits are executed.

Thank you so much. I plead with all Members of Parliament to join APNAC. We would like to have you with us.

**Hon. Speaker:** Yes, hon. Johana Ng'eno.

**Hon. Kipyegon:** Thank you, Hon. Speaker. I also wish to join my colleagues in supporting this particular amendment to enhance the working and running of the Ethics and Anti-Corruption Commission which for a long time, as we have realised has been facing a lot of challenges.

We have also had a serious discussion over this issue. When you look at the history of the EACC, which is the body that is supposed to be killing the dragon of corruption in this country, it has gone through a lot of challenges. Remember we have had several chairs right from the Kenya Anti-Corruption Authority (KACA) up to the EACC. We thought most of the chairs were very strong and powerful people, who had the will to fight corruption. I remember Harun Mwau, whom we thought was going to be the engine for fighting corruption, but he could not even finish his term. Then came Aaron Ringera whom we thought, since he was serving as a great judge, would do a better job. He could not even finish his term. Then came the most eloquent speaker who would speak the greatest language in this country, and whom we thought was the man to talk to corruption and make it disappear, instead he talked his way out of that office. Then Mumo Matemu came, a very silent man whom we thought was going to deal with this matter once and for all, he just left unceremoniously.

I do not know if it is the system that we have that is seriously letting us down, or it is corruption itself which is entrenched in our systems. We have a very serious problem. Some people were telling us to go to other countries to study how corruption is handled. I was one of the few people who were reluctant to go there. I know it is not because we do not have good systems in place. It is because corruption has eaten away at the fabric of our society. Everybody in this country, right from the top to the bottom, is corrupt. Nobody wants to say the truth. Even if you are to look at this House, the Executive and the Judiciary, you will realize that this country is dead. It is dead from corruption. It is rotten. It is only a few men and women who are still holding on to this country, otherwise, we are talking of a corrupt system.

**Hon. Speaker:** Hon. Onyango.

**Hon. Oyoo:** On a point of order, hon. Speaker. I have been forced to interrupt my good friend, Johana Ng'eno, the Member of Parliament (MP) for Dikdik when he insinuated that corruption permeates from the top to the bottom.

*(Laughter)*

Is he imputing that our beloved President is also corrupt, even after bringing a list of corrupt leaders to this House, who included members of his Cabinet?

**Hon. Speaker:** Did you say he is the Member for Dikdik?

**Hon. Oyoo:** Sorry, Dikirr.

**Hon. Kipyegon:** Hon. Speaker, I think my great friend needs to know the name of my constituency before he even makes a serious contribution. My constituency is called "Emurua Dikirr". Anybody else who wants to pronounce the name of my constituency should consult me first.

*(Laughter)*

I think that was with a light touch. I hope he knows how to do it. I never meant to say that the President or even you, Hon. Speaker, are corrupt. There is a way corruption has been entrenched in this country; even the system that is put in place to fight it is just doing it ceremoniously. I remember when the President came here with a list of 175 people, the whole world thought that Kenya had come back on track. I believe the President did that in good faith. However, the problem is that later on, the list was fought and watered down. I do not even remember where that list is as I speak. People have been taken to court and have been cleared. Some of them, like my colleague claimed here, were summoned to the EACC but were accompanied by *Isukuti* dancers. Those same people knew that the person they were accompanying was a thief. But because they had been promised that they would eat from the same pot, they did not even understand that the money this person had stolen was theirs. People in this country praise thieves. When somebody steals and goes back to his people, he or she dishes around some money and people forget that this person is a thief. It is time we looked at ourselves as members of this country. It is us who will kill corruption in this country. It is us who will make this EACC work.

The reason I want to support this amendment and we have at least five commissioners is because when you look at other commissions like the Commission for the Implementation of the Constitution (CIC), the Salaries and Remuneration Commission (SRC) and Public Service Commission (PSC), they are not so serious. This is the most powerful commission because of the matters it handles. These are people who arrest and put people behind bars, especially those who have stolen billions and trillions of money. These people are gangsters and *Mafia*. These are people who can even kill you. I was wondering why we only had three commissioners. Suppose two of them were held hostage? The whole commission would die. I support that we should have five commissioners because in the event of manipulation, one cannot manipulate all the five commissioners. In the event that somebody tries to corrupt any of them, one cannot corrupt all of them. Do you remember how the three commissioners worked? They could not handle the cases

that they had. They could not handle the commission. We had several issues with it. I support the fact that we need to increase the number to five, so that they can handle this commission properly.

We do not want the EACC to be a money making machine, or an Automated Teller Machine (ATM) for people who just want to make money. Sometimes when I look back, this country was on the right track once upon a time. You can imagine that we are giving tenders and contracts to people who come from China in this country. When they come to this country they corrupt our country. However, back in China, if you even steal a shilling, you commit suicide before the law even gets to you. However, when they come here, they steal the way they wish because our systems cannot afford to stop corruption.

I do not want to take a lot of time. I support the Chair and I wish that we as Kenyans looked at ourselves, and know exactly what is ailing us. It is not the system or Ringera, Lumumba or Matemu, it is us. It is time we looked at ourselves. Let us change ourselves and stop corruption from the bottom. You go to the village and people want you to tip them. You go to the roads and the police want to be tipped. You go anywhere and everyone wants to be tipped. It will be tip, tip everywhere until the country is dead.

I support the Bill.

*(Laughter)*

**Hon. Speaker:** Hon. Chris Wamalwa.

**Hon. Wakhungu:** Thank you, Hon. Speaker. I rise to oppose this amendment with the following reasons. Every amendment should come with value addition. When you look at this amendment, I do not see any value. I want to justify that. We agree that the big problem that we have in this country is corruption. It is a monster. Looking at the current situation, we have had a lot of infighting, which Members agree on. However, is the issue of increasing the number of commissioners going to heal the problem of infighting? Many times we have talked about reducing the number of commissioners for purposes of reducing the wage bill. However in this case, we are increasing the number. Increasing the number of commissioners to five is not to add any value.

When the Chair was moving, he spoke of increasing the number of commissioners; he said that it was, maybe, for purposes of diversity or preventing manipulation. Corrupt people in this country are capable of manipulating people, whether the number is 20 or whatever. I believe that the number was put at nine for purposes of regional representation. However, when it comes to fighting corruption, we should give chances to marginalized groups. It is high time we tried the cardinals, bishops and sheikhs. We have had many people going there but they failed. Saying we are increasing the number from three to five, does not add any value.

The second point of the amendment is on the part-time aspect. If we reduce the number to three and have them on a full time basis, they will be answerable. We have had a case study of people working on part-time basis. It was realised that there was no commitment where commissioners worked part-time. There was no accountability. The issue of responsibility becomes a problem in a part-time arrangement. If we reduce the number and have them on a full time basis, there will be no accountability issues.

From the Act, it is clear that the powers are with the commissioners, and not the secretariat; unless we amend it further to provide otherwise. In this case, the secretariat was employed by the same Commission. If it is a matter of doing a radical surgery, then the secretariat should also be sent home. I can see that Hon. A.B. Duale is looking at me harshly. I have said many times that the output of an illegitimate process will definitely be illegitimate. When His Excellency the President came to this august House, he was given a standing ovation because he gave us names. Unfortunately, those names had come from the secretariat, as opposed to coming through the Commission. People have been taken to court.

The Director of Public Prosecutions (DPP) took up the cases, but some people are still free. This means there was a serious issue in terms of evidence analysis. We should not write amendments for the sake of it. The Chairperson should tell us why he has brought these amendments. As far as fighting corruption is concerned, I do not see any value in these amendments. That is why I oppose them.

Hon. Speaker, during the Committee of the whole House, we will propose some amendment to reduce the number of the commissioners from five to three, as a way of reducing the wage bill. This is because there is no significant value in these amendments as far as fighting corruption is concerned.

With those remarks, I beg to oppose.

**Hon. Speaker:** Leader of the Majority Party!

**Hon. A.B. Duale:** Thank you, Hon. Speaker. After reading the Report of the Departmental Committee on Justice and Legal Affairs, I stand to support these amendments. I will probably bring further amendments during the Committee of the whole House stage.

