

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 22<sup>nd</sup> March, 2017

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** It is clear that we do not have quorum to commence business. Ring the bell.

*(The Quorum Bell was rung)*

We will continue to have problems as 8<sup>th</sup> August draws nearer. The Member for Gem knows very well that there is going to be a problem. Even the last Parliaments have experienced these kinds of problems notwithstanding the fact that in the past, the election date was never known. Kenyans thought it was better to state it in the Constitution, but it is impacting on us negatively. I am aware of the point raised by the Member for Gem, Hon. Midiwo, but we need to sit as leadership to agree on how we are going to transact business before the 15<sup>th</sup> of June. We may start.

PAPERS LAID

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

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

Sessional Paper No. 1 of 2017 on National Land Use Policy from the Ministry of Lands and Physical Planning.

The Report of the Auditor-General on the Financial Statements of the National Intelligence Service for the year ended 30<sup>th</sup> June, 2016 and the certificate therein.

The Annual Report and Financial Statements of the Teachers Service Commission for the year 2015/2016.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Chair of the Departmental Committee on Administration and National Security, Hon. Kamama.

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



The Report of the Departmental Committee on Administration and National Security on the consideration of a petition by Laikipia Turkana Council of Elders regarding alleged discrimination of members of the Turkana Community in the issuance of national identity cards.

Thank you, Hon. Speaker.

**Hon. Speaker:** There was proposed tabling of some Report by the Chair of the Budget and Appropriations Committee but I think through consultation, it has been delayed to tomorrow. Next Order!

## MOTIONS

### NOTING OF THE ADDRESS BY THE PRESIDENT

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

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

*(Hon. A.B. Duale on 21.3.2017)*

*(Resumption of Debate interrupted on 22.3.2017)*

**Hon. Speaker:** Before we commence debate, let me recognise the presence in the Speaker's Gallery of students and pupils from the following institutions: Precious Blood High School Riruta, Dagoretti North Constituency, Nairobi County; Kisayani Secondary School, Kibwezi West Constituency, Makueni County and Anestar High School, Bahati Constituency, Nakuru County. In the Public Gallery, Three Bells Primary School, Kibra Constituency, Nairobi County; Anestar Primary School from Bahati Constituency, Nakuru County and Chebwagan Secondary School, Bureti Constituency, Kericho County.

They are all welcome to observe the proceedings in the National Assembly.

Hon. Members, there was nobody who was speaking. Therefore, anybody is at liberty to debate. I will go by the requests.

The first one is Hon. R.N. Wanyonyi from Bungoma County.

**Hon. (Ms.) R.N. Wanyonyi:** Thank you, Hon. Speaker. I rise to comment on the President's Address.

First of all, I will start with the sector of education. As I listened to the President make his address on the area of education, I realised that we have made great milestones. As we speak, we are experiencing a change in school infrastructure. In terms of buildings and facilities the Government has, through its educational infrastructure development programmes, enabled schools to build additional classrooms, laboratories and dormitories. In this regard, I want to cite



the case of Bungoma County, where many schools have witnessed improved buildings. That is something positive that has been done by the Government.

Sometime back, we had issues with the Salvation Army Primary School in Mount Elgon. As we speak, that school has boarding facilities. The girl-child is now able to board and complete school because of what the Government has done. This is something which is very important to me. It is something to thank the Government for. Most of the students who were initially unable to sit for national exams are now able to sit for those exams because of scrapping of examination fees by the Government. This is something we are proud of, as Kenyans. I want to thank the Government and His Excellency the President. As the Member for Bungoma County, I can attest to the fact that we have witnessed a lot of development in my county. We have witnessed Kibabii University receive a charter. It is the first university to receive a charter in the county. We have been desirous of something like this for many years. The fulfilment of that dream could only be witnessed during the reign of the Jubilee Government. It is something to thank God for. We also thank the Government. There are also many other education institutions, including village polytechnics and technical training institutes. This is a milestone as far as education is concerned.

We keep on talking of empowerment. The greatest empowerment that we can give to our children is education. When you educate a child, you empower him or her more than any other form of empowerment you can think of. Wherever that child goes, he carries with him the treasure of knowledge that he has acquired. That knowledge can be used anytime, anywhere in the world. In the area of women empowerment, this particular Government has established Uwezo Fund. In as much as we have had the Women Enterprise Development Fund, and the Youth Enterprise Development Fund, the presence of Uwezo Fund has helped to enhance trade and agriculture. This is one thing we must thank the Government for. This affirmative action fund has done a great deal in terms of empowering women. The decision by the Government to provide sanitary towels to the girl-child has been very useful. Probably, some of the funds used by the Ministry of Education, Science and Technology, to purchase sanitary pads should be channelled through the Affirmative Fund to enable the girl-child to directly access these facilities to ensure completion of school education.

With those few remarks, I congratulate His Excellency the President for his address on the state of the nation.

**Hon. Speaker:** Member for Kisumu Constituency.

**Hon. (Ms.) Nyamunga:** Hon. Speaker, there is no Kisumu Constituency. There is Kisumu County.

**Hon. Speaker:** It is the area of representation which is called Kisumu County.

**Hon. (Ms.) Nyamunga:** Thank you, Hon. Speaker, for giving me this opportunity to contribute to the President's Address.

