

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th May, 2017

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Ring the Quorum Bell please.

(The Quorum Bell was rung)

Hon. Speaker: Stop the Quorum Bell. We may commence business.

COMMUNICATION FROM THE CHAIR

THE ANNUAL NATIONAL PRAYER BREAKFAST

Hon. Speaker: Hon. Members, the Kenya National Assembly Prayer Fellowship Group shall host the Annual National Prayer Breakfast on Thursday, 25th May 2017 at the Safari Park Hotel in Nairobi. It is expected that over 2,500 guests, who comprise of political, business and religious leaders, shall be in attendance. The theme for this year's prayer breakfast is "Unity and the National Anthem".

The Prayer Breakfast shall be an inter-denominational prayer meeting organised by Members of Parliament with support from friends. All Members of Parliament are requested to pick the invitation cards to this event at the Main Reception and confirm attendance by Tuesday, 23rd May 2017 in order to facilitate seating arrangements.

You may contact the Chairman of the Prayer Breakfast Group, Hon. Capt. Clement Muchiri Wambugu, who is also the Member of Parliament for Mathioya Constituency, for any further clarification.

I thank you.

PETITION

RELOCATION/RESETTLEMENT OF RESIDENTS OF LANDI TRADING CENTRE.

Hon. Macharia: Hon. Speaker, I, the undersigned, on behalf of area residents and business people of Landi Trading Centre in Molo Constituency, draw the attention of the House to the following:-

THAT, Landi Trading Centre was established along the Elburgon-Molo (Class C56) Road in 1986, with various business people and residents settling there;

THAT, the then Town Council of Molo sub-divided the land located at the trading centre for the settlement of these locals, collected land acquisition fees and issued the residents with allocation letters for the plots in February, 2006;

THAT, there are currently around 62 residents domiciled in this area covering 3.5 acres;

THAT, in February, 2017, the Kenya National Highways Authority (KeNHA) put up beacons at the Landi Trading Centre, declaring it a road reserve, and ordered the residents to vacate the land by June 2017;

THAT, this land is the main source of livelihood and residence for the locals who have been living and working on it, and its loss would destabilise the residents and cause untold suffering and anguish due to loss of homes and businesses; and,

THAT, the issues in respect of which this petition is made are not pending before any court of law, constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands:-

(i) intervenes to have the area residents relocated and resettled in a more suitable location; and,

(ii) makes any other further orders deemed fit in the circumstances of the petitioners. Your humble petitioners will forever pray.

Thank you, Hon. Speaker.

Hon. Speaker: The Petition stands committed to the relevant Departmental Committee.

Next Order!

Hon. Members, you appreciate that the Committee has 60 days within which to consider the Petition. I do not see you seated here beyond 15th June, 2017. I do not know whether the Committee will have time to sit and consider that Petition, but we wish them well in their endeavours.

PAPERS LAID

Hon. Katoo: Hon. Speaker, I beg to lay the following papers on the Table of the House: The Kenya National Bureau of Statistics Economics Survey 2017.

The Annual Report and Financial Statement for the Teachers Service Commission (TSC) for the year ended 30th June, 2015.

The Report of the Auditor-General on the Financial Statements of Pace Control Products Board for the year ended 30th June, 2015 and the certificates therein.

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

- (i) Kenya Industrial Property Institute;
- (ii) Agricultural Finance Corporation;
- (iii) Kenya Investment Authority
- (iv) Kipchambo Tea Factory Limited which is a subsidiary of Nyayo Tea Zones Development Corporation;
- (v) Nyayo Tea Zone Development Corporation;
- (vi) The Provident Fund;
- (vii) Asian Officers Family Pension Fund;

(viii) Kenya Local Loans Support Fund Revenue Statement from the Pensions Department;

(ix) the European Widows and Orphans Pension Schemes Fund;

(x) the National Gender Equality Commission; and,

(xi) the Public Service Commission.

Hon. Speaker, I have another Paper to lay on the Table of the House.

I beg to lay the following Paper on the Table of the House, today, Wednesday, 17th May 2017:

The report of the Joint Parliamentary Select Committee on the election of Members to the East African Legislative Assembly (EALA) elections on its consideration of nominees for election as members of the EALA.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Pukose.

Hon. (Dr.) Pukose: Hon. Speaker, I beg to lay the following paper on the Table of the House:

The Report of the Mediation Committee on the Health Bill (National Assembly Bill No.14 of 2015).

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

NOTICES OF MOTION

ADOPTION OF REPORT ON ELECTION OF MEMBERS TO EALA

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

THAT, pursuant to Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly (EALA) Elections (Election of Members of the Assembly) Rules, 2017, this House adopts the Report of the Joint Parliamentary Select Committee on the election of Members to the EALA on its consideration of the nominees for election as Members of the EALA, laid on the Table of the House today, Wednesday, 17th May, 2017.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Pukose.

ADOPTION OF REPORT OF MEDIATION COMMITTEE ON HEALTH BILL

Hon. (Dr.) Pukose: Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order No.150, this House adopts the Report of the Mediation Committee on its consideration of the Health Bill (National Assembly Bill No. 14 of 2015), laid on the Table of the House today, Wednesday, 17th May, 2017, and approves the mediated version of the Health Bill, 2015.

Hon. Speaker: Next Order!

PROCEDURAL MOTIONS

EXEMPTION OF A BILL FROM PROVISIONS OF S.O.141(1)

Hon. Speaker: Let us have the Chair of the Budget and Appropriations Committee?

Hon. Musyimi: Much obliged, Hon. Speaker.

I beg to move:

THAT, given that the Division of Revenue Bill (National Assembly Bill No.2 of 2017) had been passed by the National Assembly, amended by the Senate and subsequently defeated when the Mediation Committee failed to agree on a version of the Bill within thirty (30) days, in accordance with the provisions of Article 113(4) of the Constitution, this House resolves that the Division of Revenue (No.2) Bill (National Assembly Bill No.22 of 2017) be exempted from the provisions of Standing Order 141(1) which provides that “a Bill, the Second Reading or Third Reading of which has been rejected may be introduced again in the next Session, or after the lapse of six months in the same Session but subject to fresh publication as provided in Standing Order 114.”

As you are aware, you directed that the Budget and Appropriations Committee deliberates on the matter of the Division of Revenue Bill. Guided by you, we have sought republication of that Bill. But the law is very clear that unless we shorten the time, by the time we prosecute the matter, if we follow the normal procedure, it will not be possible for this Parliament to do so because this Parliament’s life comes to an end within that period.

I think all of us know how important the Division of Revenue Bill is. As has been mentioned in the Motion, we tried to find consensus within the Mediation Committee that I was honoured to chair. We now need to meet and find direction, hopefully sooner than later, so that county governments can begin to appropriate their funds. This matter is urgent and the country is waiting for us to move forward on the issue. It is, therefore, with that in mind we are seeking that the period be reduced as is proposed by the Motion.

I wish to move as such and request Hon. (Dr.) Makali Mulu, the Member for Kitui Central to, kindly, second the Motion.

I thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Speaker.

I rise to second this Procedural Motion on the exemption of a Bill from the provisions of Standing Order No.141(1). We are all aware about the Division of Revenue Bill which this House passed. As a result of the amendments done by the Senate and the failure of the Mediation Committee to agree on the proposed change, it was not possible to get the Bill passed. On the basis of that, bearing in mind the importance of this Bill, I want to urge my colleagues that we pass this Procedural Motion so that we get debate on this Bill starting again.

Just as the Chairman has said, it is obvious that unless this Bill is passed to become an Act of Parliament, county governments will have a challenge in preparing the County Allocation of Revenue Bill. I think it is really important that we support this so that we pave way for that other important stage to start. So, I want to urge my colleagues that even though we know, I think this is the first time as a House we are being subjected to discussing what we are discussing in relation to a Division of Revenue Bill, it is important that we pass this Procedural Motion to allow county governments have their budgets finalised.

With those remarks, I second the Procedural Motion.

(Question proposed)

(Hon. (Ms.) B.N. Nyaga stood in her place)

Hon. Speaker: The Member for Tharaka Nithi County, resume your sit.

(Question put and agreed to)

REDUCTION OF PUBLICATION PERIOD OF A BILL

Hon. Musyimi: Hon. Speaker, I beg to move:

THAT, pursuant to the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Division of Revenue (No.2) Bill (National Assembly Bill No. 22 of 2017) from fourteen (14) days to six (6) days.

The template is pretty much the same. We are seeking that this honourable House agrees that we reduce the publication period as mentioned in the Motion from 14 to six days.

Hon. Members may recall that in the socio-economic audit, the Report that is now the property of this House, it was mentioned that budget-making will pose a challenge in an election year. I think that is what we are dealing with now.

In the last debate on this matter, I believe a week or so ago, Members were very clear that the buck needs to stop somewhere. This idea of vacillating between the National Assembly and the Senate on matters as crucial as this is very unfortunate. I am not sure whether, with the greatest respect to the Judiciary, they do not need to come back and review their ruling. I think the idea that we share the same responsibilities in budget-making between the National Assembly and the Senate is simply not true. This House has bigger responsibility and it is not disrespect to the Senate. I hope that at some point that matter will be taken back to the courts so that we have a ruling that favours practicality, wisdom and reality and, follows the general drift of the law and the Constitution. The buck has to stop somewhere. I am persuaded that that buck stops in this honourable Chamber.

I beg to move and request Hon. (Dr.) Makali Mulu, the Member for Kitui Central to kindly second.

Hon. Speaker: Hon. Makali, you have the Floor.

Hon. Mulu: Thank you, Hon. Speaker.

I want to second the Procedural Motion relating to reduction of the publication period of the Bill from 14 days to six days.

I cannot agree more with my Chairman of the Budget and Appropriations Committee. We now have the experience in terms of what is involved in budget-making. I think we need to be informed by this experience because we are having challenges when we have an important Bill like this going to the Senate and coming to the House. We need to learn from the lessons learnt.

As a way forward, I think the 12th Parliament might need to look at that opinion; it was an opinion. I think because of the good relationship between the two Houses, we allowed the opinion to kind of be tested. We have gone through it and it is not working.

Seriously, I think we need to look at this matter and see how we can move forward without any challenges. These are unnecessary hurdles being placed on Kenyans in terms of budget-making.

I second.

(Question proposed)

(Hon. Mwadeghu gestured to the Hon. Speaker)

Hon. Speaker: It seems like the Whip of the Minority Party says there is no mood? Hon. Mwadeghu, you want to say something?

Hon. Mwadeghu: Mhe. Spika, ukiangalia hali Wabunge walivyo, hawana nia ya kuendelea na Hoja kama hii. Najua hii Hoja ni ya mbinu ambazo zinatakiwa kutumiwa. Wabunge wamechoka, wamelemewa; wanataka haya mambo yaishe twende tufanye mambo mengine. Lakini, ukweli wa mambo ni kuwa hii Hoja ya mbinu imeletwa hapa kwa kutokubaliana kwa Kamati ile iliyokuwa imeundwa; inatuletea shida bure tu. Naomba tuangalie sheria zetu kwa sababu hili Bunge ndilo linatakiwa kutatua hili tatizo, vile Mwenyekiti amesema. Kwa hivyo, tusianze kuzungushana *merry-go-round* kila pahali. Naomba tukubaliane huu muda upunguzwe vile tulivyoomba. Tukishamalizana nao, ikileta shida hivyo hivyo, tuamue kwa hili hili Bunge. Labda, Wabunge lazima waweke sahihi kabisa kuwa hili Bunge ndilo linaheshimiwa na litoe muelekeo kwa wenzao.

Naomba kuunga mkono.

(Applause)

Hon. Members: Put the Question!

Hon. Speaker: Well spoken, Hon. Mwadeghu. Of course, it is everybody's knowledge that county governments can only proceed to prepare their budgets and respective appropriations laws on the basis of a Division of Revenue Act as per Article 224 of the Constitution. Therefore, what the Chairman, the Seconder as well as Hon. Mwadeghu are saying is, indeed, that this House must rise to the occasion one of these days and make a determination of how we will proceed in future. It is not fair that we stifle the efforts of those we represent in the grassroots and who are also represented as entities by the other House.

(Question put and agreed to)

Hon. Speaker: Next Order.

BILLS

(First Reading)

THE DIVISION OF REVENUE (NO.2) BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

Second Readings

THE PRESIDENT'S AWARD BILL

*(Hon. A.B. Duale on 16.5.2017)**(Putting of Question deferred on 16.5.2017)*

Hon. Speaker: Hon. Members, having confirmed that the House quorate, I will put the Question.

*(Question put and agreed to)**(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

THE LEGAL METROLOGY BILL

*(Hon. A.B. Duale on 9.5.2017)**(Resumption of Debate interrupted on 16.5.2017 – Afternoon Sitting)*

Hon. Speaker: Hon. Kamama, you have the Floor.

Hon. Abongotum: Hon. Speaker, before I contribute to this Bill, I want to inform the country and the Minister for Interior and Coordination of National Government that a Member of the County Assembly for Baringo in my Constituency, Hon. Thomas Minito, disappeared yesterday at around 1.00 O'clock.

Some people who masqueraded as police officers got hold of him and demanded that he gives a statement. Up to now, we are working round the clock with the police and the Ministry of Interior and National Coordination to locate this politician. I want to call upon Kenyans, and especially the people of the Rift Valley region, to assist in locating this politician.

I also wish to make an appeal to the police, because this is a season of politics that politicians must be given sufficient security. This is because we have heard of aspirants being kidnapped, like in the case of Limuru in Kiambu County. Therefore, I would like politicians to be given maximum security.

As the Chair of the Departmental Committee on Administration and National Security of this House, I have urged the Minister and the Inspector-General of Police (IG) to take appropriate action to ensure that politicians from both sides of the political divide are given proper protection.

Hon. Speaker, having said so, I wish to support the Legal Metrology Bill. If the House expedites its approval, this Bill will assist us in the many challenges that we face in the area of metrology.

I support.

Hon. Speaker: Let us have the Member for Emurua Dikirr. He is absent. The Member for Matayos, do you wish to contribute?

Hon. Odanga: No, I do not wish to contribute, Hon. Speaker.

Hon. Speaker: The Member for Baringo, Hon. Grace Kiptui, do you wish to contribute on the Legal Metrology Bill?

Hon. (Ms.) Kiptui: Thank you, Hon. Speaker. Before I contribute, I wish to alert the country on the missing of the MCA that Hon. Kamama has referred to. Hon. Minito is from Churo Amaya Ward. We were informed yesterday that he was picked up by two gentlemen who claimed to be security officers who wanted Hon. Minito to record a statement. My appeal goes to the Minister of Interior and National Security to use Team Technologies to try and trace the Hon. Member using his mobile telephone or any other means. It is very serious that somebody who was picked up has gone missing for more than 48 hours.

As for the Bill, I support it because if passed, it will help to streamline issues of metrology and contribute a lot in the development of our country.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, this Bill has an interesting title but if you read through it, you will see that it is not complicated. Other than just dealing with weights and measures, there are other terminologies that have come up, including things like ‘clouds’. If Hon. Ottichilo was here, he would have been able to take you through. If you read through it, it is not a complicated Bill. Is it that the Members whose names appear here do not wish to contribute? Well, there being nobody else as far as contributing is concerned, I call upon the Mover to reply. The Member for Emurua Dikirr indicated that he wanted to contribute to the Legal Metrology Bill.

Let us have Hon. Katoo who is the Mover.

Hon. Katoo: Thank you, Hon. Speaker. This is a Bill that has attracted the least number of contributors. Only three Members have contributed to it. They are the Mover, the Seconder and Hon. Nicholas Gumbo. As you have said, it is not a very complicated Bill; it is just about weights and measures. The word ‘metrology’ is being confused with weather forecast issues but it is a science of measurement. It is pure physics. Even Part I gives descriptions as per international standards of measurements where you even talk of units of measuring weight, which is kilogramme; length, which is metre; time, which is the second; electric current, which is the ampere, among others. It is really meant to update the units of measurements in this country with respect to the international standards as per the International Bureau of Weights and Measures, taking cognizance of the fact that we are in an era of technology.