Hon. Speaker, in the last Parliament, I had the privilege – together with Hon. Bahari, who vied for the gubernatorial position in Isiolo – of opposing a Motion that proposed the appointment of PLO Lumumba, while the rest of the House supported it. Barely two years later history repeated itself. A Motion was brought to the House to send PLO Lumumba home. Again, I was the only one who opposed the sending home of PLO Lumumba. My good friend, Hon. Mbadi, took part in the approval. Later on, he told me that, that was not what they thought of PLO Lumumba.

PLO Lumumba is a man who uses very strong and beautiful words. He would call a Press conference and say: “I have handed over nine high voltage files to the DPP.” He was very eloquent but the “high voltage” files consumed him. We then constituted another team led by my good friend, Mumo Matemu. An important issue arose in the House then, about “passion meter” My good friend, the late Senator for Homa Bay, Hon. Otieno Kajwang asked, when everybody was saying that Mumo Matemu and his team had no passion for the job: “How do you measure passion? Do you have a passion meter? It was fun that day. Mumo Matemu and his team went through a very difficult process.

Hon. Speaker, the war on corruption is not easy. We need prayers because it is only in Kenya where communities and friends escort somebody who has stolen people’s resources. When some governors went to Integrity Centre to record statements on alleged corruption matters touching on them, my good friend, the Governor of Mombasa, was there. Because he could not transport people from Mombasa to Nairobi, he picked some people from Kawangware to escort him. We watched it on television. One of the ladies who were playing *Isikuti* was asked by a journalist from one of the media houses whom she was escorting. The lady replied that she

was escorting a *mheshimiwa*. She was asked if she knew the name and she said: “No, I was paid Kshs2,000 to come here”. The behaviour of the people of Kenya is a fundamental issue for review. We must have a behavioural change.

Hon. Speaker, if today a parent has a son who has a doctorate degree and another son who has not gone beyond Standard Seven but is a famous merchant and vendor of government offices, that parent will tell his doctorate degree son: “You are useless because this other son has bought me a nice car and a nice watch, in addition to building me a house.” So, there is a complete misunderstanding on corruption. It has eaten into our value system. It should be preached in mosques and in schools. It must be included in the school curriculum. We can either take that route or the route of the founding father of Singapore, who once said that corrupt people must have a serious deterrence – that when you point a finger at a corrupt person, your other finger should be pointed at you. Nobody in our country can today validly claim to be corruption-free and clean.

**Hon. Anami:** On a point of order, Hon. Speaker.

**Hon. Speaker:** What is it, Hon. Anami?

**Hon. Anami:** Thank you, Hon. Speaker. The Leader of the Majority Party has claimed that a lady was playing *Isikuti*, which is misleading. *Isikuti* is never played by ladies, it is a very honourable musical instrument that has since been---

**Hon. Speaker:** Sit down, Hon. Anami. You must know what a point of order is. This debate is not about *Isikuti*, what it means and who plays it. That is not a point of order.

Hon. Wanga, you have also indicated that you want to rise on a point of order.

**Hon. (Ms.) Nyasuna:** On a point of order, hon. Speaker. I was wondering whether it is in order for the Leader of the Majority Party to say that it is only in this country where people escort thieves, yet we know that people go to the Ethics and Anti-Corruption Commission (EACC) to respond to allegations of corruption. As at that point, they have not been declared thieves. They are innocent until proven guilty.

**Hon. Speaker:** Hon. Wanga, is that a point of order or a point of argument? You will get an opportunity to state your case.  
Proceed, Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, Hon. Speaker. The lady I referred to earlier was dancing to the tunes of the *Isikuti* dance.

On the issue raised by Hon. Wanga, it is all about perception. It would be understandable if people were to escort Hon. Junet as he marries a second or third wife; people would be very happy. However, if you escort Hon. Duale on allegations of misappropriation of public resources, you will not be escorting him to an ordinary place like his home, Parliament, the Office of the President or the mosque. You will be escorting him to the most feared institution in this city, located at Integrity Centre.

Hon. Speaker, what am I saying? I am saying that this House is under obligation. The objective of the Departmental Committee on Justice and Legal Affairs, which has the best legal minds, is that we remove the conflict and the wars that we saw between Mr. Matemu, his team and the secretariat of the Ethics and Anti-Corruption Commission (EACC). Let us have a commission that is advisory.

I want to go to what Hon. Wamalwa said. Time has come for the chairperson and commissioners to be men and women beyond reproach. Where do we get them? Do we go to the

church or mosque? We give the positions of the chairperson and commissioners to our religious leaders like Bishop Njue, the Imam of Jamia Mosque, people whom we know, the Head of the *Akorino* Church, the *Dini ya Musambwa* or the Seventh Day Adventist (SDA) leaders. Let us try those people. We have tried politicians we have failed. We have tried the best lawyers like Ringera and Lumumba and we have failed. We have tried economists like Mr. Mumo Matemu, we have failed. We cannot try lawyers now because they have “clients accounts”. Lawyers are the most dangerous. You cannot even audit their money because they have an account called “clients account” I want to tell Kenyans, God forbid, please do not escort the corrupt.

You know, Hon. Speaker, I do not want to make this one very controversial. When I saw the CORD principal, my good friend, Hon. Kalonzo Musyoka, escorting Charity Ngilu to court, I became very sick that night. I asked why. It was because Kalonzo Musyoka has been telling the Jubilee Government: “You must fight corruption.”

**An hon. Member:** You cannot say that.

**Hon. A.B. Duale:** Hon. Junet, you are one of my best friends. If tomorrow you have an issue or a date with the EACC, I will not escort you. I will not escort any of my friends, including Junet. I can escort him to any other function. I will not even escort my good friends like Chris Wamalwa, Jakoyo Midiwo and Hon. Nyenze. Let us remove the perception. Let us create a perception that all of us, as a community and as a people, fight corruption.

With those many remarks, I beg to support the amendments of the Departmental Committee on Justice and Legal Affairs to the EACC Act.

**Hon. Speaker:** Hon. David Ochieng.

**Hon. Ochieng:** Thank you so much, Hon. Speaker. I also seek to second this Bill. We started wrongly. We started by assuming that corruption could be fought using a commission. When we were doing the new Constitution, we thought that commissions would help heal all the ills in the country. That is why there are so many commissions whose value to date you can hardly quantify. That is why I agree with what Hon. Jakoyo said, that we need to look at the whole infrastructure for fighting corruption in this country, to see whether it suffices.

I only disagree with him when he says that the Departmental Committee on Justice and Legal Affairs did not address itself to this issue properly because he should know that for us to even restructure or remove this commission, we must go for a referendum and this country must decide whether we want to have a commission fighting corruption, or we want to have a leaner body with a different name, or you want to leave the position at what Hon. Amina suggested. You want to leave it with the Criminal Investigation Department (CID). We went wrong there.

Secondly, we have gone wrong somewhere else. We believe that we only fight corruption when we arrest politicians. We now have five Cabinet Secretaries (CSs) being investigated. If you know why they are being investigated, I do not think this is the corruption we are talking about. Kamau has been taken to court over a contract worth Kshs30 million shillings. Hon. Ngilu is in court for abuse of office. Koskei is in court for leasing property worth Kshs20,000 somewhere in Limuru. This is useless. It is not what we are supposed to be doing as a country. That is why, as someone has said elsewhere, in fighting corruption, you must differentiate between economic corruption and political corruption. This country has been cheated for so long that when you arrest a politician and take him to court, you are fighting corruption. People who know what happens or how to rig tenders, are the junior clerks. Those are the guys we should be targeting. Those are the guys who know how the systems work, but Kenyans do not want to hear

that. Kenyans want to hear that this Member of Parliament has been taken to court and our corruption-fighting agencies have swallowed that hook line and sinker. They basically take these guys to court. They know that they do not have a case, but they know they will have played their proper public relations role through that.

We need to inculcate efficiency in fighting corruption. That is why I support the idea that you need to have commissioners on part-time basis. In the last two months, you, Hon. Speaker, have spoken about something very important and dear to my heart. You asked, “A commissioner who sits in an office 24 hours a day, seven days a week and 30 days a month, what is he doing? What is this policy you are working on for a whole year? What policy are you making for a whole year?” That is why they have time to interfere with what happens in the day to day operations; they get absorbed into what happens here daily, because they do not have something else to do. They now have to know who won what tender and who is being investigated. That is why they have room to start calling for files and saying: “Go to the file of this governor. What is happening in that?” They have room for rent-seeking and interference, and that is why having them part-time, and being called to the commission offices to process business of the commission as may be necessary is more important to me than having the three of them there fulltime and trying to see who is more powerful than the other.