First of all, I must say that a time has come that everybody, including myself, must take stock of their performance in the past four years. A time has come that we must show the public that we have effectively carried out the responsibility they have given us, as leaders, and that we have improved their welfare. As the Opposition, we have scored very highly. I can give the Opposition side of the political divide a score of over 99 per cent. We have done everything that needs to be done by the Opposition. Anybody forming a government should always know that there is the government side and the opposing side. The Opposition is not meant to just talk for nothing. For us, we have done our best. We will go back to our people and put our case forward. They are our witnesses. We have not let down Kenyans.



The effects of economic growth should trickle down to the common people. Looking at my village in my county, and looking at myself, I do not think there is any growth in my life or in the lives of my people that I can point out and say that the economic growth that has been talked about by the national Government has trickled to the local people. When we talk of economic growth, we should not be talking of a few people who have enriched themselves. Those are individuals who are wallowing in wealth at the expense of millions of Kenyans. I do not think the Jubilee Government can take any credit.

There is also the issue of failed promises. I do not want to belabour the issues of failed promises to provide schools with laptops and enhance the fight against corruption. That point has been discussed sufficiently by many people. We have talked about it all along. The national Government has let Kenyans down in the sense that roads and the railway line projects were NARC programmes. They are programmes of the *nusu mkate* Government. The only thing I can give the national Government credit for is the fact that they did not abandon those programmes. They continued with the programmes that were started by the previous Government, but at a very high cost. The cost multiplied several times. The cost of the railway, as compared with what we are reading today, cannot be a credit for anybody.

Look at the roads, we have been told by the President that there are 6,000 kilometres of road. A thousand kilometres is the distance between Malaba and Mombasa. Therefore, we have six times that distance. I do not see that road in my village within Kisumu County. The roads that I see were constructed in the 1970s and 1980s. I have never seen a new road tarmacked in the whole of Kisumu County. I would want to give credit on achievements that even my constituents can support by pointing out what the Jubilee Government has done but as at now, I cannot go back to my people and point at any development project within my county and tell my people that this is what the Jubilee Government has done to make their lives better.

The Jubilee Government is also priding itself with the issue of power. The President said that 40 per cent of Kenya's households are now connected to electricity. The question is for how long you get that power. Every time I am at home, power can only be on for three or four hours. For the remainder of 18 hours of the day, we are in a power blackout. You can loop it to so many people but there is no efficiency or effectiveness. I wish the Jubilee Government could take one stride at a time so that when they talk of power, the villager and I can feel it.

Lastly, on agriculture, the Government has failed. We cannot be priding ourselves when people are dying of hunger in Turkana County. In my backyard there is no food. People are dying. If I cannot feed my family, what else can I do for them?

**Hon. Speaker:** Member for Kisumu County, as you contribute, it is advisable to also check on the light. You were making good points but you were not on record.

I can see some intervention from the Member for Homa Bay.

**Hon. (Ms.) Nyasuna:** Hon. Speaker, I rise on a point of order, under Standing Order No. 95, to move that the Mover be now called upon to reply. The President's Address has been debated adequately. Because I have not contributed to it, I would like to seize this opportunity and say that I associate myself with the contribution of my colleague from Kisumu County.

Since we have adequately spoken to this Motion, and given that we have important business with short deadlines coming, I beg to move that the Mover be now called upon to reply.

**Hon. Speaker:** Hon. Members, is it the view in the House that the Mover be now called upon to reply?

**Hon. Members:** No!



**Hon. Speaker:** Hon. Members, I have no vote. I have reminded you about the events of 4<sup>th</sup> January. I have no ears to hear or eyes to see or tongue to speak except as you direct. Do I get the sense that the House desires to continue with this debate? Can I put the Question, which is simply that the Mover be called upon to reply? We have had 32 contributors.

*(Question, that the Mover be called upon to reply, put and negatived)*

Member for Bahati, Hon. Kimani Ngunjiri.

**Hon. Ngunjiri:** Nashukuru, Mhe. Spika, kwa kunipa nafasi hii ili niweze kuchangia mjadala kuhusu Hotuba ya Rais.

Ninaiunga mkono kwa sababu mambo ambayo Rais alizungumzia yanahusu maendeleo ambayo yanawafaidi Wakenya. Wakenya wameweza kujua kazi ambayo Rais wa nchi hii amefanya. Nimeshangaa kusikia watu ambao wamechaguliwa kuja Bungeni wakisema kule mashinani kwamba wanastahili kuchaguliwa tena kwa sababu wamejenga shule na kufanya maendeleo mengine mengi. Pesa zilizotumiwa kutekeleza miradi hiyo yote zimetoka wapi? Ni pesa ambazo zimekusanywa na Rais, kupitia Kenya Revenue Authority (KRA). Hizo ndizo pesa ambazo munaringa nazo.

Wanasema Serikali haijafanya chochote. Uhuru Muigai Kenyatta - Rais wa nchi hii - amefanya kazi. Lazima tujue kuwa Mwenyezi Mungu atakubariki kwa kusema ukweli.