Therefore, it is good to bring it up-to-date with the technological aspects of weights and measures. If you look at what is happening in our infrastructure development right now, especially if you talk about the energy sector, nowadays, even the metering of consumption of power in our houses is done in a way that you control it using your own card.

You do not need to wait for the meter reader to understand that you have consumed all your units. The credit cards used---

(Hon. Omulele walked to the Dispatch Box and talked to Hon. Katoo)

Hon. Speaker, my good colleague at times presides over the proceedings of this House. I did not get what he was telling me earlier, but I cannot refuse to donate a minute or two to him. Unfortunately, the Standing Orders are such that once you start replying it becomes difficult to donate time to a fellow Member. One has to seek the Speaker’s permission. I know he really wanted to say something.

Hon. Speaker, I want to reply briefly by saying---

Hon. Speaker: If you are minded to donate, I will exercise my discretion.

Hon. Katoo: Much obliged, Hon. Speaker.

Hon. Speaker: Yes, Hon. Omulele.

Hon. Omulele: Thank you, Hon. Speaker for allowing me to say something to this Bill before we close this session.

The Legal Metrology Bill is a very important Bill because it falls under a department of Government that handles matters that deal with measures and weighing of things in this country. It is a key department with regard to trade in this country. There are provisions in this Bill that allow inspectors under this department to enter into private business premises to inspect and even seize machines and goods. Drastic powers are being put in the hands of the inspectors.

My concern is that we need the officers who are now being empowered to be trained well. We know that the Constitution in this Country protects private property. Sometimes the officers under the Department of Weights and Measures act on spurious complaints. So, they go ahead to destroy businesses based on spurious claims by competitors. We do not want to have a situation where competitors use this department to destroy competition so that they remain alone in the field.

As we pass this Bill, we must look at the requirement that the officers who are going to act under this law are well trained. They must know that they are acting in the interest of industries and more so the State to enhance business. Theirs is to afford the people who participate in business in this country an opportunity to trade rather than to be an impediment to business itself.

Hon. Speaker, that is what I think is important for me to state here. The inspectors must act and use the powers given to them by law in a way that will enhance trade and business in this country.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Hon. Katoo, you have the Floor.

Hon. Katoo: Thank you, Hon. Speaker. I concur with the Member for Luanda. The importance of weights and measures regards trade. Under Clause 30, one has to get approval for the acquisition of weighing and measuring equipment for trade. The equipment to be used for trade in a country includes equipment for health and so on. Clause 30 enumerates all the equipment. If you do not have standard equipment for weights and measures then you are likely to jeopardise your trading capabilities as a country.

Clause 25 creates offenses out of sale of incorrect weighing and measuring equipment. This is meant to curb illegal trade which can manifest in the form of using inappropriate weighing and measuring equipment.

This is an important Bill because it has great impact on the trading aspects of this country. The relevant Departmental Committee of this House needs to look at this Bill thoroughly before we move to the Committee of the whole House. Just the other day, we passed a Bill to make Nairobi an international financial hub. If we do not tie it to weights and measures especially on the equipment required for purposes of trade, we will not be achieving much.

I beg to reply

Hon. Speaker: Hon. Members before I put the Question, may I recognise the presence of students from Mara Secondary School in Chepalungu Constituency, Bomet County. They are seated in the Public Gallery. They are welcome to watch the proceedings of this House.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

Hon. Speaker: Yes, Hon. Katoo

Hon. Katoo: Hon. Speaker, I seek your indulgence that this Bill be placed on tomorrow's Order Paper. We think it is important that Members have time to look at it before we start debate. We are also in agreement that we debate this Bill starting tomorrow.

Hon. Speaker: There is a serious segment of this House that has been requiring that this law be passed. So, I will accede to the request. Some Members can refresh their minds about this Bill which seeks to implement the principle of not more than two-thirds of either gender to be represented in the National Assembly and in the Senate and other elective and appointive positions. I will expect, therefore, tomorrow that everybody would troop into the Chamber in their droves in order to participate. If need be, some of you can begin going to various media houses to call all those who have problems sitting here for thirty minutes. They should be told that the Bill is on tomorrow. We are making efforts to comply with that constitutional requirement. I do not see in the House many of the people that usually agitate a lot. It is surprising. It means that they did not read the Order Paper to know that this Bill is coming up. The Bill is online too. From the Chair, I inform them that it will be on the Order Paper tomorrow, Thursday 18th May 2017 so that they can come and give the necessary input.

I now inform them that it will be on the Order Paper tomorrow, Thursday, 18th May 2017 so that they can come and give the necessary input which is required. The Bill is taken out of the Order Paper for today. It will be in tomorrow's Order Paper.

(Bill deferred)

Next Order!

MOTION

ADOPTION OF REPORT OF PAC ON SPECIAL AUDIT OF NYS ACCOUNTS

Hon. Speaker: Yes, the Chair of Public Accounts Committee (PAC), Hon. Nicholas Gumbo, Member for Rarieda who is currently desiring to vacate this House to do other duties elsewhere.

Hon. (Eng.) Gumbo: Hon. Speaker may it be so. On behalf of PAC I beg to move:

THAT, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of May, 2016 on the accounts of the National Youth Service (NYS) Volumes I and II, laid on the Table of the House on Thursday, March 16, 2017.

In one of her famous quotes, the former British Prime Minister, Dame Margaret Thatcher, had this to say about public funds, in a speech to the Conservative Party Conference on October 14, 1983:

“One of the great debates of our time is about how much of your money should be spent by the State and how much you should keep to spend on your family. Let us never forget this fundamental truth: the State has no source of

money other than money which people earn themselves. If the State wishes to spend more it can do so only by borrowing your savings or by taxing you more, it is no good thinking that someone else will pay – that “someone else” is you. There is no such thing as public money; there is only taxpayers’ money.”

PAC derives its mandate from Standing Order No. 205(2) of the National Assembly, which provides:

“The Public Accounts Committee (PAC) shall be responsible for the examination of the accounts showing the appropriations of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may deem fit.”

The primary mandate of PAC is, therefore, to oversight the expenditure of public funds by ministries, departments, constitutional commissions and independent offices to ensure value for money, optimal application of public funds and adherence to Government financial regulations and procedures. The Committee executes its mandate on the basis of annual and special audit reports prepared by the Office of the Auditor-General.

On legal foundations and principles, in the execution of its mandate as aforesaid, PAC is guided by core constitutional and statutory principles on public finance management, as well as established parliamentary customs, traditions, practices and usages.

Article 201 of the Constitution states:

“The following principles shall guide all aspects of public finance in the Republic.

- i. there shall be openness and accountability, including public participation in financial matters;
- ii. the public finance system shall promote an equitable society, and in particular -
- iii. the burden of taxation shall be shared fairly;
- iv. revenue raised nationally shall be shared equitably among national and county Governments; and
- v. expenditure shall promote the equitable development of the country, including by making special provision for marginalised groups and areas;
- vi. the burdens and benefits of the use of resources and public borrowing shall be shared equitably between present and future generations;
- vii. public money shall be used in a prudent and responsible way; and
- viii. financial management shall be responsible, and fiscal reporting shall be clear.”

On direct personal liability, Article 226(5) of the Constitution provides that:

“If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

The PAC considers this constitutional provision as the basis for holding each individual Accounting Officer and other public officers directly and personally liable for any loss of public funds under their watch. The Committee has and will continue to invoke this provision in its recommendations to hold those responsible personally accountable. This is especially so because as it is detailed in this Report, the process of procurement through the Integrated Financial Management Information System (IFMIS) for payment processing involves actions of several officers.

On the obligations of Cabinet Secretaries (CSs), the Committee noted the enhanced role of CSs, exceeding the traditional policy oversight and direction functions, the 11th Cabinet

meeting held on 2nd December 2014 at State House, Nairobi empowered CSs vastly. They were given powers of oversight in sanctioning procurement in Ministries, Departments and Agencies (MDAs), formerly a preserve of Principal Secretaries (PSs). They would also approve work, procurement and cash flow plans.

Article 73(1)(a)(iii) and (iv) of the Constitution states:

“Authority assigned to a State officer -

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

“(iii) brings honour to the nation and dignity to the office; and

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

The Committee notes that this is an express provision that empowers CSs to be fully in charge of operations of their ministries. On top of this, the Public Service Commission (PSC) delegated human resource functions to the CSs on 5th January, 2015. This was meant to enhance efficiency, effectiveness and accountability. Cabinet Secretaries can no longer feign ignorance of day to day operations of their dockets.

On the obligations of Accounting Officers, Section 68 (1) of the Public Finance Management Act, 2012 provides, inter alia:

“An Accounting Officer for a national Government entity, Parliamentary Service Commission and the Judiciary shall be accountable to the National Assembly for ensuring that the resources of the respective entity for which he or she as the Accounting Officer used in a way that is lawful and authorised, and effective, efficient, economical and transparent.”

This provision obligates all Accounting Officers to appear before PAC of the National Assembly to respond to audit queries in their respective MDAs. In addition, Section 74 (2) of the same PFM Act stipulates:

“If a Cabinet Secretary reasonably believes that an Accounting Officer is engaging in or has engaged in improper conduct within the meaning of subsection (4), the Cabinet Secretary shall:-
Take such measures as may be provided in regulations; or
Refer the matter to the relevant office or body in terms of the statutory and other conditions of appointment or employment applicable to that accounting officer.”

Hon. Speaker, this section empowers the appointing authority to discipline errant accounting officers, which could include revoking their appointment. This provision has sealed a long standing loophole that has previously seen Accounting Officers continuously commit or preside over fiscal indiscipline and malpractice in their ministries with impunity without sanctions.

On the obligations of holders of Authority-to-Incur-Expenditure (AIE), to facilitate day to day running of MDAs, the Public Finance Regulations accord Accounting Officers power to incur expenditure on their behalf, in a manner that is lawful and within limits. The Accounting Officer still retains responsibility of expenditure of the vote.

Hon Speaker, PAC applied varied sections of other relevant laws to cover the whole spectrum of the matter at hand. These include the following:

- i. The Banking Act 1989 with subsequent amendments.
- ii. The Central Bank Act.
- iii. The Public Procurement and Disposal Act 2005.
- iv. The Procurement Regulations 2006.
- v. The Proceeds of Crime and Anti Money Laundering Act 2009 (POCAMLA).
- vi. The National Youth Service Act.

- vii. The National Assembly Standing Orders.
- viii. The Constitution of Kenya, 2010.

The PAC strongly holds the view that these provisions of the law were intended to be fully applied to give effect to the high principles in Article 201 of the Constitution stated above to ensure prudent and responsible use and safeguard of public funds. The Committee has accordingly applied these provisions to recommend diverse recommendations, investigations and surcharging of various persons found to bear responsibility for breaches of the law and/or responsible for the loss or wastage of public funds.

The Executive Summary of the Report is as follows. The Committee, in its own motion, requested for a special audit on the books of accounts of the NYS in the Ministry of Devolution and Planning from 2013 to date once the scandal came to public light. The Auditor-General's report provided the basis for the Committee's investigation and it revealed massive fraudulent activities including the loss of Kshs791,385,000, a further Kshs609,252,750.60 and an attempted theft of Kshs695,400,000, among other irregularities.

On further investigations undertaken by the Committee, the Committee called for submissions from both the Principal Secretary, Public Service and Youth Affairs and the Director of IFMIS which revealed that the sum in question, which may have been misappropriated and needs to be further investigated by both the Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission (EACC) to the tune of Kshs23 billion for the entire Ministry, of which slightly over Kshs10 billion is directly traceable to the operations of the NYS (see the attached schedules).

During investigations, the Committee interviewed several witnesses including the then officers in the Ministry and the NYS, current officials, business persons and persons of interest deemed to have information relevant to the inquiry. These interrogations unearthed even worse fraudulent activities with clear indications that procurement at the NYS was driven by patronage and cronyism. The Committee has reason to believe a huge part of the Ministry/NYS Development Budget was misused and recommends a detailed forensic audit of the entire budget of the Ministry and the NYS from 2013 to 2016.

The Committee identified the theft as a well-orchestrated scheme starting from the exponential increase of the Ministry's budget without absorption capacity ascertained by the deployment of Mr. Adan Gedo Harakhe to the NYS to a non-existent title of Senior Deputy Director General to oversee all operational matters. This led to a vicious tug of war between the old networks and the newly installed cartel, leading to exposure of the scandal.

In his famous book *Think and Grow Rich*, the famous American author and motivator, Napoleon Hill, had this to say about human beings:-

"Man with his superior sense of intuition, with the capacity to think and to reason, does not eat his fellow man bodily. He gets more satisfaction out of "eating" him financially. Man is so avaricious that every conceivable law has been passed to safeguard him from his fellow man."

"So eager is a man to possess wealth that he will acquire it in whatever way he can - through legal methods if possible, through other methods if necessary or expedient."

In one of her famous quotes, the late British Prime Minister Dame Margaret Thatcher had this to say:-

"Being powerful is like a lady. If you have to tell people you are, then you are not."

The Committee finds that the then Cabinet Secretary, Ms. Anne Mumbi Waiguru was the driving force behind both policy and operations by micromanaging implementation of the Five-Point Vision Plan at the NYS.

The Committee finds the then Principal Secretary, Eng. Peter Oganga Mangiti as responsible for the loss of public funds. The Committee apportions responsibility to individuals at the Ministry and NYS as per article 226 (5) of the Constitution which has been cited above. Those found guilty are recommended for barring from holding public office and/or specific punitive sanctions.

Business persons were used in the scheme, led by Ms. Josephine Kabura Irungu and Mr. Benson Gethi Wangui, with a complicit financial system aiding money laundering. The Committee recommends prosecution of the individuals, blacklisting of the firms, as well proposals for financial institutions to strengthen the law to seal loopholes which aid in money laundering.

The Committee further recommends investigations of the relationship between the directors of certain companies with public officials at the Ministry and the NYS, including a thorough audit of their lifestyles.

Further, the Committee makes the following recommendations:-

- (1) That the Judiciary expedites the prosecution of criminal case CMC Court Cr. C No.1905/2015 (Republic vs. Eng. Peter Mangiti and 24 others) (Charge sheet annexed this report as Appendix 4). The Committee recommends that Eng. Mangiti be barred from holding public office, if found guilty after due process.
- (2) The Judiciary expedites proceedings of money laundering case No.301/206 (Republic vs. Josephine Kabura Irungu and 10 others) (Charge sheet annexed this report as Appendix 5);
- (3) The Directorate of Criminal Investigations (DCI) and the EACC conduct thorough investigations into all payments made through IFMIS from the Ministry of Devolution and Planning including the NYS over the audit period amounting to Kshs23 billion to establish:
 - i. The names of the directors/proprietors of all companies/businesses which received these payments;
 - ii. Whether the directors/proprietors had any relations with senior Ministry/NYS officials;
 - iii. Names of the banks into which the payments were made including names of signatories to each of the accounts;
 - iv. Names of all the end recipients of funds from these accounts;
 - v. The procurement process leading to the award of these contracts and/or whether any contract agreements were signed prior to commencement of the works/services. Copies of such contract agreements should be availed for scrutiny;
 - vi. Whether local purchase orders/local service orders were issued prior to award of these contracts;
 - vii. Whether actual goods and services were delivered prior to payments being made, including a demand for presentation of authenticated/signed/stamped delivery notes/inspection and acceptance reports;
 - viii. Whether the Kenya Revenue Authority (KRA) received the due portions of taxes from the payments on the purported goods and services delivered over this period from the individual firms and recipients of the funds. Where due taxes were not paid, the KRA immediately commences recovery processes, complete with applicable penalties.