The case for part-time commissioners, of all commissions, cannot be gainsaid. It is something that we must, as a Parliament do, or decide on. After this we will request the committees concerned to bring reports about all the other commissions; the IEBC, KNCHR, CIC and these other commissions, should be renewed for a maximum of five years part-time, and with very clear mandate. It was a mistake to classify the EACC under Article 15 institutions. You do not fight corruption through board meetings. We went wrong and that is why we must go through it again.

We are one country that has more laws on anti-corruption than any other country in Africa. Kenya has so many laws on anti-corruption but the problem is enforcement. Just like in the alcohol sector, it has so many laws but the President has to wake up one day and tell Members of Parliament to go to work. Even on this one, if the President thinks this is the best way, then he should ask Members of Parliament to wake up and mob up all those people who are corrupt, if it is going to help. Laws cannot help us. We need seriousness and people who have this country at heart, and are known to be champions in fighting corruption.

It is only in Kenya where we do not use technology to fight corruption. We do not see our agencies deploying technology to fight corruption. We use the same old methods to fight corruption. We need a body that will use the correct technology available to them to fight corruption and not encourage infighting. That is why, as someone has said, after we are done with the commissioners, we must descend on the secretariat. We must restructure that body to reflect what we think can be used to fight corruption in this country.

In the appointment of the commissioners - because this has been advertised and it is going to come - this Assembly plays a very important role; I am happy that Members who were here before have owned up and said they did a bad job. They did not do a good job in selecting commissioners. I request Hon. Chepkong’a, my Chairman, and Hon. Duale the Leader of the Majority Party who is here, to let us not interfere. Let us not cut deals with the commissioners, who will get into this commission. Let us not want to know which tribes they will come from. This is what messes up things.



The reason Mr. Matemu was accepted here, I can say, was because at that time there was the Vice-President and the thing about tribes. It is wrong for us to have names here because they belong to certain tribes. In approving names of commissioners to the EACC, I want to request that we be above board. Let us have commissioners who will help us in the fight against corruption.

It cannot be fashionable to just talk about corruption and anti-corruption and nothing is done; as a people and Parliament we need to ensure that we fight it. It is this Parliament that will show the way. I do not think the Executive has the capacity to show the way.

As I switch off, let me say that one of the fundamental roles of the EACC is to ensure that we have education. The reason we cannot get good men and women to fight corruption in this country is because we do not have them. We do not have them because we do not start educating them early. We should inculcate education against corruption in our children from Class One. If we do not do that, we will not go far. You will get people from the streets tomorrow, but when they arrest one of your tribesperson, you will come here and remove them. It is about culture.

Hon. Duale has said that we celebrate people who have stolen public property and we think it is right to do so. When I go home and I do not have money to give to my constituents, they laugh at me. They do not think I am doing the right thing. However, if I stole money in Nairobi and went to them, I would be the best man in town. Unless we address the culture of worshipping “big” money and people who have stolen public property, we will not go anywhere in the fight against corruption. I support this Bill.

I want to propose that we stagger the terms of the commissioners. We did something wrong about all the commissions, including the Independent Electoral and Boundaries Commission (IEBC). Some commissioners should serve for three years while others serve for four years so that they do not go home the same day. We must move some basic amendments to this Bill on matters of the secretariat. I am sure there are a few areas on the secretariat that we could consider to ensure we have some level of independence not just of the Chief Executive Officer (CEO) but even of the investigators. Unless we have legal instruments that cushion the investigators from interference from the secretariat, we will not go far.

With those many remarks, I support this Bill and hope that based on what we have seen and heard, this time round the body we will put in place will help us go an extra mile.

Hon. Speaker, thank you very much. I support.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker, for allowing me to debate this Bill. From the outset, I support The Ethics and Anti-Corruption Commission (Amendment) Bill. When the Report on the removal of the commissioners was tabled in this House, one of the issues that came up was that the secretariat was going to send a report on the ownership of Integrity Centre. This report has not been tabled in this House to date and we do not know whether the Committee has received it. We also do not know the current status of Integrity Centre.

The current secretariat has been there since the tenure of Ringera, the tenure of Lumumba, and that of Mumo Matemu. Article 252(1)(c) of our Constitution states that each commission is supposed to recruit its staff. I ask myself: If the staff members were recruited by the initial commissioners, whom do they owe their allegiance to? That is one of the areas we need to look at as much as we want the commissioners to serve on part-time basis.

The work of the Commission is to recruit staff. The current staff members were recruited by commissioners who were there during the tenure of Aaron Ringera or Lumumba. They owe

their allegiance to the commissioners who recruited them. It means whether you find them incompetent or not, you are not the commissioners who recruited them. We need to adhere to the Constitution and make sure that the commissioners we are going to appoint vet the secretariat staff and see who they want to retain and who should go. That way we will ensure that there are reforms in the secretariat. The police service has undergone a vetting process, but what about the EACC? We still retain the same Commission staff that was there. Therefore, it is business as usual. So, this is an area that we need to look at.

Under Article 250(1) of the Constitution, the Commission is supposed to recruit its Chief Executive Officer. Who recruited the current Secretary and Chief Executive Officer of the Commission? Was he recruited by the first, second or third commission? These are issues that we need to look at because we need to have synchrony in how the Commission relates with the secretariat. Who is at the centre of power? Is it the commissioners or the secretariat? Who gives the other instructions on how things should be done? These are the challenges that this House should look at.

As we debate this Bill, we need to bring an amendment to see to it that as much as we are making this a part-time commission we should stagger the terms of the commissioners. I agree with the Member who said we need to stagger the terms of commissioners for continuity and retention of institutional memory.

As we recruit, let us also look at other professions. We have tried lawyers. Let us try bishops and Sheikhs of integrity. Can they serve on part-time basis? As much as we want to talk about religion, we even have fake bishops. Others have fake churches which are money-minting businesses. So, do we bring in a bishop who will make more money or others who will preach water and drink wine? The issue is integrity. The issue is who is best to deliver on this war.

With those few remarks, I want to give a chance to others to also contribute. I support the amendments.

**Hon. (Ms.) Mbalu:** Thank you, Hon. Speaker, for giving me this opportunity to add my voice to the Bill. It is very painful when you see leaders and politicians trying to sugar-coat issues. It is very sad for the Leader of the Majority Party, who is my very good friend to say he was annoyed and not even surprised when he saw His Excellency Kalonzo Musyoka escorting Hon. Charity Ngilu to court. He cannot be part of the people who are dividing our Kamba people. That statement from Hon. Duale is not acceptable in Ukambani. We need unity in the country, in Ukambani, Garissa, Kisumu and everywhere else. As the Leader of the Majority Party, that was a slip of the tongue. It is very bad and we do not take it lightly in Ukambani.

This is a very good Bill, but it is coming at the wrong time. We are very good in reacting to situations rather than being proactive. This Bill should have come before my good friend, the Chairperson of the Departmental Committee on Justice and Legal Affairs, went ahead and removed Mr. Matemu who also comes from Ukambani from his position at the EACC. This Bill would have been very welcome, but it is apparent that we are trying to sugar-coat situations. This is the same reason we are saying you are misadvising the President - he is the President for all Kenyans. Let the Leader of the Majority Party not lie to us that the President belongs to the Jubilee Coalition.

The war on corruption should not be politicised or ethnicised. Increasing the number of members of the Commission from three to five is good, but what about the timing?

**Hon. A.B Duale:** On a point of order, Hon. Speaker.

**Hon. Speaker:** There is a point of order, Hon. Mbalu.

**Hon. A.B. Duale:** Is the Member in order to say that I have lied? If she cannot substantiate, I will ask that it be expunged from the HANSARD and she apologises.

Hon. Speaker, the Hon. Member has said that the Leader of the Majority is lying or has lied. It is unparliamentary language. Being a Member of your Panel and being a gracious lady from Ukambani, the Bill before the House is not a community Bill but it is about the war against corruption.