Nimegundua jambo moja: Hakuna kitu kizuri kama kuwa kwenye Upinzani kwa sababu kazi yao ni kutupa matope, iwe unafanya mazuri au mabaya. Wanapenda kufanya maandamano na kupinga. Wanasema kuwa hakutakuwa na uchaguzi. Hakuna mtu wanataka. Walisema tuondoe makamishna wa Tume Huru ya Uchaguzi na Mipaka (IEBC) na tuiunde tena. Tulifanya hivyo. Hawataki IEBC na hawataki uchaguzi. Tumeona wengine wamesema kuwa hawataki mabibi. Sasa sisi tunashangaa. Tunaelekea wapi katika nchi hii? Ukienda mashinani, watoto wetu wanapata pesa za hazina ya masomo. Tunawajengea shule; tunawajengea mabweni; tunawaekea maji, stima na kila kitu. Nashukuru kwa sababu watoto wa eneo Bunge langu wako hapa. Sasa nashangaa watu wakisema kuwa wataenda mbinguni. Wataenda mbinguni kwa uongo ama kwa kusema ukweli? Wakati umefika ambapo hata wapinzani wakisema hili ama lile, yule mwananchi wa kule mashinani anajua ukweli.

Katika eneo Bunge langu, nimehesabu pesa za Hazina ya Kitaifa ya Maendeleo ya Maeneo Bunge (NG-CDF), Hazina ya Uwezo, Hazina ya Vijana na Hazina ya kina Mama. Kuna karibu Kshs.200 milioni zinazozunguka katika maeneo Bunge 290 zikifanya kazi. Lakini watu hawa wanataka tu kuonyeshana mambo yao lakini hawataki kuonyesha mambo ya Serikali. Ikifika wakati wa uchaguzi, wanaleta miradi ya Serikali. Ni makosa makubwa kwa mtu kusema, kama vile mwenzetu amesema, kwamba stima inawaka kwa masaa mawili. Masaa mawili gani? Huko ni kwako. Unahitaji kuchunguza kwa kuwa umechaguliwa. Umechaguliwa kufanya kazi gani kama Mbunge wa eneo hilo? Rais wetu hawezi kuwa mlinzi wa nguvu za umeme, shule na kila kitu. *The President is the President*. Wewe unapaswa kufanya kazi yako kama Mbunge. Stima ikiharibika unapaswa kuangalia kuna shida gani na kwenda kuangalia kwenye stesheni ya nguvu za umeme. Kama kuna shida ya usalama, nenda uongee na OCPD uone hali ya usalama lakini si kukaa tu, kushika mkono na kulilia Rais.

Hivi karibuni tutasema kuwa mambo yakiharibika katika chumba cha kulala ni shida ya Rais. Rais anakujia wapi? Kila kitu tunamwita Rais. Ukikosa *toilet paper* kwa choo unamwita Rais. Ukikosana na *girlfriend* yako, unamwita Rais. Ukipata ajali ya barabarani, unamwita Rais.



Ikiwa barabara si nzuri, unamwita Rais. Lazima tujue tuna Katiba mpya. Kama ni mambo ya ufisadi, tuna Ethics and Anti-Corruption Commission (EACC). Kuna mambo yanayozingatiwa na Directorate of Criminal Investigation (DCI). Kuna mambo yanayozingatiwa na idara ya mahakama. Kuna taasisi zimewekwa kuondoa mamlaka kutoka kwa Rais na kuweka katika mikono ya taasisi hizo. Lakini sisi kama Wabunge hatutaki kuelewa na sisi ndio tulipitisha sheria hiyo. Hakuna makosa makubwa kama kukataa kusimama na ukweli. Ukweli uwe ukweli na uongo uwe uongo. Rais amefanya kazi ya kutosha.

Naunga mkono Hotuba ya Rais.

**Hon. Speaker:** Hon. Members, I need to remind you that in this debate, a Member only has five minutes. You may feel that somebody has said something that you do not agree with. There is nothing out of order about that. Give everybody their five minutes. Let the people say what they have to say. After all, I reinstated the right of every Member to say what they have to say in this House as long as it is within the law. Merely because you do not agree with something that somebody has said does not show that there is anything out of order.

Hon. Members, I have to consult the record because the next Member, who appears here, the Member for Shinyalu, has already contributed. The other one appearing here, Hon. Andrew Mwadime, also contributed yesterday.

**Hon. Mwadime:** I have not.

**Hon. Speaker:** You have not contributed, Member for Mwatate? Very well, proceed.

**Hon. Mwadime:** Thank you, Hon. Speaker, for giving me this opportunity. When you are contributing to the Speech of the President, you should be as objective as the word “objective” is

. The President is supposed to look at all angles of the compass. With regard to the wildlife-human conflict, there was nothing about it in the Speech. In my constituency of Mwatate, my people are really suffering because of lack of compensation. Right now, most people in Mwakitau area in Mwatate Constituency are suffering because all their donkeys have been mauled by lions. There is nothing being discussed on that.

Education has been fairly done but there are those universities which were given charters recently. They have not been capacitated. They have been given full-fledged charters but they have not been facilitated with money. The President’s Speech was average because he favoured some areas but in other areas, some of the real issues which affect them have not been implemented. I do not want to speak much. Thanks for giving me the opportunity.