- (4) Ms. Anne Mumbi Waiguru, the former Cabinet Secretary in the Ministry of Devolution and Planning, be barred from holding public office, if found guilty after due process, in light of her overall leadership at the Ministry for:-
- (a) Contravention of Chapter Six of the Constitution in its entirety but more specifically, Article 73 which provides that: "A State Officer must bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office"; and
- (b) Aware of the existence of a Cabinet resolution on the enhanced functions of a Cabinet Secretary as resolved vide the resolution of the 11th Cabinet meeting held on 2nd December 2014, she failed to execute the said enhancement functions.
- (5) The Directorate of Criminal Investigations commences fresh investigations over abuse of office by Ms. Ann Mumbi Waiguru, former CS Ministry of Devolution and Planning, the findings be made public and appropriate action to be taken against her if found culpable.
- (6) The EACC conducts thorough lifestyle audit of top officials of the Ministry of Devolution and Planning and the NYS, including the then Cabinet Secretary, Madam Ann Waiguru, spanning the last five years (2012-2016). The outcome of this audit should be made public by 31st December, 2017, with criminal proceedings instituted against those found culpable.
- (7) The Directorate of Criminal Investigations and the EACC to conduct thorough investigations with a view to establishing whether the governor of the Central Bank of Kenya (CBK), Dr. Patrick Ngugi Njoroge, should be charged with abuse of office for abetting the theft of funds at the Ministry of Devolution and Planning and the NYS for failing/refusing to advise the Government on the abnormal payment requisition from the Ministry and the NYS as per sections 4 (a) (1) (e), 44 (1) and (2) of the Central Bank of Kenya Act.
- (8) The Director of Public Prosecutions (DPP) immediately reviews his decision not to charge Mr. Adan Gedow Harakhe of attempted theft of Kshs695,400,000, in light of the fact no evidence of his password having been stolen was forwarded during the investigations. The DPP should further institute charges against him for his role in approving a duplicate payment of Kshs12.5 million to the Consulting House Ltd., and for lying under oath over the purported theft of his password and academic qualifications.
- (9) The EACC and the DCI institutes investigations into the conduct of the various public officers who made the diverse approvals into the IFMIS for various payments to companies associated with Ms. Josephine Kabura Irungu and others without due diligence as noted under Observation Paragraph No.51.
- (10) The EACC and the DCI expeditiously carries out investigations on the members of the Inter-Ministerial Tender Committee as listed in Observation Paragraph No.53 with a view to referring the cases to the DPP for appropriate action.
- (11) The DCI and EACC immediately commences investigations into the role of the Central Bank of Kenya with particular focus on the Directors of Banking Services and Banking Supervision Directorates, and the Financial Reporting Centre with a view to charging them with contravening the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) 2009 for aiding and abetting money laundering. The Committee further directs that investigations be conducted to establish whether there was complicity on the part of CBK and/or any of its members of staff in

- aiding/abetting this theft of public funds at the NYS and Ministry of Devolution and Planning.
- (12) The DPP should immediately prefer charges of aiding and abetting money laundering on the partners of the following law firms; MM Gitonga Advocates, Ogola&Mujera Co. Advocates and Sing'oei, Murkomen &Sigei Advocates.
- (13) The DCI commences investigations into the conduct of Mr. Hillary Sigei, the managing partner of Sing'oei, Murkomen&Sigei Advocates with a view to instituting criminal charges against him for the withdrawal and use of Kshs500,000 being proceeds of crime from the firm's clients accounts for his personal benefit.
- (14) The DCI should launch investigations into the circumstances under which the Consulting House Limited and its directors in collusion with officers of the NYS were paid Kshs12.5 million in excess of the contract sum during the implementation of the NYS 5-Point Vision re-branding contract, and institute charges on the firm's directors for perjury and handling stolen funds. Further, the directors of The Consulting House should be investigated to establish the circumstances under which they received funds in excess Kshs100 million from the Ministry and the Service over the audit period. Should the investigations establish that these funds were irregularly acquired, recovery measures should be instituted against the Directors individually in addition to appropriate charges being preferred against them.
- (15) The Judiciary expedites cases against Family Bank, and its former employees already before court.
- (16) Both the DCI and the EACC conducts a detailed forensic investigations on the following financial institutions that received funds from the Ministry and/or NYS, to ascertain compliance with the Banking Act and POCAMLA, and take appropriate action on those institutions found culpable of flouting the law, namely:
- i) African Banking Corporation, Kenya Ltd.
 - ii) Bank of Africa Kenya Ltd.
 - iii) Bank of Baroda Ltd.
 - iv) Barclays Bank of Kenya Ltd.
 - v) Kenya Commercial Bank Ltd.
 - vi) Central Bank of Kenya, Ltd.
 - vii) CFC Stanbic Bank Kenya, Ltd.
 - viii) Chase Bank Ltd
 - ix) Consolidated Bank Ltd.
 - x) The Co-operative Bank of Kenya Ltd.
 - xi) Credit Bank Ltd.
 - xii) Diamond Trust Bank Ltd.
 - xiii) Eco Bank Ltd.
 - xiv) Equity Bank Ltd.
 - xv) First Community Bank Ltd.
 - xvi) Giro Commercial Bank Ltd.
 - xvii) Guarantee Trust Bank Ltd.
 - xviii) Gulf African Bank Ltd.
 - xix) Housing Finance Bank Ltd.
 - xx) I & M Bank Ltd.

- xxi) Jamii Bora Bank Ltd.
 - xxii) The Kenya Commercial Bank Ltd.
 - xxiii) Commercial Bank of Africa Ltd.
 - xxiv) National Bank of Kenya Ltd.
 - xxv) NIC Bank Ltd.
 - xxvi) Paramount Investment Bank Ltd.
 - xxvii) Sidian Bank Ltd.
 - xxviii) Standard Chartered Bank Ltd.
 - xxix) Transnational Bank Ltd.
 - xxx) Faulu Micro-Finance Bank Ltd.
 - xxxi) Old Mutual Kenya Ltd.
- (17) Pursuant to the provisions of Article 229(5) and (6) of the Constitution and Sections 32 and 49 of the Public Audit Act, 2015, the Auditor General conducts a complete and thorough forensic audit of the Ministry of Devolution and Planning and all its agencies and departments development budgets for the period 2013-2016 and report to the House by 31st December, 2017.
- (18) The Public Service Commission immediately reviews all the disciplinary cases brought upon the person of Mr. Adan Gedow Harakhe and takes appropriate and satisfactory action. In the same breath, the Commission for University Education should immediately investigate the authenticity of the academic qualifications held by Mr. Adan Gedow Harakhe and take appropriate disciplinary action against Mr. Adan Harakhe should he be found to have been promoted based on fake/falsified qualifications.
- (19) There is a list of about 200 companies which transacted which is in the Report and we are recommending that the EACC and the DCI immediately probes the relationship between directors of the following companies with top officials at the Ministry and the NYS, the procurement process leading to award of contracts and appropriate charges of complicity instituted, if any, on the following companies. These companies are listed and they number up to over 100. They are listed in the Report.
- (20) The DPP commences investigations on the conduct of Mr. Japhter Kiplimo Rugut with a view to instituting abuse of office proceedings against him for recommending direct procurement of the Consulting House Ltd, contrary to Section 74 of the Public Procurement and Disposal Act, 2005.
- (21) The Government blacklists Mr. Benson Gethi Wangui and Ms. Josephine Kabura Irungu, and their associated companies and/or firms, and other firms or companies and their individual directors found guilty of malpractice at the Ministry of Devolution and Planning and/or NYS, from engaging in further business dealings with any public entity.
- (22) The Kenya Revenue Authority (KRA) immediately reviews tax returns by companies held by Ms. Josephine Kabura Irungu and Mr. Benson Gethi Wangui and other listed individuals and companies who secured contracts with the Ministry of Devolution and Planning and the NYS, with a view to recovering all taxes due and outstanding from awarded tenders.
- (23) The National Assembly prioritises and considers for adoption the recommendations contained in the Report on the 'IFMIS Effectiveness Audit Report for the Period July

2010 to June 2014' presented to the House on 1st December, 2016 by the Auditor General.

(24) Parliament proceeds to immediately review and subsequently amend the Banking Act and other financial laws and regulations with a view to realising the following:

- i. Substantial increase in the maximum fine levied by the Central Bank of Kenya on non-compliant financial institutions.
 - ii. Converting the Financial Reporting Centre into an autonomous body with operational independence from the Central Bank of Kenya.
 - iii. Delegating the authority to order the preservation of suspected proceeds of crime to the Financial Reporting Centre, subject to judicial review.
 - iv. Express recognition of the Central Bank of Kenya as one of the reporting institutions under POCAMLA.
 - v. Reporting obligations, including guidelines of due diligence and Know-Your-Customer principles to include law firms, estate agents, registered car dealers and other professional firms/service providers dealing in both moveable and immoveable assets.
- (25) The National Treasury should develop regulations on a percentile cap on which financial year budgets of Ministries Departments and Agencies (MDAs) cannot be surpassed in succeeding years to guard against non-absorption and misuse of public funds. Within this framework, the National Treasury and the National Assembly are urged to thoroughly scrutinise previous financial year absorption rates and prevailing and future absorption capacity of MDAs, especially on substantial increases in budgetary allocations.

Hon. Speaker, I want to emphasise on Recommendation No.25.

The Committee felt that one of the reasons this scandal was so easy to commit and execute was because the NYS, through the Ministry of Planning and Devolution, was given a budgetary allocation. The increment in budgetary allocations was far in excess of its ability to absorb them. Therefore, we were of the opinion that, had more scrutiny been put into the budgetary increments, especially comparing the previous years' budgetary allocations, then, perhaps, it would have been possible to give allocations that were in accordance with the capacity of the NYS in the Ministry of Devolution to absorb. The effect of that fraud at the Ministry could have been lessened; if not eliminated.

- (26) The National Treasury immediately revamps the internal audit functions in Ministries, Departments and Agencies (MDAs) to make them pro-active and effective, including staffing.
- (27) The Auditor-General immediately conducts a detailed forensic review of all payments paid to youth cohorts using mobile money transfer with a view to recommending prosecution of individuals found to have abused the cohort payment system for personal aggrandizement and gain.
- (28) The Accounting Officer at the Ministry of Devolution and Planning immediately recovers the full amount of Kshs360,315 paid to permanent staff at the NYS, alongside cohorts.
- (29) The State Department for Irrigation makes public a list and locations of all water pans and dams that have been constructed in the country under the NYS programme.

The Ministry should further complete any stalled projects and develop a clear criterion for identification and distribution of such projects in the future.

- (30) The Director of Public Prosecutions (DPP) should commence investigations into abuse of office on officers who authorised opening of bank accounts without national Treasury approval, contrary to Section 28(1) of the PFM Act, 2012.

As I conclude, I want to state that the Committee was also alive to attempts to derail it from attaining its mandate. Political interference manifested itself severally with political pronouncements and unsubstantiated claims being made against the Committee and its Members. The Committee stayed true to its calling and responsibility and has produced this Report that it believes has already had impact by prosecution of key suspects and the scope of investigatory agencies widened. The Committee will forever be guided by its mantra of beyond reproach.

The Committee wishes to register copious appreciation to the Office of the Speaker, the Clerk of the National Assembly, the Auditor-General, the national Treasury and the witnesses who dutifully honoured invitations to appear and make satisfactory submissions before it.

Special mention should go to the Secretariat of the Committee which, time and again, went beyond the call of normal duty to produce this Report. The commitment and devotion to duty of all those involved in this noble task made the work of the Committee and the production of this Report a success. We thank each one of them most profusely.

Hon. Speaker, on behalf of the members of PAC and pursuant to Standing Order No. 199(6), it is now my distinguished honour and privilege to present the Report of the PAC on its recommendations of the Special Audit Report of the Accounts of the NYS for deliberation and adoption by the House.

I wish to move and ask the Hon. Member for Tongaren, Dr. Eseli Simiyu, to second.

Hon. (Dr.) Simiyu: Thank you, Hon. Speaker. I wish to second this Report of PAC. I start by quoting from the book *Think and Grow Rich* by Napoleon Hill:

“Man, with his superior sense of intuition, with the capacity to think and to reason, does not eat his fellowman bodily. He gets more satisfaction out of “eating” him financially. Man is so avaricious that every conceivable law has been passed to safeguard him from his fellowman. So eager is man to possess wealth that he will acquire it in whatever manner he can; through legal methods, if possible, and through other methods if necessary or expedient.”

As I sat there during the investigation, I felt very sad. I realised that, as Kenyans, we have totally lost direction. During the colonial time, people used to steal from the colonial government and, perhaps, mess up things belonging to the colonial government and they were justified because we were fighting for our independence. However, that mentality never ended. We have continued stealing from the Government believing that it is Government money. But that is actually Kenyans’ money. That is taxpayers’ money. So, we are virtually stealing from ourselves. The situation has become so bad that, as we try to develop a democracy, we have actually ended up developing a “*lootocracy*”. It is getting to a point where you start wondering whether we are really serious in trying to curb the high levels of corruption. It is so bad that even now, the Auditor-General is under siege for trying to uncover all that stuff. It has reached a point where in Kenya, if you are not involved in corruption, you are an aberration - You stand out like a sore thumb for trying to be clean. In fact, it has reached a point where, if you try to be clean, you will be laughed at out of town. You will be looked at like somebody who has lost his mind that you are not doing what everybody else is doing. It has become the norm rather than an exception. We cannot run a country that way.

Article 226(5) of the Constitution reads very clearly that if the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss whether the person remains the holder of the office or not. None of that has ever been enforced. Hence, public officers continue mismanaging our resources.

In an attempt to control the problem, a circular was issued on 2nd December 2014 at State House giving the Cabinet Secretaries (CSs) immense power to control what goes on in their respective Ministries. However, up to date, if a CS is caught in such a situation, he or she will still want to pass the buck to the Principal Secretary (PS) as the Accounting Officer. Yet, we are well aware that such a circular exists and immense powers were given to CSs. So, any CS who tries to pass the buck knows exactly what they are doing in terms of trying to cover up for whatever ills that they might have committed. When I look at the famine ravaging Kenya and I look at the colossal sums that were misappropriated here, I am made to think that we have a disease affecting us.

When we started investigating, we were thinking of Kshs675 million but, as we went on, the figure kept on ballooning to the extent that the investigation got way beyond the ability of the Committee to accomplish. That is why, in our recommendations, we have asked for more drastic investigations because, by the look of things, what might have been lost is Kshs23 billion. That is a lot of money. Counties would have done well with some of that money but then, the misappropriation has also permeated down to the counties. It is very sad that such a thing could be allowed to happen. It was well orchestrated. It was well thought-out. When you look at how one Adan Harakhe was fast-tracked into the NYS and you look at the past records of that officer, then you will realise that he was a “special purpose vehicle” sent to NYS to accomplish certain things. These are some of the things that he accomplished.

The problem with NYS was that somebody had already set it up as a “milk cow” such that supplementary budgets were requested specifically for “eating”, if I might say so. The system had been well set out. In fact, at the look of things, even that Ben Gethi and Kabura were just fronts. When you look at the confidence with which they appeared before the Committee, it tells you they felt that they were well protected.

That is why they had that confidence to mislead the Committee and, at times, answer questions in such a brazen manner like carrying the money in sacks casually from a bank. Those people felt well protected because they are not the exact masterminds. But they were just what you call proxies or fronts for people high up who were doing that work. It is not possible as a Parliament to effectively unearth this. In fact, under the circumstances, I believe the officers in agencies responsible for that should actually have resigned for failing to do their duties, but they did not resign. So, are they complicit? Are they part of the web? That is because they totally failed. Even the prosecution says the few people they are prosecuting are just a tip of the iceberg because, as you look at our Report of the “*lootocracy*” that was involved here, you will find that there is a whole list. Almost every bank in this country was involved. You find numerous companies that might have been involved. Some of them have very interesting names which just shows how hurriedly they were set up. Perhaps, this scam is one of the largest from any single ministry to hit this country, especially with money voted for by this Parliament.