**Hon. (Ms.) Mbalu:** Thank you, Hon. Speaker. I can substantiate. Maybe he did not listen to me very well. He stated very well and I can state loudly that he was not happy and that he was surprised - whatever word he used - when Hon. Stephen Kalonzo Musyoka escorted Hon. Charity Ngilu to the courts. That can be taken but all said and done, I am just trying to put across a point that we will not allow division of the Kamba people. That is what I am trying to put across. He may have got it differently. My point is that we will not allow anybody to divide us in Ukambani. We want to be very good friends with the people of Garissa, Kisumu and Mombasa.

**Hon. Speaker:** What is your point of order, Hon. Chepkong'a?

**Hon. Chepkong'a:** As you know, Hon. Speaker, Hon. Mbalu, of course, is a very gracious lady not only in manner of speech but also in manner of dressing. She also appreciates that I dress well. Is it in order for Hon. (Ms.) Mbalu to claim that - I am very clear about this that it is Hon. Jessica Mbalu who is my very good friend from the Speaker's Panel - corruption is dividing the Kamba people? Is it right, Hon. Speaker? Is that in order?

**Hon. (Ms.) Mbalu:** Hon. Speaker, the Chairperson is again making a mistake just the way we did when we removed Mr. Matemu. I did not say that corruption is separating tribes. I was just quoting a statement that was made by the Hon. Member, my good friend. Why are you afraid when I talk to my good friend, Hon. Duale, the Leader of the Majority Party? I want us to become very good friends but not separating tribes.

The Chairperson should have brought these amendments as a proactive measure and not as a reactive one. We are just sugar-coating. If Mr. Matemu was in Office and we wanted to add him three other members that would have been welcome. But when we just bring an amendment to a Bill just to sugar-coat a situation and make sure that we are safe over a decision we made here--- From Ukambani, they want to remove Charity Ngilu; Mr. Matemu is gone, the other day Nduva was removed and we cannot substantiate this. I have no apology for sitting in the Speaker's Panel because I represent the people of Kibwezi; this time Kibwezi East, Makueni County. Thank you for saying that I am a gracious lady. Yes, I am and I have no apologies to make for that.

The war on corruption should not be politicised or ethnicised. I was talking to my dear friend. We are trying to politicise corruption. The Bill seeks to increase the number of commissioners. We had very able minds in this Commission. I used to admire Mr. Lumumba until Mr. Matemu came to Office, a guy who has done very well. He was removed without grounds. The Chairperson of the Departmental Committee on Justice and Legal Affairs has done well. It is fine if it could bring efficiency and output in fighting corruption.

The war on corruption cannot be won when all of us, as Kenyans, do not embrace honesty and litigation. Honesty should be looked at. Let us be honest. We know very well that even if we take anybody to that Office, unless the secretariat works well with the Chairperson

and the Commissioners, we cannot fight corruption although the President is trying to lead this war.

The Public Service Commission, the Parliamentary Service Commission, the Teachers Service Commission and the Commission we are now talking about are not very different. I wonder what is so special about this. Of course, I know we are trying to come up with measures to fight corruption but can we be proactive and not reactive to situations? I would have supported this if it had come slightly before some moves were made. We are very mad in our place. Kenyans should start---

*(Hon. A.B. Duale consulted loudly)*

Hon. Speaker, can you protect me from my very good Leader of the Majority? I know we are meeting out of this House very soon. Kenyans should shun the use of shortcuts.

**Hon. A.B. Duale:** On a point of order.

**Hon. Speaker:** What is your point of order?

**Hon. A.B. Duale:** Hon. Speaker, this one has to be expunged from the HANSARD. First, you know I am not attending the House Business Committee (HBC) after this debate. I am going to my house to open the fast and the gracious lady is saying we are meeting after this.

*(Laughter)*

Hon. Speaker, I want to tell the country that I have no intention of meeting anybody including Hon. Jessica Mbalu this evening and many evenings to come.

**Hon. Speaker:** Anyhow, Hon. Members, time is over. The Bill has a balance of 50 minutes when debate on it resumes tomorrow. For now, as already directed earlier on, the House is to adjourn to discuss the issue raised by Hon. (Ms.) Wanjiku Muhia. Time is over. Give her the microphone.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33(1)**

#### **ONGOING CRACKDOWN ON ILLICIT BREWS**

**Hon. (Ms.) Muhia:** Thank you very much, Hon. Speaker. I rise under Standing Order No.33(1). I beg if the Leader of the Majority Party could be with me. I seek leave to move the adjournment of the House for the purpose of discussing the ongoing crackdown on illicit brews in the country especially in the central part of Kenya.

In the recent past, there have been concerted efforts by Members of the public to eliminate production and supply of illegal brews. Easy access to cheap illegal beers has resulted in---

**Hon. A.B. Duale:** On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes.

**Hon. A.B. Duale:** Hon. Speaker, it is not a very good evening for me. Even Hon. Wanjiku is saying she wants to be with me.

*(Laughter)*

“Can Hon. Duale be with me”? That is what she has asked on the HANSARD. I want to confirm that I also do not want to be with her.

*(Laughter)*

**Hon. (Ms.) Muhia:** Hon. Speaker, I do not know why the Leader of the Majority is afraid of the gracious ladies of this House but to clarify, I meant he be with me in this very dear Motion which he was the first to say that he would like to support.

**Hon. Kaluma:** On a point of order, Hon. Speaker. I am worried about the positions being taken by the Leader of the Majority Party. Would the Leader of the Majority Party confirm now that he denies the opportunity to meet the good gracious ladies of this House whether he has joined the club of Hon. Kang’ata, that gay one? We want to be clear on this matter.

*(Laughter)*

**Hon. Speaker:** Honestly, Hon. Kaluma!

**Hon. (Ms.) Muhia:** Hon. Speaker, this is a very serious Motion, with your guidance if you could direct we move on.

**Hon. Speaker:** Proceed now and move your Motion.

**Hon. (Ms.) Muhia:** Thank you, Hon. Speaker. I was saying that in the recent past there have been concerted efforts by members of the public to eliminate production and supply of illegal beers. Easy access to cheap illegal beers has resulted in the diminishing capacity and reduced the lifespan of the citizens especially our youth.

**Hon. (Dr.) Pukose:** On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Pukose is on a point of order.

**Hon. (Dr.) Pukose:** Hon. Speaker, Hon. Kaluma has made a very serious mistake. It is not a joke to call Hon. Kang’ata gay. That is very wrong. That should be---

**Hon. Speaker:** He said anti-gay. Proceed, Hon. Wanjiku Muhia.

**Hon. (Ms.) Muhia:** Hon. Speaker, just on a light note, I am sure Members are from the counties where they were destroying beer. To some extent we could have inhaled some. Possibly that is why people are interfering.

Having said that, our youth have been weakened and the fabric of the society has slowed down the economy, increasing insecurity among many other social ills. The crackdown has been welcome by the affected local communities and many positive effects are expected. I, therefore, seek for adjournment of the House to discuss this ongoing crackdown on illegal brews as it is an important national matter.

If you could allow me two or three minutes, I would like to say that this crackdown is welcomed by all Kenyans of goodwill or who do not accept premature deaths. We are aware of what has been happening. As I stand here, I can confirm that the women of this country are happy because they have seen Members of this House, especially from Central and Mt. Kenya regions, participating in destroying these brews. It is unfortunate that those supposed to eradicate

the menace are the ones who assist in abetting the same. This is not only a problem in Central region.

It is in public domain that a few months ago, in Eldoret Town which is in Uasin Gishu County, a person who is in charge of health education and an Assistant Chief died as a result of drinking illicit brew. This is the case and yet these are the people who are supposed to educate our people on the negative effects of alcohol. Instead, they have turned to join the people who are innocently not aware of the effects.

Hon. Speaker, there are “billions” of cartels in this field. It is making one person very rich and making hundreds or thousands lie in the graves. So, it is a grave matter to the point that the President had to give this directive. Having said that and having confirmed that the public are very happy and have welcomed this move, a few people particularly, the factory owners, are coming up with allegations that their property has been destroyed. I can confirm that their property has not been destroyed in Nyandarua County. However, we found ourselves in a scenario where we could clearly see beer through a window because the owner had closed the house with a tricycle padlock costing Kshs250. We had no option other than to cut the tricycle padlock and remove the beer which caused the deaths of people. The lives of people are more costly than the tricycle padlock.