**Hon. Speaker:** Let us have the Member for Kanduyi.

**Hon. Wamunyinyi:** Thank you, Hon. Speaker, for giving me the chance to comment on the State of the Nation Address.

I wonder when some Members talk about independence and free and fair elections. It is the sole responsibility of the IEBC to preside over the elections. The Government will facilitate through financing and so on. I am not sure whether someone knows something. Someone knows that the election results will be rejected. There has been a lot of emphasis from my brother and some members of the Government who even threaten that if anybody does not accept the results, they will be arrested. If anybody goes to demonstrate, register their rejection or to picket, they will be arrested. Some of the things we are doing and talking about are about the rights of our people. They are constitutional provisions. It is important that each one of us plays their role as mandated by the Constitution. Let the IEBC conduct elections. If the elections will be rigged and they are seen to have been rigged, the results will be rejected. There will be ways of expressing that rejection through the court and picketing and so on.



Secondly, is on non-provision of healthcare. We have not had drugs and doctors have been on strike. I am talking about my constituency in Bungoma. There have been no drugs in most of the hospitals. Doctors were not on duty. They were on strike. Someone must take responsibility for their failure to be on duty on account of an industrial dispute. Someone ought to have taken responsibility and resolved it. Who should that have been? Obviously, we know what the claim was. They were not receiving compensation for the work they were doing.

There is also the issue of security in Bungoma. I have spoken to the Chairman of the Departmental Committee on Administration and National Security and the Cabinet Secretary of the Ministry of Interior and Coordination of National Government. Bungoma police station is one of the oldest in the country. It does not have a vehicle. Then you talk of having bought many vehicles to many places. Why have you left out Bungoma? Why have you not given one to Bungoma? This is something that affects *wananchi*. I say this because the people are feeling it. I speak to the officers. Hon. Ngunjiri said we should talk to the officers. He also talked about our wives. Nobody has rejected their wife.

On infrastructure development, I saw the Member from Bungoma, Ms. Reginalda--- Several roads have been launched twice in Bungoma County for construction by His Excellency the President and another one by the Deputy President. The launch for another one from my constituency to Kakamega through Nambacha, a place you know very well because you have been there. It has been launched three times. The last time it was launched from Nambacha was by His Excellency President Uhuru Kenyatta. Nambacha is in Navakholo and it has not taken off. None of the roads launched in Bungoma have taken off. I do not think Hon. Reginalda, though being new here, does not know that Kibabii University was started by President Mwai Kibaki. The fact that President Uhuru Kenyatta and the Government have facilitated it is their responsibility. It is a university in our country like any other. This Government does not have to take credit for it.

The Standard Gauge Railway (SGR) was diverted from Bungoma to Narok and other places when originally it was earmarked to pass through Bungoma. This is something we should not be saying that someone has done something. Hon. Reginalda does not know that the SGR does not pass through Bungoma. We must talk about some of these things and people should understand that our people are not happy.

**Hon. Speaker:** Member for Kajiado West, Hon. ole Sakuda.

**Hon. ole Sakuda:** Thank you very much, Hon. Speaker. I want to support the President's Address more than 100 per cent. I would like to tell the Member, who has spoken last about the SGR getting diverted all the way from Bungoma and to pass through Narok and Kajiado, we are beneficiaries. That is the work of the President. It is about time other areas are opened. The Jubilee Government and the President have tried.

Locally, a number of projects have been done in my constituency and county. I remember for the first time all of us as Members of Parliament benefited from the construction of new technical training institutes in our constituencies. That is the work of the Jubilee Government. On construction of roads, some roads which were launched have not taken off, but a number of them, as the President highlighted, have actually taken off. In Kajiado West and indeed in Kajiado County, one of the roads that the Jubilee Government has rolled out is the Ngong-Kiserian-Isinya where the contractors are already on site doing a very good job. When Jubilee came to power, the road from Kiserian to Magadi was actually a nightmare but now it has been done very well. In other words Kajiado West, Kajiado County and indeed Kenya as a whole is in a better position than it was in 2013.



The issue of land has been a big problem, especially in pastoralists communities. Through this House and the Executive, a number of Bills have been enacted. I have a place called Mosiro where 30 years ago land was not adjudicated in the right way and was given to people from other places. Right now over 200,000 acres have been taken back to the community. That is under the Jubilee Administration. It is not just Mosiro, but other places as well. So, I support the President's Address. He has done his level best to make sure that Kenya is in a better place.

On electricity, some of us did not have power. My village did not have power, but we now have it. It has been extended. I remember three years ago when they were launching the Last Mile Connectivity Programme, when we brought out our issues, it was no longer the last mile but one mile going in. If you now go to Kajiado County, you will find that electricity has been taken to most rural places.

I support the Address. It was not just a campaign platform, but there is actual development happening on the ground.

Thank you.

**Hon. Speaker:** Member for Kisumu West.

**Hon. Aluoch:** Thank you, Hon. Speaker. In addressing the House last Wednesday, His Excellency the President was complying with the requirement of the Constitution. He was giving the State of the Nation Address and that is a serious matter. I am surprised that some Members from the other side are trivialising some of the issues that were addressed by His Excellency the President.