I think this Parliament also stands indicted. Why do we approve huge allocations to ministries that do not have the capacity to absorb? History bears me out. If you remember the investigation on the Judiciary, they were allocated a lot of money suddenly and they could not absorb it. So, they ran helter-skelter trying to finish whatever they had been allocated. In the

process, they misappropriated a lot of money. The same thing has happened to the Ministry of Devolution and the NYS. They suddenly end up with a huge amount of money which they feel they must spend to show that they are working and, in the process, they call their cronies and they start misappropriating the money in what I would call crony capitalism. It is the worst form of crony capitalism ever exhibited anywhere on this earth. It is very sad that this country, which is working very hard to industrialise and develop, can actually allow such a scam to happen. Indeed, initially, when the scam hit the media, the first instinct was to cover up. That went on for quite some time. Then the next instinct was to vilify the Committee as this was going on. I think the agencies, including the National Intelligence Service (NIS), the Anti-Fraud Banking Unit and the Ethics and Anti-Corruption Commission (EACC) have failed Kenyans on this matter. That is because this scam is so huge. I am sure they have all the instruments to unearth the masterminds. I believe the masterminds were very powerful and probably are still very powerful. That is why people are scared to come out clearly and say that so and so directed this and that. Instead, they send us small fry like Kabura with her money in sacks and the---

I second.

(Question proposed)

Hon. Speaker: Hon. Jackson Rop.

Hon. Rop: Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Motion. As the Vice-Chair of the Public Accounts Committee (PAC), I expected the Chairman to give me the opportunity to second but, nonetheless, I thank Hon. Eseli for elaborating on the issues that we went through well, when we were interrogating the witnesses that appeared before us.

This Report is in public domain and, somehow, it has made some of us to make more enemies than friends. For your information, I think I was defeated in the just ended nominations because of this Report. Somewhere, I must have stepped on some individuals who were mentioned in this Report. Nonetheless, I want to say that, as indicated by the Chair and the Secunder, this NYS saga was really a well-designed and orchestrated expenditure. That is because trying to investigate and find out who did what was a big problem. Young men, boys and girls were sent to us. They would brag around and say: "Were it not for the issues that came up, I could be a millionaire with Kshs50 million or even Kshs500 million in my pocket right now. This is a business that is readily available out there." We have discovered as a Committee that Government expenditures are not properly utilised and used for the intended purposes. This country will cry forever when we have sharks manning our resources and when we have people who do not care what the public are saying, and start thinking of how they are going to be wealthy by the time they are exiting from those seats.

We realised this even when we came up with the Report on the Judiciary. That has been elaborated very well by Hon. (Dr.) Eseli - that the departments or ministries which come up with certain huge budgets must be thoroughly investigated. That is because in the long run, they might not have the capacity and plans to utilise the funds that they have sourced for. Therefore, they will go into mass wasting of those resources because the issue of saying we must spend what has been allocated to us really does not help. Spending does not mean that we must exhaust everything to show that the ministry is operating. We can have the budget and do it on tangible projects that will be seen and, surely, we will know that, that ministry has spent the money that far. However, spending all the Kshs23 billion and realise that there is nothing that you have done

and that money went to people's pockets, I think this country is going to the dogs. When I saw the five-point vision programme for the NYS, it was well intended. The vision had five issues that they wanted to do. There was the paramilitary training and service regimentation, national service youth and socialisation, social transformation and vocational training, enterprise and youth economy and bankable institutional architecture. So, that five-point vision was well intended. If implemented, I think we could have turned around this country. However, taking the money to other purposes that were never intended is what caused what we are now talking about at the NYS. I remember we had boys doing the training in NYS. They could ask me: "Mheshimiwa, we are suffering. We have no food. Please send me something small." Yet, when we were doing the investigation, you could see firms that were paid millions of shilling running into Kshs300 million or Kshs400 million for supply of food. But not even a particle was received in those training camps, thus causing our children to suffer and make people to think that the Government has no money. Yet, the allocations were there.

So, I do not know what will happen to Kenyans. Patriotism is no more. Today, the National Super Alliance (NASA) is fighting to take over the next Government. They are not moving in there to come and help this country. They will say: "This is our time to eat." When are we going to change and say that we want to render services to our people?

Hon. Members: Cross over.

Hon. Rop: No. I do not want to cross over. I am saying that we need to have people with good intentions that will help turn around the economy of this country. We have a Budget of over Kshs2.3 trillion. What does it translate to? Our people are languishing in poverty and the youth are unemployed. We are suffering. Food prices are high. The whole country is suffering and yet, we have a Budget of Kshs2.3 trillion. Those who are in leadership must do something. When you look at the Report, you will realise that there was total disregard of procurement procedures, the Public Finance Management Act (PFM), rules and regulations so that they could circumvent the procurement procedures by rushing to the supplies branch and pretend to have some materials that can easily be sourced through supplies branch. The firms they used were not registered companies. They were just business firms. They could move in and make the firms appear in the list of tenderers that have been prequalified in the supplies branch so that they can use them to source the materials. Kshs791,385,000 went like that! Three firms of one individual benefited from the funds. Those business firms were just scooping the murram and the transport was from National Youth Service (NYS). So, you have given somebody a tender to supply murram and yet, the scooping machines and transporting machines are from the Government. Then those firms are paid a cool Kshs791 million to take home. We marvelled. This was outright theft, well planned not by small men and women, but the big fish.

We are saying that Executive interference in the NYS caused the saga that we are seeing today. The Cabinet Secretary could order everybody left, right and centre. That is what the witnesses have indicated in this Report. The Cabinet Secretary could instruct by phone that people do what she says or they go. A "small" man would want to survive because he has people to take care of and so, what a boss instructs you to do, you have to do it. If you were given a tender for Kshs20 million for example, they could easily add a zero to make it Kshs 200 million. There were a lot of fraudulent issues both from the department to the Integrated Financial Management System (IFMIS) Department at the Treasury, where they could manipulate the figures to appear as if the tenders were awarded that much. This is in the Report of the Criminal Investigations Department (CID). When the CID carried out the investigations, they discovered

that they were adding zeros and manipulating figures to make them bigger and earn whatever they wanted.

There was also the issue of over-payments. A firm like The Consulting House was over-paid a whopping Kshs12.5 million. Of course later on, when he appeared before us, he accepted and said he was going to refund. I believe he has paid the refund. This was a well-intended or a well programmed issue. They were using one invoice twice to make payments. I do not know who took their Kshs12.5 million, the one they could have been paid. It was pocketed by a few individuals. There was outright theft at NYS. Something has to be done in this country. I will never be ashamed to say that Kenya is a well endowed country. We have enough resources. It is the way we utilise our resources that is killing this country. If we were to use the resources for the intended purposes; if we were to implement our budgets for the purposes they were meant for, this country could be ahead of other countries like Malaysia.

Hon. Speaker: Member for Matayos, Geoffrey Odanga. His name appears here. The next one - and I know where he normally sits - is the Member for Emurua Dikirr. Is he here?

Hon. Members: No.

Hon. Speaker: I do not know whether they are manipulating the machines. Their names appear--- This Member is obviously present. Member for Ugunja.

Hon. Wandayi: Hon. Speaker, thank you very much for giving me this opportunity. First, I want to say that this Report by the Public Accounts Committee (PAC) is a good piece of literature. I am saying it is a good piece of literature in the sense that Kenyans who have suffered the wrath of that wanton theft have not found an answer in this Report. Kenyans who continue to wallow in poverty have not found an answer in this Report. I cannot blame the Committee because it has limited capacity to unearth the kind of theft that was going on at NYS. What Kenyans would have wanted to see is a situation where the real thieves are pinpointed. That so and so was the mastermind, so and so stole this and, therefore, we recommend that such and such action be taken against them. What we have seen is a prevarication, of course, given the circumstances.

If this House can remember, sometimes in 2015, I raised an issue through the Departmental Committee on Finance, Planning and Trade. The then Cabinet Secretary, Ms. Anne Waiguru, was summoned before that said Committee to explain the matter of the theft then. You will recall that Anne Waiguru came accompanied by people I would call goons and I was unable to prosecute my case before the Committee. You will recall that when the initial Kshs800 million or so theft was first highlighted, Anne Waiguru claimed that there was no theft, there was no loss, there was attempted theft and she had blown the whistle. Along the way, Kshs790 million mutated into figures you cannot even imagine. You will also recall that, at that very initial stage, the attempts to cover up that wanton theft was made by none other than operatives at State House. I remember vividly a Statement being issued by the State House Spokesperson exonerating Anne Waiguru and claiming that there was no theft, and that there was simply an attempted theft which they had nipped in the bud. Therefore, I want to agree with my colleagues who have spoken that this was a well-orchestrated scheme to rip off taxpayer's money for the benefit of a few well connected individuals. I may be forgiven to say that the NYS scandal is only comparable to the Goldenberg Scandal in magnitude and method of execution.

I also want to say that, that kind of theft that happened before our own eyes could not have happened if the perpetrators were not assured of the fullest protection ever. You will recall that the NYS Department was lumped together with other departments in the then grand ministry known as Devolution and Planning, a ministry which we can now say with authority was created

purposefully to ensure that public money was siphoned out to benefit a few individuals at the expense of suffering Kenyans.

Ms. Anne Waiguru was no ordinary CS. Ms. Anne Waiguru was, for all intents and purposes, a “prime minister” in this Jubilee Government. When she appeared before the Departmental Committee on Finance, Planning and Trade to answer to my questions, the arrogance I saw in her face was the kind of arrogance you do not expect to see on the face of an ordinary CS. She was so confident to the extent that you could imagine that this was somebody whose tenure of service was so secured that nothing could ever happen to her. That kind of assurance could only have come from the appointing authority. Therefore, I want to say without fear of contradiction that what Anne Waiguru and her cohorts, including Harakhe and Nelson Githinji, did at the NYS could not have happened without the connivance of State House.

It is a very sad day, indeed, that Kenyans are discussing this Report as a post-mortem, when the culprits and the beneficiaries of that massive scam are walking out there scot-free. We heard the other day none other than the Deputy President admitting in public that Anne Waiguru was the mastermind of that scandal. Yet, on the other hand, Anne Waiguru was taking the real whistle-blower, the former Prime Minister, to court for libel. Yet, the DP William Ruto was alleging that Anne Waiguru was the mastermind of that scam and was still cat-walking. He used the term “cat-walking”.

As those people continue to cat-walk, Kenyans are dying of hunger. Kenyans are unable to afford even basic medical care. Kenyans are unable to take their children to school. Yet, this is the Government which came to power on account of support for the youth. The money which was meant to assist the youth through NYS was being “eaten” literally by crooked individuals, with the full knowledge that they had got protection from the highest possible level.

It is a very sad day, indeed. In fact, the NYS scandal is like a hydra-headed octopus, with tentacles everywhere—including this House. I am aware that there are even Members in this House who benefitted from the NYS scandal. I am aware of tenders and contracts which were awarded to people to furnish the so-called Huduma Centres. Members of this House were involved and they benefitted. When the full story of NYS is told, very many heads will roll. This is happening when Kenyans are undergoing a very trying moment in the history of this country.

The NYS scandal is a scandal which was schemed, orchestrated and planned meticulously, with military precision. That is why you see, even as we speak, no single conviction has happened. I can dare say that we will live and die all of us before any single person is convicted of that wanton theft. They have taken the cue from the past. Those who stole Goldenberg money are still walking scot-free. Those who were involved in the Anglo Leasing scandal are still walking scot-free. Therefore, the NYS masterminds are secure in the knowledge that they will continue to walk scot-free so long as they have a Government that will give them protection.

[Hon. Speaker left the Chair]

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

The kind of theft that happened at NYS, if it were in other jurisdictions, could be referred to as economic crimes. Indeed, even in our jurisdiction, they amount to economic crimes. In other countries, like in South Eastern Asia, people convicted of such crimes--- In fact, people

suspected of being involved in such crimes are not even taken through a court process. They are paraded in the public and executed. That is what should have happened to those thieves. Yet, you see somebody who has masterminded that kind of theft being made to go through a cleansing process.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Wandayi, I will allow you one minute to wind up.

Hon. Wandayi: Hon. Temporary Deputy Speaker, shame on those thieves! Someone who was actively involved in the scheming, planning and execution of that NYS scandal that has cost Kenyans billions of taxpayers' money is now being cleansed by being made to go through some form of election and very soon, God forbid, will become a governor of one of our great counties. I am not talking about Anne Waiguru alone. She was just but one of the principals. There are more people involved in that scam.

This House will go down in history as a House which abetted theft. How? Firstly, by passing a budget to a ministry that had no capacity to absorb. The budget for the NYS more than tripled within two years, from Kshs5 billion to a whooping Kshs20 billion, through this House. Secondly, this House will be accused of abetting theft by being party to those contracts.

The Temporary Deputy Speaker (Hon. Omulele): We should now hear from Hon. Wesley Korir, the Member for Cherangany.

Hon. Korir: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute. At least, there is something on the Floor of the House. At least, there is something that shows that Members of Parliament have done their part. I hope it does not end here. I hope that once it is tabled on the Floor of the House, the Committee on Implementation should look at it and make sure that the implementation of the recommendations provided by the Committee is followed to the letter. To produce such a big document, the public needs to know that this House has spent taxpayers' money.

As we stand here, the Goldenberg scandal happened during the Moi regime; the Anglo Leasing scandal during the Kibaki regime and NYS scandal is and will always be associated with the Uhuru regime. That is what we will always remember. That is what we will always know of and remember this regime for. Like during the Moi time, they let the Goldenberg scandal to slip through the system.

Hon. Temporary Deputy Speaker, I also stand here disappointed as a leader and a Kenyan that we, as Kenyans, do not learn. That, after somebody has been named the main suspect, the orchestrator, the planner and facilitator of the National Youth Service (NYS) scandal, the people of Kenya have let us down by making sure that they elect the same people to run for the office of the governor. With that, I am very disappointed - that even the party could let somebody like that get a certificate. For the House, especially when the leadership of the same party have been heard several times and have even accepted that the orchestrator of the NYS scandal is Ann Waiguru, they have the energy, power and the heart of even handing over the certificate to the same person who will be responsible for the billions of shillings that will go to Kirinyaga County. What is happening in this country? Each and every person in this country needs to go deep inside and search their souls and ask themselves if they are doing a favour to this country or spoiling it forever! We can sit here, go to the Press and blame the leadership and everybody. However, what is happening is more of an individual choice. That is because when somebody wakes up at 6 O'clock in the morning and goes to a polling station; he or she puts a tick on somebody who has been mentioned and it is not even a secret. She has been in public domain since that scandal started. Ann Waiguru is the one who orchestrated it and yet, people can still vote for her. They

now see her as a hero and are giving her the responsibility of stealing more money. Then where are we going as a country? There is a saying that says: “Monkey see monkey do”. If we cannot prosecute and punish the people who steal money from this nation, what will our children learn from it? That is because our children will do what we as parents do. That is why we say: “Monkey see monkey do”. They are seeing what we are doing. When we vote, they see what kind of people we vote for. That is the same thing they will do because they have seen us do it. I am asking the Kenyan citizens wherever they are: “You have been given a responsibility to elect your leaders who can represent you well. Do not elect thieves.” I hope that the people of Kirinyaga will read this Report by the Committee. It should be in every library in Kirinyaga, schools and kikuyu radio stations. Every radio station should be reading this thing to their people, so that they can know the person they are about to elect as a governor is a very big thief; the orchestrator of a very big scandal that the Jubilee Government will be remembered for. If I was the President of this country, Mr. Uhuru Kenyatta, I would make sure that she does not receive the certificate. That is because people will not remember Waiguru, but they will remember NYS and Uhuru Kenyatta for it. It is the same way when we talk about Goldenberg, we remember Mr. Moi; Anglo Leasing, Mr. Kibaki and when we now talk about NYS, it is Uhuru Kenyatta.