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

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

Hon. Temporary Deputy Speaker, I had a privilege to move to several counties as a Member of the Departmental Committee on Administration and National Security. We moved from Naivasha to OlKalou, Nyeri and Kiambu. I can confirm that I did not see the massive destruction that is created through propaganda. However, I can confirm that there is massive destruction of illicit brew which we know is owned by a few people. This is a cartel that people are trying to fight. We are aware that corruption always fights back. This country has been destroyed by corruption. This time it is not corruption of “tenderpreneurs” but corruption of alcohol brewers.

I wish to say that as leaders, we shall be harshly judged in future if we let our generation perish. So, I confirm that women particularly, in Central Kenya are very happy because we are already aware that schools have been closed. We have not been able to “manufacture” babies as we have been able to manufacture brew. Babies are not “manufactured” under the beds but they are “manufactured” on beds.

As we speak, we can confirm that we are already expecting them in the next few months. The so called “transformers” will remain. For these women to go that far, they had no option but to do the necessary because the “transformers” were not working.

*(Laughter)*

I know this Motion is of great interest to most Members. As I conclude, I request that we deliberate on the issues within the few minutes possible so that many Members can contribute.

As I wind up, I wish to say that we need to look at this issue holistically and possibly see where the National Authority for the Campaign against Drug Abuse (NACADA) has failed this country and see whether we need them or not. What could be the issue with the chiefs? Could they be paid very little such that they engage in this corruption? Could they be facing other security challenges? We need to look at this issue holistically. At the moment, this brew has no integrity or professionalism. So, there was no any other better way to tackle this menace over the weekend than we perfectly did. I hope it will continue.

Hon. Temporary Deputy Speaker, thank you very much. I hope Members will contribute positively to this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is no seconding. Thank you. As directed by the Speaker, at 5.30 p.m., we were to adjourn and discuss the Motion as per Standing Order No.33. Hon. Members, there is nothing out of order. I want to give direction. Pursuant to Standing Order No. 33, no Members speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House except the Mover.

I hear there is a proposal to reduce it to three minutes. This is your House. I want to put the Question.

*(Question, that debating time be reduced, put and agreed to)*

Hon. Members, you will speak for three minutes. Hon. Cecily Mbarire, have we solved your point of order? I have sorted it out. Thank you. Hon. Members, you have three minutes starting with the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, under the Standing Orders, precedence is given to the Leader of the Majority Party, the Leader of the Minority Party and the Whips. That is inside the House and outside they are principals.

I thank Hon. Wanjiku Muhia for bringing this matter. What is happening in Central Kenya is not a movie but a reality. There are more bars in Central Kenya than schools and churches. President Uhuru Kenyatta has gone into history for saving what is in the Bible, procreation.

Procreation is disappearing in the United States of America (USA) because of other reasons. Here in Central Kenya it was disappearing. I urge my colleagues to do it with decorum. Let us not destroy property. We support you and the Government and we thank the President. However, on the other side, we want the same thing to be extended to Coast region. If you walk through Kisauni and Likoni constituencies and Old Town area, which Hon. Nassir represents--- Go to all parts of Coast region and you will find young people who are zombies. We want to go to the houses of the drug barons and remove those drugs. What has happened in Central Kenya will be extended. I am a victim of *miraa*. I am sure my colleagues from Meru will not take it lightly. Many people from my community are consuming *miraa* and we feel it. Even *miraa* must be reduced in Eastleigh, Garissa, Wajir and Mandera. This is if we want to fight all substances that can be abused from illicit brew to *chang'aa*. There is a lot of *busaa* in Western Kenya for example Kakamega, Trans Nzoia and Bungoma. There is also another traditional brew in Rift Valley.

In South Rift where Hon. Benjamin comes from, people do not go to farm tea but they drink. I know this because I campaigned in his constituency. So, the President must declare war against this kind of substance in whatever form as a national disaster and the leadership of this country. Hon. Savula is saying *busaa*. Maybe some people here are consumers. I do not consume alcohol myself. However, the days of even the Members of Parliament who consume *busaa* are numbered. This is even if they are here.

**An Hon. Member:** Senate!

**Hon. A.B. Duale:** Yes, they might be there, they might be in the Senate. Hon. Temporary Deputy Speaker, we must say that Central Kenya got its independence from drug abuse.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Hon. Leader of the Majority Party, there is a point of order.

**Hon. A.B. Duale:** From whom?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): From Hon. Junet.

**Hon. A.B. Duale:** But he is my friend.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): What is out of order Hon. Junet?

**Hon. Nuh:** On a point of order. Thank you, Hon. Temporary Deputy Speaker. I wanted to ask whether the Leader of the Majority Party is in order. Today he is very happy. I think the fasting is taking him very well. He has said that he is not going to take people to the EACC unless they are wedding like Hon. Junet. I am worried where I am seated because today I might not get food to break my fast because my wife is watching.

Secondly, there are no Members of Parliament who take *busaa*. Not even in the Senate. I sit in order for the Leader of the Majority Party to say there are Members who take *busaa*?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Hon. Leader of the Majority Party just react to that but there is nothing out of order.

**Hon. A.B. Duale:** Some of us are servant leaders. We go and take tea and *mandazi*. Sometimes some Members can take with their constituents. I have said it on record. There is a county in central Kenya where there are 9,000 bars and 3,000 schools. Schools are closing. There are no kindergartens in central Kenya. However, as we fight illicit brew, who said the beautiful ladies in central Kenya cannot cross to other counties where drugs are not available. We want a Kenya where we intermarry.

*(Laughter)*

They can go to Ukambani, come to North Eastern and go to Bondo and Siaya. So, I beg to support. We must support the President in the war against drugs.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You can go on because the Leader of the Majority Party has just finished his bit. You will have to debate. Yes, the Hon. Member for North Horr, Hon. Chachu Ganya.

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this Motion.

From the outset I want to support this Motion.

*(Loud consultations)*



**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Members! The Member contributing will be heard in silence. We will have our time. This is a debating House.

**Hon. Kabando wa Kabando:** Nobody should speak crap against the people of Central Province.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Kabando, you are out of order.

*(Loud consultations)*

**Hon. Members:** Out!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order Members! Even the ones who are shouting are out of order. We need sanity in this House. We have no choice but to have sanity in this House. Hon. Members, you will have your time to debate. You will state what you think. We have reduced debating time to three minutes. Thank you for the sanity and cooperation. Let the Hon. Member contribute.

**Hon. Ganya:** Hon. Temporary Deputy Speaker, I support this Motion very strongly. I want to appreciate Hon. Muhia for bringing this timely Motion to this House. I want to commend my colleagues from central Kenya for the leadership role they have taken to destroy illicit brew in that region. They have done good work and they have all our support even if they bring a Motion and Bills to advance this course. This is because we are losing generations. We are losing very many productive Kenyans who could be engaged in productive activities because of these brews. This is a well thought out strategy to destroy illicit brews in our country.

The business people engaged in these illicit brews must be taken to courts. The Government should take swift action and ensure that the Kenyans who are killing and destroying lives of other Kenyans are brought to book. The chiefs, policemen and Administration Police who are not performing must be transferred or sacked and others from other parts of Kenya transferred to those areas to enforce the law as required. I call upon the county governments in those regions to hire young men and women who can enforce these laws. This is because they have the resources, capacity and powers to hire young men to complement the work of the police and chiefs. They should ensure that this illegal business which is destroying Kenyans and particularly very many productive young men and women is eliminated once and for all. As a country we should not allow Kenyans' lives to be destroyed by illegal businesses. There are other opportunities in which these people can engage in to make money. There are other worthy businesses which they can engage in and because of that, this must stop.

As we start in central Kenya, these problems are everywhere. Even in northern Kenya where I come from, *miraa* is a major problem. There are very many Kenyans who are very productive but are wasting a lot of their time chewing *miraa*. Even this needs to stop.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Three minutes are over. Hon. Members, let us plan our time. Yes, the Leader of the Minority Party who is also the Member for Kitui West.

**Hon. Nyenze:** Thank you, Hon. Temporary Deputy Speaker for giving me this chance. Everybody knows alcoholism is a major problem in this country. I want to congratulate Members of Parliament from central Kenya for the bold step they took under the President's directive.

Sometimes it is good to do something big whether there are collateral damage to create fear and order. What they did has an impact and that is why we have taken cue from there.