I found that Address wanting in respect of what Kenyans need to do in preparing for elections. Addressing what Kenyans learnt from the post-election violence of 2008 and addressing issues of Internally Displaced Persons (IDPs) should be done at this stage. The precursor to any violence or any conflict situation starts with insults and then it escalates to actual violence. Whatever we expect the Independent Electoral and Boundaries Commission (IEBC) to do, however well they do it, if Kenyans are not prepared to get ready for peaceful elections, we are going to end up with war against each other. I expected His Excellency the President to address Kenyans on how we should be preparing for peaceful elections. He did not at all. What do you expect if the top leadership of this country in public *barazas* insults each other by referring to others as *wapumbavu* or "following me like my wife" and things like those? That is the precursor to violence. I expected His Excellency the President to tell Kenyans: "I am sorry brothers and sisters. I made a mistake as a human being and I will not repeat it." He did not. When that happens, when leaders start insulting each other, it scales down to the common Kenyan. Then the common Kenyan starts to insult each other and the next thing is they take *pangas* against each other.

Kisumu is one of the places in this country that suffered most during the 2008 Post-Election Violence. The scars are still there for Kenyans to see. As leaders in that county, we are trying to integrate Kenyans to live together, not as communities but as Kenyans. We hate going back to what we experienced in 2008. I have to say with courage and conviction that His Excellency the President failed in guiding Kenyans in that line. If he failed to address it in his State of the Nation Address to this House, he should now do it by example, by the language he uses in his public *barazas*. If that happens, then all of us will follow and can then look forward to peaceful elections.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kaiti.



**Hon. Makenga:** Thank you very much Hon. Speaker, for this opportunity. I would like to support the President's Address. From the outset, the President articulated clear Government plans for transformation of this country. The roadmap to transformation has been explicated through the road infrastructure which the Government is undertaking. I support the President's Address particularly in my constituency. We have seen the first tarmac road after the past 20 or 30 years.

I applaud the Government for starting road development.

Electricity production has also been increased from 1700 megawatts and the Government has planned to expand it to 5,000 megawatts. The expansion will be through development of renewable energy and other sources. It is evident that our power needs are being met.

Kenya has also been ranked the third most growing country in the world in terms of economics. Our economy is growing steadily; a GDP of 5.9 per cent against the global 3 per cent. This is a very good sign that this country's economy is running in the right direction. The revenue collection has also increased from Kshs837 billion to Kshs1.3 trillion. This is also a clear sign that the economy of this country is stable. Many jobs have been created over the years - 1.3 million jobs have been created over the years.

I also want to comment about access to free healthcare, something which the President talked about clearly. By equipping 92 hospitals with the requisite medical equipment, the Jubilee Government has done a very commendable job. Installing modern diagnostic equipment in our hospitals means that our people are able to access healthcare. This has not been the case before this Government took over power.

Security in this country is also being addressed. We see pass outs. About 10,000 servicemen graduate in every successive recruitment. The security we are enjoying is because the security agents are on the right course. The Government is also working very hard towards fighting corruption. This is not a one man's show; it is something that requires collective effort. The drug traffickers have also been put on notice. They are shaking because their source of illicit money is no more. Therefore, I want to commend the Government and the President for being steadfast on taking this country in the right direction. For the prosperity of this country, I support the President.

**Hon. Speaker:** Rachel Amollo, Member for Kakamega County.

**Hon. (Ms.) Amolo:** Ahsante sana, Mhe. Spika. Ninashukuru sana kwa kunipatia hii nafasi ili niweze kuzungumzia yale Rais alizungumza katika Bunge hili alipokuwa akihutubia wananchi kuhusu hali ya taifa letu la Kenya.

Alizungumzia mambo mengi. Kuhusu elimu, tumeona marekebisho mengi katika mitihani wanayofanya wanafunzi wetu. Ingawa hivyo, kuna mambo mengine ambayo Rais hakuzungumzia hasa kuhusu watoto wetu kutopata vitabu wanavyotakikana kupatiwa.

Rais alizungumzia afya. Kinamama na watoto wachanga wamekufa kwa ajili ya kukosa matibabu mwafaka. Nafikiri hiyo ndiyo ilikuwa sababu ya Rais kuenda India. Inasikitisha kwamba hakuna chochote ambacho alituletea kutoka huko kwa sababu hapa aliwacha kinamama na watoto wengi wakiwa wamekufa. Hilo ndilo jambo angezungumzia. Ingempasa atueleze sababu ya hospitali zetu kukosa madaktari. Hata akipeana mashine za matibabu katika hospitali zote humu nchini, nani atatumia hizo mashine? Madaktari hawana pesa. Isitoshe, hawana vifaa vya kutumia wanapokumbana na wagonjwa.

Kuhusu ufisadi, ni kweli kwamba mambo mengi yamesemwa. Kuna majukumu ambayo amepewa mwelekezi wa mashtaka humu nchini. Lakini hawezi kutekeleza vilivyo majukumu hayo ikiwa hafikishiwi watu ambao wanafanya dhambi na kuvunja sharia katika nchi yetu. Ikiwa



kweli Rais amefanya mengi kuzuia ufisadi, ni vema atuambie ni watu wangapi, tangu ashike hatamu za uongozi, wamefikishwa kortini kwa madai ya ufisadi. Pia ni muhimu tuambiwe ni watu wangapi wamefungwa kutokana na kosa hili la ufisadi. Hayo ndiyo mambo Wakenya wangetaka kusikia Ni bora tujue ni akina nani wamefungwa jela ama ni akina nani wako rumande kesi zikiendelea.