Hon. Speaker, as a Member of the Departmental Committee on Labour and Social Welfare, that NYS is part of our responsibility. The first time this thing came to our Committee, I stood up and said that what we were doing as a country is not the right thing. When the money and the budget of NYS came in, whether we accept it or not, we live in a country of vultures. Whenever there is meat, vultures run towards it. What we did as a House and a Government was to put meat in NYS and all the vultures ran to NYS. That is the first mistake we did. NYS did not have structures. When it started, it was a system to train young men. It was like a military training. It did not have capacity to do roads and all the necessary things to be able to undertake what we were telling them to do. I proposed during that time that it would have been well to leave NYS as a training institute and then, if we want roads to be built, we put money for roads in the Ministry of Roads so that NYS can do the training and then send and second the people they have trained into the Ministry of Roads and let it run the programs. If they wanted to drill wells, there is the ministry of Water and Irrigation that has the capacity and system ready in place. They would have trained the youths and second them into the Ministry of Water and Irrigation to do the dams and all that. If they wanted to do the cleaning program that they are doing, they would have been seconded into the relevant ministry to be able to do those things. What would have happened is that we would have distributed money into different ministries and there would be no vultures running into one ministry. However, we made a mistake by putting everything into one thing.

If you go to America where I lived for a very long time and I had friends, people were leaving America for Kenya to come and steal at NYS. Our kids will pay for the money that was stolen. That is because this country is financed by the money we borrowed from China and other countries, and not by domestic money. So, we borrowed the money and it went to Waiguru and her friends. That means my kids in future and the people of Cherangany are going to pay for her mistake and for the things that she did in the Ministry and NYS. I hope that we will learn because a nation that does not will regret in the future. Our past will judge us. What we do right now as a nation, our kids in future will suffer because of it.

I hope that this nation, the people of this country and the people of Kirinyaga, will do the right thing when it comes to 8th August to make sure that a thief, an orchestrator of theft in this

country, the biggest scandal that the Jubilee Government will be remembered for, is not going to become the governor, and is not going to be given another chance to steal from our children.

Thank you, Hon. Temporary Deputy Speaker. I hope that this country will go towards the elections---

The Temporary Deputy Speaker (Hon. Omulele): Such passion! Very well! I now want to give this opportunity to Hon. Ferdinand Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I have no words to express my disappointment. However, I want to take this opportunity to thank PAC for coming up with these very good recommendations - thirty of them. Almost all my points have been said. I am a bit disappointed as a Kenyan that Waiguru - who I have read so much about - could still have the courtesy to go to the good people of our good county and ask for votes. As my colleague from Trans Nzoia just mentioned, it is a sorry case and, therefore, we are hoping that the good people of Kirinyaga will listen to us and not punish us twice by re-electing Ms. Waiguru. I have nothing personal about it, but given what it is--- I am in the Committee of Implementation and they have come up with thirty good recommendations. All we need to do is to make sure that they are implemented.

The Committee has come up with 30 recommendations and I have looked at all of them. Some of the recommendations are quite clear and the best thing we can do for this country, as Members of the Committee on Implementation--- I do not see any of my colleagues here, apart from Hon (Dr.) Otuoma. I want to promise this House that once we adopt this Report, we will make sure that each of these recommendations by the Public Accounts Committee is implemented to the letter. Any agency that will be called upon to implement whatever recommendation that has been put forward and does not do it--- I hope we will adopt this Report today so that it can come before the Committee on Implementation for us to follow up on the matters that have been raised. We will see to it that within sixty days, the implementation takes effect. In other jurisdictions like in the Far East, all those people mentioned in this Report---

We have to blame the Budget and Appropriations Committee of this House. We know that Supplementary Budgets were passed here. They should have been scrutinised. Those people should not have been given a lot of money. In any case, the Ministry did not have the capacity to absorb that amount of money. The first time, the Ministry misused Kshs671 billion and all the former Cabinet Secretary (CS) could say is that she was a whistle-blower. Given what I have heard - I have not read the report exhaustively - it is said that she took part in the stealing and somebody somewhere protected her. The first time I heard a statement from State House, it was said that she was innocent and that she was only a whistle-blower. From this recommendation by the Committee, it is clear that she was part and parcel of the thieves that stole our money. If we were in China, she could have faced a firing squad. I am disappointed, but I am also very clear on who is supposed to do what. Let us adopt this Report and see how we can deal with those thieves.

I support the Report.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Hon. Ronald Tonui, Member for Bomet Central. He is not in. We will give this opportunity to Hon. Johana Kipyegon Ng'eno.

Hon. Kipyegon: Ahsante sana, Mheshimiwa Naibu Spika wa Muda. Mimi pia ningependa kuongea juu ya hili jambo ambalo liko mbele yetu hapa Bungeni. Kumbuka hii Ripoti tumeingojea kwa muda mrefu sana. Bila shaka, tumesikia maneno mengi. Wale watu ambao walihusika katika hii sakata, tunaambiwa ya kwamba wamekuwa wakizuia Ripoti hii

isiletwe hapa Bungeni. Leo nimefurahi kwa sababu Mheshimiwa Gumbo amewaasilisha Ripoti hii. Tunajua yeye anaaga hili Bunge kwa kuwa anatafuta kiti cha ugavana. Tunamtakia makuu na mazuri kwa sababu hajatuacha bila ya kuwasilisha Ripoti ambayo tumekuwa tukisubiri kwa muda mrefu.

Masuala yaliyomo kwenye Ripoti hii hakika yameangamiza watoto wetu, wazazi na kila Mkenya. Watu wanapoongea juu ya sakata za ufisadi aina mbali mbali, mimi binafsi sikuzifahamu. Nilikuwa bado mtoto nilipokuwa nikisikia mengi kuhusu sakata mbalimbali. Ingawa hivyo, hii sakata ambayo imechunguzwa katika hii Ripoti nimeishuhudia. Nakumbuka wakati Mheshimiwa Alfred Keter, Mbunge kutoka Nandi Hills, alipoamsha haya maneno. Wakati huo, bwana mmoja kwa jina la Kiplimo Rugut alikuwa amehamishwa kazi. Ilibainika kwamba kulikuwa na jambo na sauti zingenyamazishwa. Baadaye, mtu alileta hapa ombi la kumtoa Waiguru kazini. Watu walipigiwa simu wakiombwa wasaidie kufuta majina yaliyotajwa. Inamaanisha kuna watu ndani ya Serikali ambao hawakuwa wanataka hili jambo lizungumziwe wala lipelelezwe, ili ijulikane ni akina nani waliiba pesa.

Nakumbuka wakati rafiki zangu walikuwa wanapiga kelele, Naibu wa Rais alisema sisi ndio tunafaa kuwajibika. Alituambia tuachane nao. Baadaye, mambo yao yalipoumana mahali fulani, alibadilisha lugha akaanza kutuambia kuwa mtu hawezi kutembea kwa madaha na vishindo mbele yetu huku akiwa ameiba pesa za nchi ya Kenya. Kuhusu hii sakata ya ufisadi katika Huduma ya Vijana wa Taifa (NYS), tungependa kumwambia Rais wa Jamuhuri ya Kenya ambaye anatetea kiti cha urais jambo fulani. Sharti atuonyeshe kwamba chama chake cha Jubilee hakitaki ufisadi. Yeye angetuonyesha kupitia kura ambazo zimepigwa juzi za vyama - kwamba chama chake hakiwezi kuvumilia ufisadi. Nimesikia rafiki zangu wakiongea juu ya Waiguru. Wanasema kwamba siye pekee yake ambaye ameiba. Eti kunao wengi ambao, kama yeye, wanataka kuchaguliwa kwenye kura zijazo. Mmoja wa wale ametajwa ni Seneta wa Elgeyo Marakwet, Mheshimiwa Murkomen. Yeye ni wakili ambaye angetumia akili yake kujua kwamba kupora kutoka kwa raia ni hatia. Chama cha Jubilee hakijali kwamba hata Mheshimiwa Murkomen ametajwa katika hii sakata ya ufisadi. Yeye alipoulizwa haya mambo, alimtaja Mheshimiwa Gumbo, Mheshimiwa Rop na wanakamati wote wa Kamati ya Ukaguzi wa Fedha za Umma (PAC). Alisema kuwa walimtaka awape kitu kidogo ndiposa waondowe jina lake kwenye orodha ya waliyoshiriki katika ufisadi uliyotajwa.

Ni jambo la ajabu kwamba Mheshimiwa Murkomen amepewa cheti cha kuwania kiti cha useneta ilihali, Serikali ya Jubilee inadai kuwa haitaki ufisadi nchini. Wao kumkubalia Waiguru na vile vile Murkomen ambaye alituibia kwa kutumia ofisi yake ya kazi, inamaanisha kwamba Jubilee iko ndani ya huo wizi.

Nakumbuka pia jina la Mheshimiwa Duale lilitajwa. Hawa ni watu ambao juzi juzi walikuwa wanatembea hewani pasipo kulala. Nchi yao ilikuwa huko juu. Walikuwa wanaishi na kula huko juu. Kama kungekuwa na ndege ya kulala juu usiku, basi wangelala huko juu. Walilazimishwa kushuka kwa sababa hawengeweza kulala juu. Hawa ni watu waliozungukwa na pesa ya NYS ilhali, wamekuwa wakipiga mdomo. Duale alizunguka kila mahali huku akitusi watu kila kona. Alikuwa akitumia pesa za wizi. Inastaajabisha kwamba yungali kiongozi humu Bungeni.

Ningependa nimwambie Mheshimiwa Rais Uhuru Kenyatta, Mungu tu ndiye atakusaidia urudi katika kiti cha urais. Akikubalia urudi, fagia nyumba yako maana ni chafu na wezi wamejaa kila kona. Ni kama nyumba iliyojaa panya kwa kuwa haina paka.

Ukiingia kila kona, kuna panya mpaka hata ukileta paka moja, panya zote zitakusanyika na kuikula hiyo paka. Maneno haya ndiyo yako kwa Serikali hii ya Jubilee.

Kwa hivyo, hii Kashfa ya National Youth Service (NYS) ni ya watu wametuzoea. Kumbuka juzi tu, Bwana Rotich alikuja hapa na kutuelezea kwamba, kwa sababu ya njaa na ukame, wameamrisha kwamba mahindi yote ambayo inatoka nje haitatozwa ushuru. Hata mimi mwenyewe nilishangaa kwa nini Bwana Rotich hakusema tunahijati tani fulani za mahindi ndio wakora wasitumiwe kuileta. Wametuambia mahindi imetoka Mexico. Hata Kenya imeingia kwa orodha ya “Maajabu Tisa ya Ulimwengu”. Yaani, hiyo mahindi ilisafirishwa kwa masaa 48 kutoka Mexico hadi Kenya. Hiyo haijawahi kutendeka hata kwa dunia nyingine.

Wengine wetu wanajua kwamba hiyo ni mahindi ambayo imetoka kwa mradi wa Galana-Kulalu, ambao tulitumia Kshs9 milioni kutengeneza ili tukuze mahindi. Mahindi ambayo yalivunwa mwaka wa kwanza, wa pili na wa tatu ilienda wapi? Hiyo ni mahindi ambayo wakora wa Jubilee walipeleka huko Mombasa na kuyaweka kwa meli na kutuambia yametoka Mexico. Tunajua haya mambo. Watu wanatafuta pesa za kampeini na hatuwezi kubali. Hatuwezi lala tukiona. Kwa hivyo, tunataka kuwaambia hiyo kashfa ya mahindi tunaijua. Ni kama ile ya NYS.

Hao watu wametuzoea. Hii kashfa ya NYS tunataka iishe kwa sababu tumeiweka kwa Meza ya Bunge. Tunataka mashirika ya kiserikali kama vile Ethics and Anti-Corruption Commission (EACC), Director of Public Prosecutions (DPP) na Criminal Investigation Department (CID) waingilie haya maneno na wafanye upelelezi mara moja. Wale ambao walihusika wapelekwe kortini na kufunguliwa mashtaka.

Kuna mtu ambaye anaitwa Wambora aliyefanya tenda ya Kshs79 milioni ya kutengeneza barabara ya kilometa tatu na nusu. Badala ya kulipwa hizo Kshs79 milioni za wizi, alilipwa Kshs791 milioni na Wakenya wanaona kwa kioo. Natamani Kenya ingekuwa kama Uchina kwa wiki moja na watu wawekwe kwa *firing squad* ndio wajue hiyo ni pesa ya raia na hatutaki waumie.

Hii kashfa ya NYS inafaa kumalizwa. Tunaomba Mungu atujalie sisi wote turudi kwa Bunge hili ili tufuatilie na kuhakikisha wale wote ambao walihusika wameyekwa korokoroni, wapate shida huko na lazima warudishe pesa ambazo waliziiba. Hatuwezi kuwafunga watu na tuwaachie pesa.

The Temporary Deputy Speaker (Hon. Omulele): Nitakuongeza dakika moja Bwana Ng’eno.

Hon. Kipyegon: Ahsante sana Naibu Spika wa Muda. Kwa Bunge lijalo, sisi ambao Mwenyezi Mungu ataturuhusu turudi hapa tutahakikisha ya kwamba wale ambao watakaa kwa Kamati ya *Implementation* watahakikishe kwamba hii maneno imefuatiliwa mpaka mwisho. Baada ya kila miezi sita, tutaleta Hoja kuuliza ile mambo ya NYS yamefika wapi. Hii kashfa ya NYS hatuwezi kuiachilia kama ile ya Goldenberg. Tutaifuatilia mpaka tuhakikishe ya kwamba wale ambao walihusika wamechukuliwa hatua inayofaa kisheria.

Naunga mkono.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We shall have contribution from Hon. Sakwa Bunyasi, Member for Nambale.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report on the NYS. I am a Member of the Committee and so, I had the distinct privilege of hearing the horrendous stories which were narrated. In fact, the Committee is not able to do justice fully to the sentiments and depth of indignation that surrounded it on most days. Perhaps, only the HANSARD can reveal some of it.

NYS was established over 50 years ago by some people who cared about the population growth. They looked at the demographics of Kenya which revealed that with the high fertility rates prevalent in those days, Kenya would be sitting on a time bomb in 20 or 30 years after

Independence. Demography is very easy to predict and they did so. We are now sitting on a huge time bomb of the youth. The Government came up with a scheme and played with our psychology that we are sitting on a time bomb and we must have some creative ways in which we can deal with it. I realised the time bomb was not about the youth but, about the looting which was to happen in front of our eyes.

The Report is very specific in many ways except some. It is very specific in terms of who participated or the administrators in NYS, How carefully it was planned in the Ministry of Devolution and the NYS to change signatories and access to passwords to facilitate the documentation in the famous Integrated Financial Management Information System (IFMIS). People were transferred - like Mr. Harakhe - from as far as Bungoma where he was an Assistant County Commissioner and was brought in. When he appeared before the Committee, it was unable to get his educational qualifications. It even seemed like he had achieved high school education but, clearly, he was a very senior civil servant. We even wondered what his apparent capacity was and how he learnt to use the password. Some people suggested that, maybe, he had difficulty in using passwords. But, this was a camouflage to enable the movement of huge sums of money.

If you listened to the CS when she appeared before the Committee, given the enormous eloquence and a lot of English which she spilled, you got the impression that you are dealing with a victim. But when you look at the details, she was not a victim in any way. But she said something which I thought the Report did not capture fully. She said: "The real puppeteers are out there. It is not me." That meant there were several sides to the story. It may be hydra-headed, but that would not be too complex as somebody has said. I think it is just two-sided. We had the one side in front of us which had been involved in the looting. Sometimes, it takes a thief to catch a thief. A thief will say: "It is not just me, but look at him! He is even a bigger one." We did not succeed to get there. This story, my pals will never be told fully except those who will write memoirs that will be published only posthumously.

We ought to know - and I concur fully with my colleagues who have spoken before - that the institutions which will follow up must get to the bottom of this. This is interesting. It was a good idea intending to hire the youth. For every one NYS personnel trainee who would go to work on public infrastructure or community project, nine local youths would be hired. This sounds very attractive, indeed, but there were several problems like: Who benefitted from those public service schemes if not only those who were inside? There is a phrase which is being used nowadays in all languages: "*Ndani, ndaani, ndaaaani kabisa*". It means one being inside Jubilee to benefit from those schemes which had been set up. It was, therefore, given selectively and was implemented in a way that the Kshs471 million which the youth were to get could not be audited. Large sums of it were kept and some of the evidence we heard was that only Kshs250 million was only what they could account for as payment for thousands of youth. It was a scheme to get money for all the people who were involved.