As Hon. Ganya has said, this problem is not confined to central Kenya alone. Central Kenya is affected mostly but this problem is common in all the counties. Let us take a very firm decision by supporting this crack down. This crackdown should not only target illicit brews but also *muguka* and *miraa*. If this is done, Kenya will be a safe place to stay. I have said before this House that chiefs and law enforcement officers are paid very little while other people are paid well.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members who want to rise on a point of order, from where I sit, I can assure you that there is nothing out of order. When you get your chance, you can justify your--- This is a House of debate. Continue, Hon. Nyenze.

**Hon. Nyenze:** Thank you, Hon. Temporary Deputy Speaker for protecting me. I support the presidential directive that we carry out a crackdown. I want to appeal to all Members of the National Assembly from central Kenya, Nyanza, northern Kenya and coast to take action and the law enforcement officers will take charge. However, let us make sure that there is no destruction of property. Let this be done in an orderly way.

Hon. Temporary Deputy Speaker, we must also realize that corruption - I thank Hon. Waititu for pointing it out -regarding illicit liquor and such things is being perpetrated by law enforcement officers such as chiefs and police officers.

In Kitui where I come from, we have seen policemen selling sand from River Tiva and people from Kwamutunga have complained to me. They escort those lorries and take money which belongs to the youth. The chiefs and policemen will get their cut where there is liquor. These are the people who should be sacked. I will not say what Hon. Ganya said that they should be transferred. They should be sacked the way it was done in central Kenya and others employed. This is because there are very many Kenyans who are willing to come and serve. Hon. Temporary Deputy Speaker, legitimate business that has been registered should be protected from vandalism because there are those youth who want to take the law into their hand. These youth also want to take advantage of the situation to loot. There are also business opponents who want to bring their competitors down. If there is a business that does clean business, let it get protection from the Government so that it is not destroyed.

Lastly, I want to congratulate, Hon. Regina Muia from Kilome Constituency. She caught a police lorry full of cartons of such liquor and she burnt all of it. I want to congratulate her for that action. I will ask leaders from coast, north eastern, Ukambani and Meru regions to take cue from central Kenya Members of Parliament.

*(Applause)*

Let Kenya burn that liquor. We have to destroy it and unless we do that, we will not stop it. This is because corruption will continue promoting it. Let us create an impact and then the law enforcement officers will take charge. For those who will not deliver, let them be summarily dismissed.

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

Yes, Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker. I want to thank the Hon. Member for bringing this Motion to this House.

Hon. Temporary Deputy Speaker, the focus has mainly been on central Kenya but this is a national problem. Last time when we were dealing with this law in this House and we spoke to individual Members, we realized that this is a matter that affects every single household. I would like to say that the President took a very bold move, but as the Chairperson, now that the Speaker has spoken about the bodies we belong to - I am the Chairperson for Parliamentarians for Global Action, the Kenya Chapter--- I respect human rights. Some of the images that we have seen go to counter the spirit of what I believe the President intended; two wrongs do not make a right. You cannot purport to be dealing with alcohol by behaving like you are drunk yourself.

I want to encourage some of the Members of Parliament that when they are undertaking these activities, they need to behave soberly and within the law. I want to say that this activity should be encouraged and extended to other parts of the country because it is not an exclusive problem to central Kenya.

I thank you, Hon. Temporary Deputy Speaker.

**Hon. (Ms.) Mbarire:** Thank you, Hon. Temporary Deputy Speaker. Any leader today who is witnessing what we are seeing happening with our youth must take a bold step of fighting alcoholism. The owners of this alcohol are multi-millionaires who have bought the police. They have bought the administration and everybody. Some of them probably have financed campaigns and that is why it takes a bold leader to go to your constituency and say enough is enough.

This campaign must go on and it must cut across the country. If you are a true leader who loves generations to come, you must save the youth from this destruction. I remember one youth who was very drunk when I was pouring alcohol. He looked very miserable. I walked to him and asked him why he was looking so miserable. He told me that he is sad that I was pouring alcohol but thanked me very much because I was going to save many of them who were unable to get out of this mess. If you are a leader worth your salt, please do not fight this campaign.

This is a campaign that will save generations. This is a campaign that is affecting homes because homes have been destroyed. Women have been left as the sole breadwinners of their families because their husbands have been hooked into these things.

I hear people talking about human rights. You know your human rights stop where the other one starts. Who gives you a license to kill? You know something? I will bring down a factory anytime if it is destroying the youth of my constituency because no one gives you a license to kill. We have made these people believe that they have a right to kill because their death is a slow death. We must fight them. We must save our youth, families and generations to come. This is not a laughing matter. This is not politics. This is about life and life comes before anything else.

I hope Members here will take that bold step. Let us save our youth. If it was your son or daughter languishing in that state, would you be happy as a father? I know that there is a man or woman crying for his or her child because of these people. We must save them. I ask the President not to relent. We must eliminate that alcohol. The next place we must move to is the coast region.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. Let us plan our three minutes. The Member for Butula, Hon. Michael Onyura, what is wrong with your microphone?

*(Loud consultations)*

Order Members! I know there is a lot of anxiety but let us listen to contributions of Members.

**Hon. Onyura:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance to comment on what is going on about the war against illicit alcohol. I support the initiative very strongly. The war against excessive alcoholism in the country is timely and it is something that the whole country and all the leadership should support.

The fact that it has reached the level that it has is a telling statement. It means that many things have gone wrong. In fact, we have a whole chain of law enforcers; a whole structure of administration and a whole structure of policemen including Administrative Policemen. We have many people who are supposed to be doing this work. How come it has reached the level where the President has to come in and make declarations and Members of Parliament have to be involved in the way they are being involved now? We need to take care of it now because I do not think that what we are doing is going to be sustainable.

We must go back to those structures and strengthen them. Let us strengthen *nyumba kumi* structures because they can assist us with not only security but also issues like these because they touch on security as well.

However, let us do it within the law. Let us all support this initiative. It is timely.

I support the initiative. Thank you for bringing it up.

**Hon. Angatia:** Thank you, Hon. Temporary Deputy Speaker. First of all, I would like to thank the President of the Republic of Kenya for ordering a crackdown on illicit brews in central Kenya. This has affected livelihoods of many young women who do not enjoy their conjugal rights because men in their area have preoccupied themselves in alcohol consumption.

The Leader of the Majority Party has spoken about the issue of *busaa* in western Kenya. *Busaa* is licensed traditional liquor and we will not let it face the same crackdown that is happening in central Province. Members of the Luhya community have controlled themselves in the consumption of that liquor called *busaa* and it should really be exempted from this crackdown.

With regard to the issue of “transformers”, we do not have a problem with “transformers”. If there are some people who are facing shortage of transformers, we shall provide bibles and more pastors to pray for them to transform the community in that area.

**Hon. Kabando wa Kabando:** Usiongee hivyo!

**Hon. Angatia:** Hon. Temporary Deputy Speaker, kindly protect me. I am not talking about Kabando.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You are protected. Your time is almost over. You are protected. Just make your contribution. Let us try to limit our words and let us use parliamentary language. Let us confine ourselves to the debate otherwise I will rule you out of order!

**Hon. Angatia:** I am just saying that the society should transform. My mother is a pastor. I am ready to provide more bibles in central Kenya. I am ready to go and preach to them so that they can transform. This is because a law without a bible cannot go far. They have to go hand in hand.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Bibles are welcome. We are Christians, Muslims or belong to whichever religion. Bibles are welcome. Yes, the Member for Muhoroni, Hon. Onyango Oyoo.

**Hon. K.K Kinyanjui:** Hon. Temporary Deputy Speaker, it is me.

**The Temporary Deputy Speaker** (hon. (Ms.) Mbalu): It was the member for Muhoroni. That was just a mistake.

**Hon. Oyoo:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute on this very weighty matter. I want to say from the outset that two issues are in my mind.

One, people are reasoning on this debate as if it is only a menace facing our brothers from Central Province. This is a menace that is facing the entire country. As leaders, we must stand tall because I know there is fear among us. The *chang'aa* brewers and consumers are our voters. As politicians, we are always cagey when it comes to dealing with issues that affect our voters. We must stand stall and help His Excellency the President to ensure that this thing is executed and that members of the Government who are condoning illicit beer brewing and distribution in their jurisdiction must be brought to book.