Rais akizungumzia usalama humu Bungeni, watu wengi walikuwa wanauawa kule nje. Ni nini kinafanyika Baringo? Sharti Serikali ichunguze kinachofanyika katika maeneo ambayo hayana usalama. Ukosefu wa usalama pia huleta ufisadi. Akili ambayo imejaa ufisadi ndiyo itaongeza hali ya ukosefu wa usalama nchini. Hivyo vitu viwili vinaenda pamoja. Ufisadi na ukosefu wa usalama lazima tviangamize. Ni Rais ambaye anafaa kuwa mstari wa mbele katika vita dhidi ya shida hizi mbili ambazo nimetaja.

Rais alizungumzia kuhusu kazi. Vijana wengi hawana kazi. Huko Kakamega ninakotoka maelfu ya vijana hawana kazi. Hata kama Rais aliongea kuhusu kuongezeka kwa ajira, sharti afahamu kwamba huko Kakamega vijana wetu hawana kazi yoyote. Vile vile, tungetaka kujua namna ambavyo vijana wetu watapata kazi. Sisi akina mama ndio tunajua hali ya vijana ilivyo humu nchini kwa sababu ni sisi ambao huwatafutia chakula.

Rais alituhutubia. Sisi Wabunge tulikuja hapa kumsikiza. Lakini, je, baada ya Hotuba hiyo nini kingine kitafuatia? Tunataka kujua anayoyafanya Rais. Hii ni kwa sababu aliyoongea hapa ni maneno ya kawaida tu.

Ahsante Mhe. Spika kwa kunipitia nafasi.

**Hon. Speaker:** Member for Webuye West.

**Hon. Sitati:** Thank you, Hon. Speaker. Let me also take this opportunity to add my voice to the President's Address. One, the President's Address was very factual because what the Jubilee Government has done, no other Government has been able to do for the people of Kenya. When you move around Kenya, you will see new development projects that had never been established in those areas.

I was surprised when Hon. Wamunyinyi indicated that the infrastructure in Bungoma County has stalled. I want to inform this House that as late as Monday, the roads that were started by the Jubilee Government were ongoing. I believe that Hon. Wamunyinyi has been away in Tanzania for a while. That is why he does not understand what is going on in Bungoma. I am told many honourable Members at this time disappear to Tanzania for some time. That is why he does not know what is happening in Bungoma. As we are talking today, Pan Paper Factory is up and running, which had stalled for the last 11 years. Nzoia Factory, which has been ailing, is now doing very well because the Jubilee Government has really supported it to see that the sugarcane farmers in our county are doing very well and they get their money on time.

Lastly, we have been asking for the charter for Kababii University for many years and it is only the Jubilee Government that heard our plight and gave us a charter which is now helping our residents and our students to actually get education near home. We can as well talk of the free maternity services, which every Kenyan is enjoying today. So, when the Opposition says the Jubilee Government has not done anything, I do not know if we just say things for the sake of opposing. This is because even in the education sector, students and pupils are not paying examination fees. That is courtesy of the Jubilee Government.

We applaud the President of this country and the Jubilee Government for coming to the aid and to the plight of all Kenyans to see that even those who are poor can access education and are not prevented from doing their examinations because of where they come from. I believe that



if we give the Jubilee Government another five years, I am sure that this country will actually do much better than what has been done. I, therefore, support.

Finally, I just want to mention that the economy of this country is doing well. Where I want to differ is on the issue of reducing salaries. That only happens to a failed state. I believe that we are doing well and that should not be here or there. We should just continue to increase salaries because the economy is improving. Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have the Member for Eldama Ravine.

**Hon. Lessonet:** Thank you, Hon. Speaker. I stand to speak on the Presidential Address to this House. At the outset, I want to start by thanking the President in coming out very clearly in terms of the agenda for this nation, specifically the achievement in the four years the Jubilee Government has been in office. On 4<sup>th</sup> March this year, the Jubilee Government marked the fourth year in power. At the outset, the support the President has given the Legislature in terms of the laws passed by this House is unprecedented. The more than 200 pieces of legislation which were passed and duly assented to by the President is, of course, an achievement both for this House and for the presidency. Among those pieces of legislation, is the commitment by the President to devolution. One of those pieces of legislation is on the most devolved fund called the National Government Constituencies Development Fund (NG-CDF). The President had every reason to side with those characters who took NG-CDF to court. However, the President stood with this country in allowing two pieces of legislation which have been passed in these four years to mainstream the NG-CDF to be in line with the Constitution. Because of that support of the President, the NG-CDF is still there.

Four years ago, the NG-CDF had been allocated Kshs22 billion. That was the allocation just after the elections in 2013. However, three years down the line, there was a massive and deserved increment to NG-CDF now standing at Kshs35 billion for the last two financial years, 2014/2015 and 2015/2016. I attribute that to the commitment by the Executive and, more so, the President to this fund called NG-CDF.