The other part was that this was also a scheme to facilitate pseudo-procurement from Government agencies like the Supplies Branch by generating fake documentation that quickly passed through the system and money was released. When money went into the banks, in almost every case, the money was literally taken out in sacks. Kabura appeared before the Committee and she was the chief architect in front of us in terms of the record. She set up over 20 companies in a space of just a few days. Those were just some of the companies that we found out were related to National Youth Service (NYS). She may currently have others in other departments doing the same thing. That money would then be wired and literally carried away. I must be a

very poor man, but I cannot imagine how I would go across the counter with an order to withdraw Kshs50 million or Kshs60 million in one transaction and in the same day, come back again and withdraw Kshs120 million in cash!

I remember the Committee asking the young lady – Kabura is a young lady compared to anyone in this House – how she carried the money. She said it was easy and she carried it. This was until somebody persisted, asked her how she did it and gave the example that Kshs1 million is about one kilogramme and so, Kshs62 million is about 62 kilogrammes. A bag of cement is 50 kilogrammes. I asked Kabura whether she would be able to carry a bag of cement and she said she could not, but she was able to carry 62 kilogrammes of cash. Whether she carried the cash out or not is another question.

There were very many other beneficiaries along the line. The bank that was involved must have been a rogue bank. Since one of the banks we discussed was Family Bank, KTDA Branch, it must have been a rogue branch. I remember my question to the CEO. I told him that if he did not clarify those questions by being loquacious, I would keep asking myself whether that was a rogue branch of Family Bank or it was a rogue bank. I was a bank clerk many years ago. I worked in clearing. In the management of any bank, many of the things you did were brought to the attention of the CEO of the bank, perhaps, within a day. The CEO must have seen it. Why would such things happen?

We had the issue of the responsible Central Bank of Kenya (CBK) department turning a blind eye. I remember that when we pressed the Governor of the Bank, he said that, that particular unit did not fully report to the Bank. It was a department that was part of the Police Service in the Anti-Fraud Division. They were clearly complicit. It could not have gone on for so long.

We have gone through a terrible drought. Drought will occur in the short-term, whether we like it or not. But the human consequences of drought need not occur as they did. You can forestall some of the financial solutions to the human consequences of drought. We had the resources to do things like that. The amount of money we lost just in that particular scheme could have provided water, housing, livestock feed and even transported people to areas where you can feed them and have their children get access to education. The Government could have saved a lot of money. I was doing a quick arithmetic and if we had that Kshs9 billion plus and we simply gave it as a cash outlet to *wananchi* to get packets of *unga*, you would save families for weeks on end.

This is one of the lowest points, not in financial governance, but in the evidence of greed that we have shown. No wonder donors are getting very rusty with us. I hope that the Director of Public Prosecutions (DPP) will come in. This is not a matter for one side of the House or the other. Hunger is hunger for everybody. Theft is theft for everybody. I hope---

The Temporary Deputy Speaker (Hon. Omulele): In deference to seniority, I will allow you a minute, Hon. Bunyasi.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. I was just about to say the fairest thing of all that I have said. We must pull together in our parties and say no to this kind of greed. We must say no to people becoming heroes and heroines after stealing money. This is a culture. I use that word knowingly and it is a strong word. It is becoming a culture perpetrated by a few, but that must be changed.

I support the Report and look forward to its full implementation when it gets to the Committee on Implementation and other Government agencies.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, I propose that we proceed in accordance with the way that Members have keyed in to show their interest without deviating from it. I see a lot of interest and anxiety in the Members who are present to speak to this. Therefore, we shall kick off with the Member for Balambala, followed by Hon. Nyikal from Seme. I see the Member for Laikipia East saying that we should go the usual way, but he has just come in. You will have your say on it. I assure you, you will.

Hon. Aden: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to the debate on this important NYS Report. It was done by the Public Accounts Committee where I am privileged to sit as a member. We took many months to make sure that we did as much as possible to get to the bottom of that whole scandal.

At the outset, it is unfortunate that the Kenyan economy is ailing and is always dealt a big blow by corruption in mega scales. A colleague who spoke before me earlier spoke of literally every presidency that has existed in this country. For every presidency, you can name one major scandal of its time. In our times, the NYS saga is probably the largest and will remain to be the largest for quite some time. It is my hope that such does not happen again because having sat through those Committee sessions and listened to witnesses and experts talk, it was clear that the NYS saga was a corruption scandal that was shocking in nature - if I may use the word. It was one that was well-crafted, clearly thought through and used very highly skilled or sophisticated professionals to kick-start the process in a manner that will, otherwise, look very noble.

The action of one firm - The Consulting House - which came in and produced the Five-Point Vision Plan was the onset or beginning of that whole scheme. It had to be made to look like something very noble - like the creation of employment for our youth - by using our youthful force to bring development such as roads and dams. Those are noble things that every ordinary Kenyan would aspire to see happening in our country. Unfortunately, the sweet wordings, the very fancy and lengthy television adverts that we saw about the NYS showing those young boys and girls kicking high with brand new *jembes* on their arms looked quite sophisticated at that time. What has now emerged is that all that was just the framing or the casing of what was a big rot in the Government at that point in time. Those who planned to steal decided to do so in a manner that has never been seen in Kenya before. Let me explain one thing that surprised me very much as I sat through that Committee.

First of all, contracts amounting holistically to over billions of shillings were issued without going through the Government procurement procedures. This was done without going through the Inter-Ministerial Tender Committee. For example, Kshs791 million, which was meant to do a road, there was no contribution at all to the person who was paid the money. That young lady had nothing with it. She did not even contribute a single grain or pebble of sand to the project yet she walked away with Kshs791 million that was paid to her. How did it happen? A fake contract was done through the supplies branch. Well, that would surprise me. But it is even more surprising to see that the same contract is now delivered to the procurement channel of the Government of Kenya all the way to the Central Bank of Kenya (CBK) without anybody detecting that the Kshs791 million was based on fake invoices, fake Local Purchase Orders (LPOs) and fake supply branch contract.

Hon. Temporary Deputy Speaker, there are certain people who cannot walk away from this. The people who sit at the G-Pay system of the Government, the Financial Controller at the Ministry then and the CBK which is the banker for the Ministries. How do you pay without authenticating that the payments you are making are not fictitious? So, we have, as a Committee, recommended investigations into this process. It was used to steal from the public including from

the CBK. Thorough investigations should be done to unearth the kind of rot that is in there that could potentially be used again.

We must admit that this Committee was limited in its ability. We did not have powers to do forensic audit, for example. We could only go to the extent of requesting or urging, as we have done in this Report, to ask the investigative agencies to now do the honour to Kenyans and unearth who exactly did this. I have seen information that is not necessarily captured in this Report.

We have listed companies here. That is the extent to which we could go. But these companies have claimed to have supplied hundreds of millions of shillings worth of goods, many of which, when we asked the people at the NYS, they told us clearly that none of those things were delivered. These names and companies listed here must be investigated thoroughly. The payments that were made to them must be found and the reason they were paid for. There are big names. I mentioned the Consulting House Ltd earlier and it is one of them. Indeed, that particular company should be investigated because we now know that contrary to information availed to the Committee, there was a lot more that was not made available to the Committee. We know that potential payments have been made to that particular company.

We have also requested for a detailed audit of the Ministry of Devolution and Planning starting from the 2013 to 2016 because a lot has happened there. Over Kshs23 billion was spent and we only saw probably about Kshs6 billion. The rest God knows how it was used.

The stealing might still be going through the youth cohorts, unfortunately, even to this day as we speak. When you see a bunch of youth walking along our roads with brushes cleaning our roads, they are innocent. They may be getting their Kshs400 pay, but what they do not know is that every one of their names have been duplicated ten times in some cases using their Identity Cards (IDs). These IDs are duplicated multiple of times to the tune of hundreds of millions of shillings being paid and taken away in a corrupt manner using the names of these young people. Unfortunately, they do not know. Even now, I believe there are many places in the country where these cohorts are in actions. Our youth have been blinded and told that they are being employed, but unfortunately, they are being used as a scheme to steal from the public using their personal details. We have asked for the investigative agencies to look into this.

There is also a purported claim that dams were built in places including my constituency or in my county. None that I know of has been done in my constituency and I challenged the people who were there, yet hundreds of millions of shillings are said to have been used in construction of the dams. This is action point Recommendation No.29, where we say investigations should be carried out to make sure that these things are brought out.

As I end, what happened at the NYS is very unfortunate. This Committee must be understood to the extent we could go. We could only recommend that the agencies should carry out investigations. We urge them to do so with speed to make those recommendations known to the public.

The Temporary Deputy Speaker (Hon. Omulele): Very well, Member for Balambala. Hon. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker. I rise to support the adoption of this Report. I must start by congratulating the Committee and its Chair for the work they have done. They have laid out clearly the legal framework under which this has been done, which is extremely important if this country has the guts and the political will to take action on this scandal.

They start out by clearly stating the role of public officers. The CS in the new dispensation has got a lot more power and more hands on than the CS in the previous dispensation. They also give the role of the Accounting Officer and other Government departments.

If you look at all that and all the officers who were involved in this scandal, it is a case of perfect collusion. It is a situation where officers in all the Government and all the safeguards worked together to rob the country. It is exactly the same as what happened in the Goldenberg scandal where any information you required indicating whether gold had been exported or not was there. Papers to indicate that money came back were there. The only thing they could not prove is that if this gold was mined in Kenya, the gold dust would have been so huge that you would actually see it as a mountain if you are in Kericho and it is in Nairobi. That is the power of collusion and that is exactly what happened here.

Corruption has gone to the extent that it is so well illustrated in this where it takes over the structures of the Government. It behaves like the HIV virus which takes over the body system to produce more and more viruses. In our case, corruption takes over the Government system and every department is aiding or abetting and supporting theft that is going on. That is what has happened here. I support this Report because recommendations also go to show clearly that this was well orchestrated and the whole Government was involved. Look at Recommendation No.3, the Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission to conduct thorough investigations. When you go through the whole list, it is a list of banks, business people and Government departments. What is then left?

Hon. Temporary Deputy Speaker, when you go to Recommendation No.4, it says that Ann Waiguru, the former CS in the Ministry of Devolution and Planning be barred from holding public office. You are bound to laugh at it. We are in the process of investigation and yet all elements of the society are aiding her to hold public office. The people of Kirinyaga and her party itself! It is a mockery of all our systems.

Recommendation No.6 says we should look at the lifestyle of top officials at the NYS. This is something we have said again and again. We have repeated it here in this Report. Those people are still living comfortably. Recommendation No.7 questions whether the Governor of the CBK could possibly not have picked what was going on. What part of the Government system is left to protect Kenyans given this scenario? The directorate in charge of the banking systems in this country has been found wanting in its activities.

If you go to Recommendation No.16, on the banks that should be investigated, 30 banks in the country have been implicated in this scandal. What is left of the country? You go on and look at the companies mentioned in Recommendation No.19. You have six pages there and over 100 companies have been implicated in this scandal. It means the whole Government system and the whole society structure is involved. Corruption has become part and parcel of our daily lives. We talk about it, but we cannot do anything because everybody is involved. Nobody wants to act.

Recommendation No.26 says that the National Treasury should immediately revamp the internal audit functions in MDAs. The internal auditors exist. All the payment vouchers pass through them. Even if they were to do a systems-audit in a manner to sample, all these vouchers could not have passed without anybody in the audit department picking out something amiss. I do not want to repeat what my colleagues have said. This was a major scandal, well-orchestrated and everybody was aware. I believe the Jubilee Government must take full responsibility because all those officers report directly to the Government.

In my view, what will be most telling about the role of the Government is if it fails to take up this Report, which is work in progress. The Report indicates to us, line by line, who to take action against. I do not think this is a case where the Government should wait for the Implementation Committee of Parliament to act. In fact, the Leader of the Majority Party should, through the Implementation Committee, immediately start working on that. In my mind, if that is not done, then I will say this was known by the guys at the top and there is no desire by them to act. You cannot get a better Report. It is here!

Last year, the President himself came here with a list and action was taken. Heads rolled and people were removed from office. If you looked at the evidence that was in the list that the President brought here, it is child play compared to what is here. You would expect a lot of things to have happened by now. So, far nothing has happened. Even Ann Waiguru literally left office on her volition. The court cases that were going on are now disappearing. Even the Judiciary is part of it! If we are a serious country, I have said this before, we should develop zero tolerance to corruption. It is not too much to ask for.

Human rights aside, we should look at capital punishment. We should have a situation where those found to be corrupt are made to die because they also kill others through commission of economic crimes. People are hungry now. We do not even have drugs in hospitals. We cannot pay our doctors. The money we would have used is in the hands of a few people. I see no problem in executing people like that because they are executing Kenyans on a daily basis.

I support the adoption of the Report.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We shall have Hon. Moitalel ole Kenta.

Hon. ole Kenta: Thank you, Hon. Speaker. I would like to add my voice to this Report and I support it fully. I would request the House to adopt it. My colleagues have said over and over again that we are losing our country to corruption. The worst part of it is that it emanates from the top. The institutions that we expect to protect the interests of this country are the perpetrators of the evils that are going on.

When the NYS projects were started, I was one of the beneficiaries because my constituency got at least some cohorts. Some dams and ablution blocks were supposed to be constructed. Unfortunately, the NYS records show that these things were done, but on the ground, there is nothing. None other than the Head of State himself and his Deputy gave those as examples of what the Government has already done. You can imagine the level of deceit that we are experiencing in this country. Those things were not done. They should not in any way portray that any money was spent in my constituency because that would be a false allegation. It is criminal and we are still insisting that those programmes must be embarked on.

The youth of this country are suffering because the economy has been raped. It has been destroyed and so they have been rendered hopeless and desperate. They have been made to believe that they do not belong to this country or this country is against them. I call upon the youth of this country to rise up and say enough is enough. Let us reject the people who are destroying this country.

When I hear somebody in the press accusing somebody of cat-walking and speaking a lot of English, yet the other day the same person was protecting the same individual, one wonders who is telling us the truth. Who was collecting billions of shillings at the basement of some banks? It cannot be that small girl who I understand is already having a lot of challenges. When you look at the institutions that are involved, you wonder what we have come to as a country.

One of them is the CBK. How did this gigantic theft take place without the CBK noticing it? They must have been complicit. There are high offices in this country that were involved in this scandal. Were they doing it for themselves or were they agents? Who is covering up who? I believe we should not only investigate those individuals, but also their masters. I suspect their masters were very much involved. There is no way such terrible looting could happen under the watch of the biggest offices in this country. Personal assistants to these masters are very much involved in the scandal.

A few years ago, we had a maize scandal where a Minister in office would give chits to people to go and buy maize by mouth and sell it at exorbitant prices to millers. Somebody would make Kshs800 million without even moving a grain of maize from the stores of the National Cereals and Produce Board (NCPB). The same case happened with the Goldenberg and the Anglo Leasing scandals. For how long will the Kenyan taxpayer withstand this kind of looting? To cover up our problems, we go borrowing all over the world not knowing where the money to repay the loans will come from tomorrow.

We have given our young children and our unborn children a burden. For how long will we withstand this as a country? We are breaking down as a country and Kenyans should know that. When you see people going all over the country singing that they have achieved a lot, you will laugh at them. The people they are addressing are starving, walking without clothes on their backs and their children are dropping out of school because of lack of school fees. Their factories have been closed and their livestock cannot even get grass because the forests have been depleted. You will laugh at them and wonder whether they think Kenyans are foolish. They should know that Kenyans are not foolish and on 8th August they will realise that.

All I can say is that we should not let this looting of the NYS go unpunished. We have heard about the perpetrators. One thing I have always asked myself about the NYS is the logic of removing Rugut on a Sunday. Who was preparing the way for this looting? I think that was the main reason. We should ask the person who said in public that they removed him because they were the ones with power and not small people like Waiguru to explain to us the reason. I suspect the reason was to ensure that the path was cleared for them to loot. There is no way something like that could have been done without a very senior person doing it. We have had experiences in the past with the same people. Even though we castigate the lady, we must ask ourselves who was behind the grabbing of Ngong Forest at one time and selling it to some Government parastatal. Who was involved in the grabbing of some land in Lang'ata which was supposed to be for the aerodromes? Who was involved in many other scandals? They are the same ones who are running around saying that they are cleaners and they are neighbours. I think that is not the truth.