This problem is only coming out as a Central Province affair because this illicit brew consumption is taking place there and we are trying to wipe it out. The distributors who are economically benefiting from the illicit trade are the people who are prompting resistance and propagating a lot of propaganda as if something is happening against their economy. This must not be condoned.

My second point is a question: What is the cause of this? The root cause is that we have young educated boys who have no future. When they look ahead, they do not see any chance of getting employed. We have talked to them and all they say is: "What do I do? I have to consume this to cool my head so that I can sleep".

The Jubilee Government must walk the talk. It must try and provide employment that was enshrined in its manifesto. Several agenda and concepts have been unveiled by the Government but the people who are supposed to execute them, make them visible and make jobs available are busy looking for money through corruption. Corruption is everywhere and when we are talking about corruption, even this thing could be a product of corruption.

The *chang'aa* dens are protected by the Provincial Administration. You people come to Muhoroni and emulate my system where despite the fact that molasses is heavily produced in the constituency, consumption of *chang'aa*, is near nil. It is because I do not tolerate it and neither do my chiefs. They have the orders and the sub-county commissioner has the mandate and instruction to ensure that *chang'aa* consumption and processing is wiped out.

Otherwise, thank you very much. I wish you well now that central Kenya is the recent consecration of---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over. Hon. Members, I have 47 requests. If you really think you may not finish your three minutes, let us give time to the others.

Yes, Hon. Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker. Although we have taken this with light touch, the danger of alcohol is real. The danger to the youth is real and the danger to the future is real.

*(Applause)*

I must say that as we look at the availability of alcohol and cracking down on the alcohol producers, we must look deeper into the society and the basic issues involved. We must look at weakness in our institutions, especially the people who are supposed to take care of this crisis. I am talking about the police, the chiefs and the courts. We must look at the issue of corruption. We must look at those rich people amongst us who own and run these factories. I dare say that the alcohol that is being consumed in central Kenya is laced with more than just ethanol. That is something we should look at.

The issue of youth unemployment is real. There is one thing I want to say and please listen: The issue of empowerment of the girl child and the neglect of the boy child is an issue we should look at. We should ask ourselves, if alcohol is available, why is the boy child affected more than the girl child? So, we must look at the family unit.

Whereas I support the campaign, the bigger gain will be obtained when we look at the structures. We should look at the issue of unemployment, the NYS programmes that are going on and tackling corruption. If we do not look at this, our campaign will not get us anywhere. It is also sad when a president of a nation orders a crackdown--- If the President is reduced to using lay people and politicians, where are the security systems that the President should be working with? There are bigger issues that we should look at in a more institutional manner.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Yes, the Member for Kilome, Hon. Regina Muia.

**Hon. (Ms.) Muia:** Thank you, Hon. Temporary Deputy Speaker. I stand to support *Mhe.* Wanjiku for bringing this Motion to this House. Actually, it is long overdue since last week we have been witnessing things happen in some parts of this country. I have never thought that I would even witness such big consumption of this killer brew in my place.

Last Saturday, I had gone for a funeral and I was called by my people in one of my very important shopping centres, Kasikeu Centre. To my surprise, when I got there, I found a whole GK truck from one of the police stations in my constituency packed with 1,800 cartons of this killer alcohol. When I got there, I wanted to find out why the cartoons were packed in a GK vehicle. The response was that they were taking it for exhibit purposes. There is no way you can take 2,000 cartons for exhibit anywhere. I used my car to block the truck. I got my people - we were about 2,000 of us. We removed all those cartons, took them to the field and burnt them.

*(Applause)*

Hon. Temporary Deputy Speaker, to my surprise the person who was caught with those cartons was not arrested. She is still at large. If you recall even last year, there was a lot of alcohol in Makueni County and some parts of Central Province. Those people who bring such killer alcohol do not take the same alcohol. Their children do not also take the same alcohol. They are not better than *Al-Shabaab* because they go out to kill. So, we should come up with a law that anyone caught with such alcohol taking to other parents' children should also be jailed or killed so that we balance. So, I am here to support, as a mother, that our young people are not going to be spoilt out there.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Peter Kaluma is the next one on my list.

**Hon. Members:** But Hon. Temporary Deputy Speaker---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): It depends on the time you come on top of the list.

**Hon. Kaluma:** Thank you, Hon. Temporary Deputy Speaker. The President and the leadership, particularly from central Kenya have done well. That is commendable. We have to support that process but we must ask the following four questions. All the business enterprises I have seen raided claim to have licences. Who licensed those businesses to trade in illicit brew? As much as we are carrying out a crackdown, that is something that we need to sort out. If it is corruption, let us deal with those licensing authorities.

Secondly, as much as we are dealing with this national crisis, we must also remember there is withdrawal syndrome. How are we dealing with those people who are addicted whom we have abruptly stopped from engaging in this consumption? So, it is also good for our Government to think of a whole continuum of processes that would not just deny people alcohol temporarily but get them out of it completely.

Lastly, as we do anything, we must remember that we could be dealing with same symptoms. When we do things off the cuff or spuriously, we discourage investors. The investment environment must be predictable. We make it very unpredictable when a person is duly licensed and without dealing with whoever licensed him, you destroy his machinery. People want to know that when they take a licence and it is a lawful trade, they will engage in trade. Once we jolt the investment environment because of failure to abide by the rule of law, we risk the jobs which we should be scheming more to create and which should be the biggest problem.

As much as I encourage what has happened, let me also urge those people whose property were destroyed by gangs in the process of this good mission to take up cases against those who did it whether it is a Member of Parliament or a gang from the village. We can also hide under good things to do very bad things. I would like to tell the President that going into the future, leadership merely proffers solution and creates impetus. May the systems that are in place to deal with this problem now take charge and deal with it as we continue to hold them to account?

Hon. Temporary Deputy Speaker, I thank you very much.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Nakara. Give him the microphone. Put your card in the intervention slot.

**Hon. Nakara:** Mheshimiwa Naibu Spika wa Muda, ningependa kuchukua nafasi hii kumshukuru Mheshimiwa Wanjiku kwa kuleta Hoja hii. Tunapinga pombe haramu kwa uwezo

ambao tulionao na kwa lugha yote tunayoweza. Ningependa kusema mambo mawili. Jambo la kwanza ni kuwa kuna askari ambao wamechukua nafasi hii kunyanyasa wananchi. Wanaenda kushika wenye pombe lakini pia wanawanyanganya pesa na kuwaharibia mali yao. Lazima tuchunge askari kama hao ambao wananyanyasa wananchi.

Jambo la pili nikuwa kuna watu wa aina mbili katika jambo hili. Kuna watu ambao wanatengeneza pombe kwasababu ni maskini. Pia, kuna watua mbao wanakunywa pombe kwa sababu wana pesa. Ningependa serikali za kaunti na Serikali Kuu zihakikishe kwamba kuna njia ambazo zinasaidia watu ambao wanatengeneza pombe kujimudu kimaisha. Ni njia moja kusimamisha watu wasikunywe ama wasitengeneze pombe lakini ni njia nyingine uchumi wa sehemu hiyo uangaliwe kwasababu kuna watu ambao wanatengeneza pombe kwa sababu ya umaskini. Ni bora serikali za kaunti na Serikali Kuu zijaribu njia za kusaidia watu wa namna hiyo ili wajimudu kimaisha.

Nikimalizia, ningependa kukubaliana na wengine kwamba hili jambo ni janga. Kwa hivyo, ukitoa mtu katika shida lazima pia uwe na njia ya kumsaidia kujimudu kimaisha.

Leo huyu mtu ameacha pombe lakini kesho atarudia pombe. Kwa hivyo, ni vizuri hao watu wapelekwe katika shule ama mahali pa kupatiwa mawaidha pole pole na waache pombe. Kwa hivyo, ninaomba Serikali ifungue vituo vya kuwasaidia hao watu na wapatiwe ushauri ili wawe watu wazuri.

Ninaunga mkono Hoja hii. Asante

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Asante. Hon. Members, I wish you can even limit your contributions to one or two minutes so that, at least, Members can be heard. Let me go to central Kenya so that we hear what is in Murang'a County.

Yes, Hon. Sabina Chege.