This House has continued to influence the budget-making process. With the support of the President, you will realise that close to 2,000 kilometres are currently being tarmacked. I am really shocked by the comments by other Members who have spoken on this matter of low volume roads, in that they want to see it overnight. They want to see 100 kilometres tarmacked in one day. They want to see 50 kilometres tarmacked by the next day. Tarmacking is a process. It requires design. This includes even the roads which the President is being accused that they were launched and they have not been started. Members need to note that there is due process in terms of designing such roads and in terms of approval of such designs. It definitely takes a while for the engineers to complete such designs. Of course, the current leadership of this country is committed to the low volume roads, which, in just four years, we are able to see not less than 2,000 kilometres being tarmacked, including the various maintenance of roads in this nation which initially were much worn out like the Eldama Ravine-Nyaru-Eldoret Road. Four years ago, we were about to plant maize on that road but because of the commitment of this leadership---

**Hon. Speaker:** Member for Ugenya.

**Hon. Ochieng':** Thank you so much, Hon. Speaker. I also want to contribute to the discussion on the President's Address to this House last week. Sometimes I wonder whether we are talking about two countries at the same time because we have Members lauding how best the speech was and then we have others saying it was hogwash. You wonder whether we have two countries. This is a symptom of one thing that probably I have talked about, where I am seated



today, more than four times in this Parliament; that we have put so much energy on hardware. We have come to believe that building roads, bridges, colleges and the railway are the things that make a country yet what makes a country is how intact the soul of the nation is and how intact the heart of the county is – the software, how we relate with one another as a country, how people from the coast relate to those ones from the east and how people from the west relate to people from the north. Are we a country worth talking about? Is our state of the nation strong? This is what I would want to hear from the President because the roads and the railway are there for all of us to see if they have been done because most of us have eyes in this Parliament. However, what is important is; are we united as a country?

Are we leading according to the principles in the Constitution? Are we leading as per our values espoused in the Constitution? Can we say without a shadow of doubt that as a country we are moving towards one direction together or there are some people being left behind?

I would wish that the President was telling us that in this country, in the 21<sup>st</sup> Century, nobody is going without food. Then we start talking about things being equal. If some people have so much in abundance and others have no water to drink, then you cannot say the country is strong. In this Parliament, Members will tell you that if you wake up in the morning and put your phone on at 9 O'clock, you will have 40 to 50 messages from people whose children in secondary schools are looking for school fees because the NG-CDF bursary is not enough, the Free Secondary Education funds are not enough. Can we now talk about FSE and FPE? These are things that bring us together. They are things that make life easier to live.

I think we as Parliament have a duty to help the presidency to ensure that things are done the right way. Nowadays we are a Parliament that actually budgets. So, applauding the President for doing this or that sometimes looks tautological. We allocate money. If money has not been used well, then it is upon us to ensure that money is being used well. If a President is told to go and launch a road and five months down the lane the road has not been done, it is upon Parliament to ensure that there is follow-up that the monies we approve are used for the right purpose.

The issue of jobs, we have talked about so many things; the industries. I have heard colleagues say we have revived Pan Paper, Nzoia Sugar Company is working, the railway is working, but we were there; it is all Chinese. The materials being used are all foreign. We are actually throwing good money after bad. We are supposed to create jobs in this country but we have imported everything, including bolts and nuts. We are importing bitumen, cement to make roads. We cannot have a strong nation if we are still doing that at this point. I wish that as Members of Parliament we could take our work more seriously in ensuring that we follow the monies where we take the same.

On corruption, if one day I become President, a few guys must die. Kill a few people so that they know corruption is bad. You cannot keep telling us, oh the courts. Just kill them. Send them to Mombasa; kill them along Mombasa Road so that a few of them die so that they know corruption is bad. You cannot keep talking to them. You cannot keep telling them that, oh you know, the court will give injunctions. You cannot run the country like that. It will not work.

Finally, I want to urge the governors to take their mandates under the Constitution seriously. The mandate of the governors is in the Constitution. So, health, agriculture and water are things that should be done well so that people are able to enjoy their rights under the Constitution.

Thank you so much, Hon. Speaker.

**Hon. Chepkong'a:** On a point of order, Hon. Speaker.



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

**Hon. Chepkong'a:** Hon. Speaker, unfortunately Hon. Ochieng' has just cut short his speech because he knows he has said something that is unpalatable. He knew that time was coming to an end. That is why he said something that is completely unpalatable.

Hon. Ochieng' is a lawyer like I am. For somebody to say that people should be killed without due process, this must be bush law. I do not know which law this is. I am sympathetic to Moi University where my good, learned friend went to. You know they are having some little problems. I do not know whether those are the consequences.

Hon. Speaker, is it in order for Hon. Ochieng' to claim and to purport to say that we must bypass due process and that people must be lynched, shot and buried? These are unfortunate remarks which must not be entertained in a democratic society.

I thank you, Hon. Speaker.

**Hon. Speaker:** Well, Hon. Ochieng' finished his contribution, so he may not respond to the desire to have due process. Hon. Ochieng', maybe you can have one minute.

**Hon. Ochieng':** Hon. Speaker, you know the country evolves and problems also evolve. You saw yesterday a young man being taken to court for having stolen up to Kshs4 billion. And the guy was just laughing because he knows nothing will happen to him. We need to have innovative ways of dealing with corruption. That is why I believe that when I become President, even if it is Hon. Chepkong'a, he must just die. There is no problem. You have to. We cannot allow you to live.

**Hon. Speaker:** Well, that is his desire, but he says when he becomes President.

The Member for Ainamoi.

**Hon. Langat:** Thank you, Hon. Speaker, for giving me this opportunity to also add my voice to the Presidential Address. I want to thank the President for making a very comprehensive address to the House covering all the sectors. The President has covered the economy, security, infrastructural development and the political side. I support the Speech.