There is the issue of the Integrated Financial Management Information System (IFMIS), which was abused. If the Kenyan Government knows that this IFMIS is prone to abuse or misuse, why have they not taken any measures to rectify the situation? I can only deduce that they did not want to do so because they want to loot even more, especially at this time when elections are around the corner.

Another colleague just mentioned the maize scandal. I the morning, I mentioned that there are miracles in Kenya these days. You can order for maize from Mexico and in five days it arrives in Kenya. What is this? Somebody has the audacity to come and say: "I did not say the maize was coming from Mexico. I thought it was coming from Mexico." How can a Government operative and one of the most senior officers in this country say he did not know? We must investigate who is behind that maize and whether the same cartels are behind it. This is as big a

scandal as the NYS scandal. There will be more and Kenyan people must know. It is now their time to rid themselves of these corrupt people and animals. Nyerere said Kenya is a man-eat-man society. It is actually now a parent-eating-a-child society because if it is the big men in our society who eat what belongs to our children. They destroy this country. We are actually eating our children. We must stop eating the future of our children.

As Kenyans, we must still realise that we have a future. We have suffered so much over the years since Independence. We have had tribalism and other evils. The other problem is that the managers of our economy are incompetent. We appoint them knowing that they are our brothers, relatives and neighbours. I believe Kenya has hope. We cannot lose hope. The moment we lose hope as a country, we are going to disintegrate. This is a defining moment. The year 2017 is the defining year for this country. We must either choose to start afresh or to remain with the old and destroy ourselves. We must think afresh and the only way we can reclaim our country is to change the system. We have said this before. We know what has been happening. We have seen shambolic elections and some people are planning to bring their shenanigans to the elections of 8th August 2017. I request them---

The Temporary Deputy Speaker (Hon. Omulele): My senior, Hon. ole Kenta, you will have a minute just to wind up.

Hon. ole Kenta: Thank you, Hon. Temporary Deputy Speaker. This country belongs to us. The shenanigans we saw in the Jubilee Party primaries and other parties must not be allowed in the general elections. If anybody is thinking, imagining or dreaming of bringing those kinds of evil activities to the 2017 General Elections, please, forget it. This country is bigger than you. I support the adoption of the Report.

The Temporary Deputy Speaker (Hon. Omulele): I see Hon. Kimaru looking at me. Hon. Kimaru, I had given directions that I will follow the script here. You will have time. Everybody will have time, but I will give those who came before you an opportunity to go at it first. In the order of interest, we have Hon. Ken Okoth.

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. Let me begin by saying a big thank you to PAC, led by Hon. (Eng.) Gumbo, for doing a thorough Report. Many people doubted that this Report would see the light of day. I am relieved and encouraged to see the Report has made it to be debated in the open. I hope it will be put in simple PDF format so that it can be shared widely for Kenyans to read and for it to go as a document of a shameful scandal in our history. We must make a choice as a country whether we will learn from it or not.

When I look at this Report, the issues that have been discussed and the matters that the Members have focussed on in the debate today, it is clear there are people in this country who are not just contented to steal money and public resources, but are committed to stealing the dreams of our young people. They are committed to stealing the young people's hope and to robbing the future of the children of this nation and the next generations who will be forced to pay for services and debts which were incurred in the name of the public, but were never provided.

Our country faces many problems. One of them is the issue of youth unemployment. Youth unemployment is not just an economic issue, but is also a security and morality issue. Let me give you an example. In Kibra Constituency and in many urban areas in this country where there is high unemployment, even in some rural constituencies where the NYS youth empowerment programme was supposed to provide opportunities for training and transformation through public and civil works and improvement of infrastructure and water pans and other things, the young people live without hope. They feel left out and cheated by an insensitive and out of touch leadership class. When a project like this is conceived with very sweet and sleek

public relations with media branding, it gives them a hope that “finally we have been remembered. Here is something for us. Here is something that will really engage us and give us a chance to be empowered.

We will earn from our sweat. We will have the dignity of working and earning and we will not be begging or waiting for handouts from politicians. We will be improving our environment like cleaning up Kibra, building roads that the community needs, building water pans in rural areas where they are needed and contributing to society and earning justly from it”. This was the promise of the NYS and what its transformation programme was supposed to do. We had a taste of it, then it was all robbed. Kibra was a pilot venue. As Member for Kibra in the Orange Democratic Movement (ODM), it was a very demanding and high pressure situation to take a position that would make sure that my people, who are taxpayers of this country, have access and a right to receive Government services under a youth empowerment programme. For over 50 years, the Government had not been doing things such as basic sewage, access to water, improvement of housing conditions, security through roads and improvement of the business environment and security through construction of lighting. Suddenly, these investments and engagement with the Government would come to make a change regardless of whatever political angle was being presented to it then. I thought it was my moral duty to, at least, take the benefit of the doubt and take the position that the people of Kibra are taxpayers and are entitled to Government programmes that can uplift the environment they live in. It would not just be an investment in infrastructure, but an investment in our people.

Now in hindsight, and as I read the shocking details in black and white of this well-done Report, it is clear that we were tricked under the promise of what the NYS was supposed to do to empower the youths of Kibra from poverty versus the reality. We, the people of Kibra and the youth of Kibra were taken advantage of, so that a few people including a few companies and banks that are well known participated in a conspiracy to steal billions while pretending to be giving our young people tokens through the NYS employment. When the programme started in Kibra, a lot of young people, over 3,000, eventually participated in the programme. The intentions were noble and if they had been fully implemented, my constituency was going to be fully transformed in a major way. It would be a model for real development. It would be a Kenyan solution to Kenyan problems that we could move to other counties and focus on and implement.

The young people were promised that they would earn money and a portion of the money would be saved which would then be relayed to them as owners and shareholders in SACCOs. Once they have gained skills in construction, cleaning and capacity to do recycling, they would have their own money to become investors and contract with the Government of Nairobi County or the national Government to do construction work and slum upgrading in Kibra. We thought we would move from mud houses and young people in Kibra would be having the capital to build affordable Makiga style housing that is of a decent quality to uplift our neighbourhood. That did not happen. This Report tells us clearly that the money the young people of Kibra were saving for their SACCOs has not been relayed to them fully. I want to go on record that when I meet the leader of the groups in the villages in Kibra, he told me that their SACCO money has not been relayed to them fully. This was robbery not just of the State, but also of the sweat of the hardworking young people who earned the money and only a portion of it was relayed.

I know a lot of people are discussing here the former CS, Waiguru, who is running for Governor of Kirinyaga, but there is a CS for Devolution. There is a CS for the National Treasury and the CS for Youth and Gender Affairs now. We are putting it on record that the money that

the young people of Kibra worked for, earned in over 12 months, the savings that were held by the NYS, and as the Report has said here, over Kshs500 million of it was used by the NYS to pay for recurrent expenses. The young people thought that their money was being held in trust and it would be earning interest and they would get it to invest in businesses. The NYS was using that money illegally to do other recurrent expenditures. Up to now, the SACCOs of the young people in Kibra have not received their full money. This is theft of young people's dreams and hopes. It is a betrayal. I know CS, Waiguru, is gone, but there is the CS for Gender and Youth Affairs, the CS for the National Treasury and the CS for Devolution. They must do right to the young people of Kibra and pay their money. They should pay their money before 8th August because those angry young people will pay them in a different way on 8th August if they are not paid what they earned.

The young people of Kibra do not want handouts or favours. They want an opportunity and they got that opportunity. They worked and cleaned up Kibra. Most of the young people chose to reform. They got away from activities such as petty crime. Ladies got away from issues in desperate situations where they had to sell their own bodies to make a living and buy a bag of *unga* to feed their children. Those are the situations we are dealing with. That is the betrayal by the NYS. I know most of the people are focusing on the figures, but I choose to tell the personal story of the young people.

Hon. Temporary Deputy Speaker, I see my time is running out and I beg in advance for just a minute. On the issue of food security in Kibra, the young people were promised and the whole community was given a model that the Government would subsidise food prices for the most vulnerable communities in Kibra and places. They promised to the young people were going to be trained, given capacity, owned posho mills and would be buying grain from the National Cereals and Produce Board(NCPB), at a subsidised price. They were promised that they would be milling the grain as small posho mill owners within Kibra and selling it to the community at an affordable price. That did not happen.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Okoth, you have a minute.

Hon. Okoth: That did not happen. The young people in Kibra did not get all the posho mills working and the maize was not delivered. I apologise to them. I apologise to the whole country because on two occasions when the CS was being questioned by this House, I rose up in good faith to defend her. I never gained anything personal from the NYS. I was working in trust for my people for a project that I thought was with good intentions. Now it turns out that my people were being used to create a situation where billions would be stolen and their rights abused. The only key argument that I want to make here today is that all the savings of the young people who worked in Kibra should be given to them so that they can have capital at hand. It is money they earned. It was taxed. Let them get the money so that they can use it to start or expand their businesses. This would make them free to work with dignity and invest like any other people.

But it is time that all the people who have been mentioned here, and the amounts that have been mentioned be recovered. We have a tradition in this country of mentioning scandals but never recovering the money. We know the money was stolen. We know the banks that handled it. We know the people who took it. I think the Government at the very least should recover that money and bring it back so that it can be used to do many things. I get Constituencies Development Funds (CDF) of about Kshs90 million a year. When you are looking at the companies here that were stealing Kshs200million at a time in single contract that is money for three years that could build for us even ten new high schools so young people can

join. It could build two new Technical Industrial Vocational and Entrepreneurship Training (TIVET) institutions. It could start a new college or a small university in Kibra, yet these people stole. This money should be pulled back because I am sure it did not go abroad. It is still in this country.

Thank you, Hon. Temporary Deputy Speaker for the opportunity. I support and appreciate the work that has been done in this Report.

The Temporary Deputy Speaker (Hon. Omulele): Very well Hon. Okoth, I will give this opportunity to Hon. Otuoma.

Hon. (Dr.) Nyongesa: Thank you, for giving me this opportunity to contribute to this Report. I have to first of all say that as a Member of a watchdog Committee, the Public Investments Committee (PIC) that complements or supplements some of the other work that PAC does, I have been taken aback. I am a former Minister who was in charge of the NYS.

We have a vision for the youth empowerment programme, through the NYS, in collaboration with other development partners and during my tenure, we signed a contract with the Chinese Government of over Kshs5 billion to bring in equipment that could be used by the youth of this country to create opportunities as they do their nation-building duty. It is so disappointing, even flabbergasting, to see that the noble policies and ideas that we came up with were hijacked by this monster called corruption, to kill the dreams of our youth and the development agenda of this country.

The NYS programme was not just meant to create employment or opportunities for the youth, but it was also to transform them into productive citizens. In the process of doing that, they were supposed to produce food that was going to form part of the basis of food security in this country. We can see from the Report that the whole programme was hijacked by cartels of corruption and redirected. This was a noble programme that was meant to help the country to meet self-sufficiency in food and reduce unemployment among the youth. The whole programme was hijacked by the very same people who were supposed to be custodians of the public as public servants or Ministers of a Government that had been voted in to help alleviate the suffering or problems that Kenyans were going through. A Government system comes up with a conspiracy to do nothing, but to steal from the public.

I am surprised that one Anne Waiguru, whether she did it directly or not, all these things happened under her watch. In the Constitution of Kenya, 2010, we have a chapter that talks about how public servants or State officers should behave. But if you look at the recommendations in this Report, it is very surprising that somebody who watched over the NYS collapsing and the dreams of many young people going down the drain is today being rewarded, a few months later, with another responsibility, to go and do more or less the same. They say it is very difficult to teach old dogs new tricks. The tricks that were used at the NYS, I believe, will be the same tricks these people will employ.

One Anne Waiguru came from none other sector than the civil service. She even circumvented the normal standard operating procedures of the Government by appointing officers in positions that did not exist. As far as I am concerned, we passed a law which provides that the Accounting Officer of the NYS is the Director-General. Before that, it used to be a just a director, but we amended the law to make him a D-G, with enhanced responsibilities.

I am surprised that my friend, Mr Githinji, was circumvented in his role. Somebody was brought in the name of Harakhe and a position was created for him. This person was given the responsibility of an Accounting Officer to be an AIE holder. Then he comes and wants to hoodwink the whole country that somebody stole his IFMIS password and started transacting

without him being there. As I speak, some of these fellows are still walking in our streets. Some are even transforming themselves into politicians to come here and play oversight roles over the very same institutions they helped to loot. It is a sad day and moment for our country. Mr Harakhe should be behind bars.

I was even surprised when a name, Mr. Otuoma, appeared here and Harakhe tried to associate that name with me thinking that that was my brother. You can see how the networks of corruption want to pull in everybody to think that in the process of smearing everybody, they can get away with some of these things. Then it turns out that this one Otuoma was not my brother, son or anybody related to me. This was just a Kenyan like any other, who was involved in whatever scandal that was mentioned there. But Harakhe, in his submissions, tried to drag my name in. As I said, that was neither my brother nor any of my relatives.

There are procedures through which you get consultants within the Government, but that does not mean that you should contravene procurement or any other laws that are supposed to be followed. In this case, one consulting firm was procured. They even overpaid the firm and some of the things they had procured did not offer solutions to the problems the NYS was facing. When we introduced reforms at the NYS, we said that we must create capacity within the institution. Instead of continuing to create capacity in that institution, all that was circumvented. In the process, an institution that had a budget of only Kshs1.5 billion could not have created capacity to absorb all the billions of shillings that were channelled to the institution. When you want to steal public funds in this country, you come up with consultancy.

I want to commend the Chair, my brother Eng. Gumbo. I know the cartels of corruption have infiltrated our parties and you can see the kind of damage they caused to some of us. The *wananchi* are in support of us, but cartels are used to corrupt and obtain everything through corruption. They have infiltrated some of our parties and have done the kind of things they did in some areas with some of us going through sham nominations. This was not just in the ODM, but I believe it equally happened in Jubilee where in a whole region, there is currently a conspiracy theory that there were some tall trees that were supposed to be cut down.

When your hedge overgrows, you trim it. I have never seen a process where you trim tall trees. People want trees to grow tall so that they can get timber. We trim hedges so that they look neat. Unfortunately, with our brothers in the Mount Kenya region, there was trimming of tall trees. If you go back, you find that these were all cartels of corruption that were just mutating in different forms. I am not saying that this happened just in central, but I have been a victim of corruption in a party that I spent a lot of my youthful energy building. All of a sudden, thinking that we are going through a democratic process that we have been fighting for, you find that other parameters are used.

Hon. Gikaria, I know you are lucky you are not part of Mt. Kenya although you try to be more Mt. Kenya than the people from Mt. Kenya are. You are more of a Nakuru diaspora person.

Coming back to the NYS, the institutions that we have created like the Anti-Banking Fraud Unit, the Financial Reporting Centre must carry out their mandate. Some of these institutions are not carrying out their mandate. This is the biggest problem. As someone was saying here, Kshs60 million weighs almost 60 kilogrammes. How can you withdraw this kind of money and carry it away, yet there is the Financial Reporting Centre which has not reported anything? It has not reported anything. Most of these scandals within the Government are perpetuated by the very same institutions that we create.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Otuoma, I will add you a minute.

Hon. (Dr.) Nyongesa: Thank you, Hon. Temporary Deputy Speaker. Some of the institutions we created are supposed to be watchdog committees over public institutions, but they are not doing anything. Even as we put these reports in Parliament, and you see the recommendations there, no action is going to be taken. In this country, we can come up with institutions, put in men and women who are unable to perform and at the end of the day, the country loses resources. We come back here and it just becomes a report. I hope, as we go out, this Report is going to be acted on. It should be an example of what public servants should not do.

The Temporary Deputy Speaker (Hon. Omulele): very well spoken, Hon. Otuoma. We wish you well in your endeavours to become the Governor of Busia.