**Hon. (Ms.) S.W. Chege:** Thank you, Hon. Temporary Deputy Speaker. I appreciate this chance. On behalf of women of Murang'a County and central Kenya at large, I want to thank His Excellency the President for this initiative. This is not a laughing matter. It is a serious matter. I want to report that for the last three or four days, women have been happy. The main problem that I saw is that we have our own people who want to make money by killing others. I want to commend Hon. Waititu and Hon. Alice Ng'ang'a from Thika for starting this fight.

We have one factory that has messed the young people of Mt. Kenya and that is Vine Park. When we went pouring this illicit brew, we poured it and you could light fire with it. It is deadly. I would like to tell this House that we also need to vet the work of the NACADA because when we went to raid some of those bars, we found that they had licenses from the NACADA and the Kenya Bureau of Standards (KEBS). I also want to urge all the county governments to suspend all the licences until the people or the community is asked how many they need. It is not a laughing matter that in my county the number of bars---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The message is passed. The Member for Homa Bay County, Hon. Wanga is next on my list. Let us limit ourselves to one minute.

**Hon. (Ms.) Nyasuna:** Thank you, Hon. Temporary Deputy Speaker. Alcohol is a national problem.

**Hon. Midiwo:** Hon. Temporary Deputy Speaker---



**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Jakoyo, we have three minutes but if you can limit yourself to a minute or two, it is up to your discretion. Hon. Wanga, carry on.

**Hon. (Ms.) Nyasuna:** In these last four days, we have lost a young man to illicit brew in Homa Bay County. He is the grandson of Oworo Ngaro in Ndiru Kagan somewhere in Rangwe.

*(Laughter)*

So, I want to thank my colleagues from central Kenya for bringing the impetus that they brought to this fight and for putting their own lives on the line. As I saw some of you pouring alcohol out there, I knew that some people can even come after you for your own lives on this matter of alcoholism. I thank you very much for moving that forward. The point I want to make that is very important is that as we make this very good fight and move it forward to save the lives of our young people, let us not turn the public against us by making ourselves look even more criminal than the people we are trying to fight out there. Some of the pictures I have seen on social media of our leaders in front and thousands of youth carrying machetes and *pangas* can only work against the fight against illicit brew.

We must restrain ourselves. We cannot carry machetes, pangas, thousands of youth and expect that Kenyans will support us in this very important fight. We must restrict ourselves.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let us hear what is in Suna East.

**Hon. Nuh:** Thank you very much, Hon Temporary Deputy Speaker forgiving me an opportunity. I would like Hon. Kabando to listen to me. I would like to thank the leadership of central Kenya for showing leadership in fighting against the illicit brew. This is a menace that has destroyed many families and lives. It is a noble cause that has been started by His Excellency the President. The President's intention must have been very good in getting rid of illicit brews and restoring lives and families. However, the noble course of the President has been destroyed by a chief sycophant like Hon. Moses Kuria who has taken machetes and led gangs on the road in the name of destroying illicit brew. That chief sycophant---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, You are out of order. You cannot mention a Member's name. We are old Members in this House. Let us not spoil for ourselves.

**Hon. Nuh:** Hon. Temporary Deputy Speaker, I have said this in good light. He has done a good job in terms of leading the course. We must use the institutions and frameworks of law to fight illicit brews. If we lead in a lawless manner, another menace will come up in the country and people will take up the law into their hands. That is not good for our country. I agree that that is a menace that we need to fight. It has destroyed lives and families but we must use ways and means within the law to fight the same menace.

I would like Hon. Moses Kuria to put down the machete and use the chiefs and the District Commissioners (DCs) by giving them orders to implement the President's directive.

Thank you.

**Hon. Kabando wa Kabando:** Thank you, Hon. Temporary Deputy Speaker. It is war whose time has come and we thank this whole House. Three things need to be done.

One, we should focus on the barons, the brewers and the source of these dangerous substances. Secondly, establish a special squad in all the constituencies of Kenya in order to deal with this matter and not the regular police. Thirdly, ensure that we create committees in every constituency where politicians, security forces, clergy and the community are involved. Finally, tell the country that these brewers are like terrorists, poachers and murderers. We have suffered enough. This war shall continue. Never or not since *Mau Mau* has central Kenya been this united against a singular enemy. Forward ever backwards never.

**Hon. (Ms.) A.W. Ng'ang'a:** Thank you very much, Hon Temporary Deputy Speaker. When dealing with beasts you have to become a beast. The menace that we are dealing with is not anything less than a beast and when we were confronting it, we had to put on the gear that you saw us putting on. That was the only language those people could understand. Not anything less. Just two weeks ago, ten people died in Kiandutu Slums as a result of consuming the same liquor.

These industries are in Thika and that is why when I went there I had to put on the full gear to make sure that none of that illicit brew was going to be left in those bars.

We are losing a generation. If we do not speak now, when will we ever speak? That is why we have come out very strongly to say enough is enough in central Kenya. Just two years ago before the county government took over. Thika Town Constituency had only 200 shops for wines and spirits but right now as we speak we have 567. There were also only two industries but right now as we speak they are 22. If we leave this issue to the county Commissioners and the likes, there is nothing that they are going to do. So, when you see us coming out strongly to your industry and we count one up to three if you do not open, we use the best means that we know. That is exactly what we did with no apologies at all.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Yes, the Member for Endebess, Hon. Robert Pukose.

**Hon. (Dr.) Pukose:** Thank you, Hon. Temporary Deputy Speaker. I just wanted to say that I support this Motion by Hon. (Ms.) Muhia. This exercise should be extended all over the country. However, we also want to make sure that those within areas which have not been affected should be on the lookout for any suspicious lorries which are carrying illicit liquor. Secondly, we want the list showing the second-generation alcohol that we are dealing with to be made public. That should be made public so that anybody who is doing legitimate business is not harmed.

Lastly, *busaa* is not second-generation alcohol. It has been there since the old times of our grandparents and should not be mistaken for second-generation alcohol.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): One minute for the Hon. Member for Igembe Central.

**Hon. Kubai Iringo:** Thank you, Hon. Temporary Deputy Speaker. First and foremost, I take exception with the Leader of the Minority Party for placing *miraa* in this category. I am telling him that *miraa* is not a drug.

I support this exercise which was started by the President. I have participated in it. If we do not do it, we are going to create billionaires in this country and destroy generations. We should support the exercise. It should be extended all over the country and supported by

everybody. The administration should be tutored not to take bribes so as to save our country from this menace.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): At my discretion, let me give one minute to the Deputy Leader of the Minority Party, Hon. Midiwo. Your card is not visible here. You may have to use the Dispatch Box.

**Hon. Midiwo:** Thank you, Hon. Temporary Deputy Speaker. Let me support the initiative by the Members. The makers of these brews do not mean well for our population. The issue that I have not heard any Member here mention, except Hon. Sabina Chege, is the issue of the licensing process. Members of this House cannot be part of wanton destruction of property. We need to set the rules. In fact, we are creating a problem.

When I look at the television every evening, I am reminded of the chaos of the post-election violence. I would like to say that Members of Parliament who participate in making law belong here and not on the streets. We need to make a law, so that this cannot go on. You can go on or “*itaendelea*” like you are saying, but you must know that as a lawmaker you are being utterly lawless. It is unnecessary and I do not think that it is something the President would support. The law is with the police and there are chiefs. This country and Parliament cannot praise lawlessness.

Let me finish by saying that I know somebody who is a packager and brewer in Kisumu from central Province. Right now, he is underground and his warehouse has been raided. There is no problem there but they are saying that they have got an opportunity to get rid of a *Kikuyu*. You must know what you are engaging in. You must know that there are people who do this as a business and pay taxes. You cannot destroy their property.

I saw a couple of Members in Nyeri destroying property of East African Breweries Limited (EABL) which is the largest taxpayer to the Exchequer. You must know what you are doing. It is killing our people. There is nobody in Central Province who is not a Kenyan. They are all our people. I beg my colleagues to do everything within the law and then we shall succeed. Let us also look for ways of rehabilitating the affected families.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, Hon. Members. I must appreciate the many requests from Members. The Motion was to be debated for just one hour and the 349 Members of this Parliament could not all contribute. I appreciate your interest in this.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, the time being 6.34 p.m., this House stands adjourned until Wednesday, 8<sup>th</sup> July, 2015, at 9.30 a.m.

The House rose at 6.34 p.m.