(Applause)

I want to give this opportunity to Hon. Anthony Kimaru, the Member for Laikipia East.

Hon. Kimaru: Thank you, Hon. Temporary Deputy Speaker. I would like to add my voice to the voices that have spoken before. Talking about a scandal like the NYS one, as a nation and as leaders of this nation, we must stand firm and rebuke the kind of behaviour that we have witnessed. It is, indeed, sad for us, as a country, to see a situation where a couple of thugs come together, concoct a scandal and siphon billions of shillings out of public coffers.

I remember vividly when we passed the Budget. I saw an allocation of Kshs28 billion as an addition to the NYS Fund. At the back of my mind, I was wondering why we were pumping all that money into the NYS Vote. It did not make any sense to me. Some people told me that this was one of the flagship projects that were supposed to transform this nation. At that point, I had no idea how this transformation was going to happen. However, I was willing to beat time and learn how this would happen. We had the pilot project in Kibra, which on the face value, looked like an excellent model of transforming the economy of this nation. The idea was indeed brilliant. If implemented as it was thought out, it would have done wonders. The implementation, however, was short-term in execution. We saw more of the youth being paid to carry out manual jobs. For the short period of time that this happened, the youth were able to put bread on their tables, but was this going to have any long-term gains? If you pay each youth between Kshs300 and Kshs500 per day for six months, they get used to it. They develop some kind of dependency on those payments, but after six months, you leave them high and dry without a source of livelihood. You leave them with dreams that are shattered and with hopes that were false. To that extent, as much as the scheme was said to have been very well thought out, it did not serve this country well. I would rather we had a scheme that would have had long-term effects.

If the Kshs50 billion or Kshs60 billion that was supposed to be put into the NYS Vote had been invested wisely, it would have had a lasting impact on this nation. I was lucky to have the NYS programme in my constituency. There are so many things that were not done. We were supposed to have a dispensary, a social hall, a police station and a *posho* mill was to be built. I thought it wise to have the projects spread across the five wards in my constituency, but nothing happened at all. We were supposed to have five chicken projects for youth groups, but nothing happened. A 25-kilometre murram project was to be implemented, but nothing happened. Where did all that money go? This disappointment was not just felt in my constituency. It was felt in all the other constituencies that the NYS visited. Were these projects supposed to have been duplicated? Why were the projects kept as top secret?

Initially, we were kept aware, but after some time, it became top secret. It means there was never any intention to implement the project. The idea, all along, was to steal that money. When the biometric audit was done on the cohorts who were employed, it was found that there were so many ghost workers in those lists. This was a scheme, from the word go, to steal from the people of Kenya. It was a scheme that was crafted in such an elaborate manner that the thieves were so sure that no action would be taken against them. Today, a lot of water has gone under the bridge, but we are yet to see any concrete action taken against these people.

As we lambast those who were involved, this House must also take audit of itself. We have several Members of this august House whose relatives are involved. One Member had his father-in-law, wife and sister getting benefits from these fake projects. Many Members of Parliament are beneficiaries of this graft. So, as we talk of the Waigurus and the Kaburas out there, we must also audit ourselves. If any action is to be taken, let us be sincere. Let everybody be accountable, including those in this House who were involved.

The other day, we heard that politics is not a profession where you make money and become rich. Be that as it may, why should the ordinary folk work very hard? Is it right for the politician to be poor? For a select group, politics is supposed to make you super rich. All that money was stolen. We had people walking away in a billion shillings in a single day. You can imagine what a billion shillings can do in this country. You could translate that into 1,000 classrooms that would cost, say, Kshs1 million per classroom. We heard of money that was purportedly utilised in constituencies, but in the real sense, there is nothing to show for it. In my constituency, we got graders to construct roads. We had to fuel and repair for them. We also had to pay allowances to the personnel who were present.

The day we ran out of money, the graders were taken away. I remember using my own money at some point. If we would not have financed the machinery and personnel, then, no work would have been done yet this House passed a whole Kshs28 billion in one financial year to cater for that work.

I support the Report of the PAC. I hope it will not be another report that will just gather dust on shelves. The Committee on Implementation, the Director of Public Prosecutions and all those who are involved should make sure that the work that this Committee has done does not go to waste. Let us, as a country, for once realize that stealing from the Government and the people of Kenya is punishable. Let it not be the order of the day that you can steal from the Government, walk away, become a hero and then you are elevated to the next level. Stern action needs to be taken against all these thieves.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Kimaru you can wind up. Please, give him the microphone.

Hon. Kimaru: As a country, we will not move forward. Thank you, Hon. Temporary Deputy Speaker for your indulgence.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Hon. Ayub Savula.

Hon. Angatia: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. First and foremost, I admit that I represent one of the constituencies which benefited from the NYS Cohorts Programme. However, to date, three Savings and Credit Cooperative Societies (Saccos) under the NYS Cohorts Programme have not received a total of Kshs15 million. I have tried to intervene thorough the Ministry, but to date, that money has not been released.

Section 4.2.7 on of the report talks about the Cohorts savings of Kshs.551,750 million. The Committee found that the withdrawal of youth savings to fund the NYS recurrent operations

was irregular and it was authorised by the Director General, Dr. Nelson Githingi. This was tantamount to a breach of trust.

It is so sad for the Jubilee Government to engage the poor youth in the society to clean market centres, hospitals and bush hogging without paying them. It is a shame on the Jubilee Government which came into power with the promise of employing more than one million youth. They misused the youth and did not pay them. They are now suffering back in the villages. I am now involved in paying money to the cohorts Saccos in the six wards in my constituency when the money was transferred to a recurrent account and utilised on other programmes that were not meant for the youth. We are demanding that this Report be implemented the way it is. The DPP should take action against these culprits. The Ministry should move with speed to ensure that the poor boys and girls are paid their money.

It is also disturbing for a whole institution called the NYS to go to villages and promise villagers that they would construct health centres using the youth at a budget of Kshs50 million. Two years down the line, nothing has been done and yet the budget was utilised. Where was the money diverted to? The Jubilee Government has been tainted by scandal by scandal that they have been involved in. I do not know if the youth still believe in the Jubilee Government based on this PAC Report.

It also sad that the same youth after working for about six months, three quarters of them have not received their money through the M-Pesa payment service yet the Chief Executive Officer (CEO) of Safaricom has confirmed in the Report that Kshs1.7 billion was transacted. Where was that money diverted to? They were receiving their money through M-Pesa. I wish they never came to my constituency because they made the lives of our youth more miserable than they were because the youths had made plans with their lives. Some had planned to build houses and marry, but they are now more miserable because they engaged in the NYS job instead of going back to college or looking for alternative employment. I am sure the NYS tool has been used for political mileage, but it will not succeed.

It defeats logic for a whole Deputy President of the Republic of Kenya, with all the scandals in the NYS, without first restructuring the NYS to launce other projects in other constituencies. They stopped the programme in my constituency because I defected to the National Super Alliance (NASA). I do not care because I am with the people. You should not subject Kenyans to suffering because their Member has defected to NASA. Those are Kenyans. You are supposed to pay them and release the money to the SACCO because they did the job. We will ask the youth to reject the Jubilee Government based on the evidence in this document. The document speaks volumes about how the Jubilee Government duped the youth.

(Hon. Gikaria spoke off the microphone)

Hon. Temporary Deputy Speaker, my friend from Nakuru is not aware of the bitterness my youth in the village are suffering.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Savula, you are not addressing the Member for Nakuru Town East.

Hon. Angatia: Kindly protect me, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): You are sufficiently protected and you have the Floor.

Hon. Angatia: Much obliged, Hon. Temporary Deputy Speaker. It is so evident in this Report that the money that was supposed to be utilised for fuel was diverted to another

programme. This means the money was misused or it went into an individual's pocket. We had an agreement with the NYS to provide equipment for road maintenance and fuel, which they did. We had an agreement for them to also provide fuel. It is so sad because I ended utilising the NG-CDF money for the programme. I wrote to the national officer of the NG-CDF to approve a reallocation of funds so that we could use the funds to purchase fuel and marram to construct the roads. The NYS contracts specifically said that they would construct 10 kilometres of marram road in every constituency which was not done. It is so sad.

I do not know where the Jubilee Government has taken the youth with their promise of one million jobs. I request the DPP to move with speed and direct the relevant investigative authorities to further investigate this matter with a view of prosecuting the culprits in the scandal and let other Kenyans learn from this.

Lastly, it is a big shame for a country like Kenya to start importing grains from the developed world when we know that the Kenyan economy is based on agriculture. It is a shame for a country that is a signatory to the COMESA Protocol to import sugar from Brazil. It is brought through Egypt, repackaged and imported to Kenya as sugar from COMESA. It is a shame to the Jubilee Government. It is a shame for the Jubilee Government, having failed to privatise sugar mills, to allow private capital to be injected into the sugar mills to modernise and improve on the uptake of sugarcane production and then import sugar from Brazil. This is sugar from beetroot. We are heading to a dangerous place with the Jubilee Government. I pray that Kenyans vote out this Government.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. Harrison Kombe, Member for Magarini.

Hon. Kombe: Asante Mhe. Spika wa Muda kwa kunipatia nafasi hii nichangie mjadala huu wa taarifa hii. Nimesoma na nimesikiza kwa makini wenzangu wakijadili. Lakini yapasa pia tuwe na shukrani kwa Mwenyezi Mungu na hata kwa Serikali iliyoko wakati wa sasa.

Tukichukua mfano wa Kibra kama alivyosema Mhe. Ken Okoth, amekubalia hata iwapokuwa uchafu fulani ulikuwa ukiendelea katika Wizara, huduma hii ya taifa imebadilisha kiwango kikubwa eneo Bunge la Kibra. Na sio eneo la Kibra pekee yake ambalo limepata kubadilika, hata maeneo mengine hasa kwa upande wa tabia ya vijana maana wanapata mafunzo mbali na kazi ile wanafanya. Wanapata mafunzo ambayo ni ya kuwawezesha kuishi wakiwa ni wakenya wema.

Hivi ninavyozungumza, huduma hii iko ndani ya Magarini. Na ningetaka kumfahamisha mwenye anasema ya kwamba nafanya kipindi changu cha tatu, kama ni juzi ni sawa lakini ukweli sharti usemwe.

Rekodi zile ambazo zinatumiwa kwa utendajikazi wa huduma hii ya vijana ni hali ngumu sana kwamba utapata jina moja likaweza kurudiwa mara kumi kama mwengine alipotangulia kusema ili ipate kulipa watu tofauti tofauti. Hivi ninavyozungumza, kuna jambo ambalo limetututiza katika Magarini kwa sababu hauwezi kutumia kitambulisho cha mtu mwingine kupata pesa na baadhi ya vijana walikuwa wametumia vitambulisho vya wazazi wao. Vitambulisho vile vya wazazi wao haviwezi kutambuliwa katika zile mashine za kuchukulia vidole; *biometric*. Kwa hivyo, ni lazima kitambulisho kiwe ni chako, laini ya M-pesa iwe ni yako na umeisajili kwa jina lako. Haiwezekani hata kwa Safaricom kwamba jina hilo moja litaweza kurudiwa rudiwa zaidi ya mara kumi. Hayo ni maneno ya uongo. Nawauliza Waheshimiwa Wabunge wenzangu kwamba panapo ukweli na panapo onekana kwamba kazi imefanyika, ni lazima tuwe na shukrani. Sio kwamba kila wakati tutakaposimama tunalaumu. Nashangazwa. Tumekuwa tukilia juu ya baa la njaa. Watu wanalamika bei ya unga.

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

The Temporary Deputy Speaker (Hon. Omulele): Hon. Ken Okoth, what is out of order?

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. I do not think it is in order for the Member for Magarini to quote the way he has done and to misrepresent my contribution on this debate. I said the NYS came to Kibra with very big promises; the size of an elephant. What the NYS delivered in Kibra was the size of a rabbit. There is a big difference there. So, I present that he is presenting as if I was here praising the NYS.

He is contradicting what the PAC Report has said here. For a fact, he is misleading the House that it is impossible that there were double payments. If you look at Page 154 of the Report, items 28 and 29 which gives a table on Page 155. The specific amounts which were paid through Safaricom payments where recipients had identical ID numbers were 9,170. I know whether the system has been improved, but the fact of the matter is that at the beginning, that amount of money was lost. Payments were made to beneficiaries using four identical ID numbers in the beginning totaling 8,752. I do not think he is factual. He needs to withdraw that and moderate his presentation and say anything good he sees about the project. He should not throw into doubt the work of the Committee that is here in black and white.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Okoth, what page of the Report are you looking at that states there were double or triple payments? What page is it so that Hon. Kombe can look at it?

Hon. Okoth: I just rose on a point of order for the sake of accuracy. Pages 154 and 155 have a table that shows a breakdown of how Kshs240 million, a quarter of a billion, was paid out. That is money that could have been used in Magarini Constituency in the form of the NG-CDF for four years.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Hon. Kombe.

Hon. Kombe: Ahsante, Mhe. Naibu Spika wa Muda. Kama anavyosema Mhe. Ken Okoth, ahadi zilikuwa kima cha ndovu lakini kilichotendeka ni kima cha sungura. Sawa, hicho kima cha sungura hakikuwepo mbeleni. Unastahili kuwa na shukrani. Ieleweke kwamba kuanza jambo si kazi rahisi. Huwa kuna changamoto nyingi unapoanzisha jambo. Kuna uwezekano kwamba yote yaliysajiliwa hapa yalitendeka. Lakini kufikia hivi sasa tunapozungumza, hali imerekebishika. Nimesema kutoka mwanzo kwamba naunga mkono Ripoti hii na ningependa hatua za kisheria zichukuliwe kwa waliohusika. Pamoja na hayo, ninasisitiza kwamba mabadiliko yale ambayo yameletwa na huduma hii ya vijana kwa taifa sharti tuyapongeze. Kazi yao inaonekana kote nchini.

Ningependa kuzungumzia unga. Baa la njaa halikuanza jana ila mtu aliona mapema hali ambayo iliwapata Wakenya kisha akachukua hatua. Eti mahindi yaliyoagizwa juzi yalifika jana kwenye bandari yetu ya Mombasa! Kuna shida gani na hilo? Lililo muhimu ni lipi? Watu wetu wapate kupona ama waendeleo kuangamia kwa njaa? Sharti Wakenya wajifunze kushukuru kwa mambo mazuri yanayotendwa. Sasa hivi, ifahamike kwamba NYS haikuanza wakati wa Jubilee. Imekuweko hata katika serikali za hapo awali.

Kwa hivyo, yale yote ambayo yametendeka ni mabadiliko. Yameonekana wazi. Ni wajibu wetu kuboresha hii huduma. Ninaamini kwamba wale ambao wamechaguliwa hivi sasa kuongoza ugatuzi watawajibika na watafuatilia matumizi mazuri ya pesa za NYS. Hilo likitendeka sote tutashukuru. Kila mtu abebe msalaba wake. Atakayepatikana na hatia, basi sharia ichukue mkondo wake.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Hon. Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I can see time is almost over. I hope I will get my minutes tomorrow, so that I can complete my contribution. It is sad to sit here this evening and listen to somebody like Hon. Savula, the Member for Lugari, complaining.

I wish he was here so that I could pass this message to him. If my memory serves me right, Hon. Savula was nominated to serve in the Departmental Committee on Agriculture, Livestock and Co-operatives in this Parliament. The nature and the manner in which he was removed from the chairmanship speaks a lot.

I hope the people of Lugari did not give him an opportunity under NASA to serve them because according to the report we got that time and his removal, it is so damaging than what he is talking about with regards to the Jubilee Government is not comparable. It is unfortunate for a Member of Parliament.

The Temporary Deputy Speaker (Hon. Omulele): Hon Gikaria, you have been a very good debater in the House previously. You know that if you want to discuss the character of any of the Members, then, you know what to do. That being the case and in all events, Hon. Members, Hon. Gikaria will have a balance of nine minutes when this particular Motion again appears.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): The time being 6.30 p.m., this House stands adjourned until Thursday, 18th May 2017 at 2.30 p.m.

The House rose at 6.30 p.m.