One, in terms of our economy, we have seen, from where we started in 2013, our economy grow. We have even seen, more important, the stabilisation of our economy. In terms of inflation we have not seen swings. In terms of interest rates, they have been very stable. In terms of the exchange rates, there was a time the exchange rate was giving us nightmares in this country. But in the last two years, the economy has stabilised and, therefore, our business environment as reported by the President has been doing very well.

In terms of infrastructure, I want to congratulate the President and his team for a job well done: from roads to standard gauge railway. The former Coalition Government talked so much about the SGR but it is only the Jubilee Government, within six months of taking office, that we saw the SGR construction starting from Mombasa. The President invited Members from this House, and I hope our colleagues from the other side will take the invite, to ride the first train to Mombasa. We have been talking about this thing for a long time. The impact of this SGR to the economy will be very massive. Some of us who grow tea, those of us who grow sugarcane will not have to transport our produce by road which takes four to five days. We reduce the cost of transportation by almost half. Therefore, our economy will be very competitive.

In terms of industrialisation, we have seen the Rift Valley Textile (RIVATEX) in Eldoret, which was shutdown long time ago, it is only in this time – and I want to thank this House because we gave RIVATEX some money – and now it is up and running. The New Kenya Co-operative Creameries (New KCC) was operating at almost 30 per cent capacity. But today it is competing with the giants in the milk sector. So, we have seen quite a lot of improvement in our



industrialisation. The Pan Paper Factory, which has been talked about by the Member from Webuye, is a factory that was shutdown long time ago. The Coalition Government did try to revive it but they did not. We saw some white smoke and then there was black smoke. It is only during the Jubilee Government that we have seen white smoke which is still on. The factory, I understand, is now up and running. We have also seen Mumias Sugar Company, which was at some point being run down, but it is only this Government which has supported Mumias.

In terms of roads, so much has been done. It is unfortunate that in this House you say what you want to say, and not necessarily state facts. I have seen Members from the other side opposing everything. They do not see any development. They only see negativity. The way they look ---

**Hon. Speaker:** Let us have the Member for Yatta.

**Hon. Kilonzo:** Thank you, Hon. Speaker. I rise to add my voice to the debate on the President's Speech. For the first time, I have heard a speech which has a special message for us, as politicians. The President has called upon us to ensure that we conduct ourselves peacefully and with decorum during the general elections, although doing so is difficult for some politicians.

For the first time since our Independence, I can comfortably stand here and say that the famous Yatta Canal, which is an independent project, is now complete, courtesy of the current administration, headed by the President. The Yatta Canal will serve people in four counties and almost three quarters of the population in Yatta Constituency. The Government has gone further to set aside Kshs90 billion for construction of the planned Yatta Dam. For the first time, we have our own road within Yatta Constituency. We have achieved all this, courtesy of the Jubilee Government. I am happy that the President has commented on a major project of its own kind in Africa namely Konza Techno City, which is already under implementation. I am sure that the residents of that part of Ukambani are very happy about the project.

As we know, there is a serious unemployment problem in this country, particularly when it comes to our youth. The youth empowerment programme is providing some opportunities to young people in this country. The Government is doing well in this front. As I speak, over 90 hospitals---

**Hon. Chepkong'a:** On a point of order, Hon. Speaker.

**Hon. Speaker:** What is it, Hon. Chepkong'a?

**Hon. Chepkong'a:** It is unfortunate that I have to rise when my very good friend is saying very good things about what the President said. In fact, what he is saying is true.

I rise, pursuant to Standing Order No.95, read together with Standing Order No.106. I have just heard many speakers speaking about him. There has been so much repetition of the same things. We have repeated it many times. Even the things he has mentioned have been said by other Members. Even the Standard Gauge Railway (SGR) and Konza Techno City. These are tedious repetitions. Would I be in order to request you to call upon the Mover to reply?

**Hon. Speaker:** Of course, tedious repetition is gross disorder. If I heard him well, the Member for Yatta was talking about Yatta Canal, which had not been mentioned by anybody else.

*(Laughter)*

He may not be tediously repeating it but I hear you, Hon. Chepkong'a. Hon. Members, earlier on, Hon. Gladys Wanga rose to move that the Mover be called upon to reply because as a



House you have very critical business appearing under Order No.9. Many of you have expressed desire to have the issue of the NG-CDF addressed. However, let me allow the Member for Yatta to take his remaining two minutes. Thereafter, I will, again, put the Question about the Mover being called upon to reply.

**Hon. Kilonzo:** Hon. Speaker, I will take less than a minute. I was going to talk about more than 90 hospitals having diagnosis machines. We know cancer is a serious threat in this country, but we are trying to address it at the local level. This is commendable.

The President talked about implementation of the Constitution. Before the last general election, we had no single county government. Today, we have 47 county governments, which have so far received about Kshs1 trillion for development at the grassroots level. Whether that money has been utilised well or not, that is a different thing but funds have been going to the grassroots level.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, I notice that there are even more interests. Nevertheless, I will put the Question again.

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

The Mover is at liberty to donate part of his time to Hon. Manson Nyamwea.

**Hon. Abongotum:** Hon. Speaker, my good friend, Hon. Nyamweya would have opposed almost everything.

First of all, the State of the Nation Address delivered by His Excellency the President was an excellent Speech in every meaning of that word. I can only compare that Speech with the speech of Jeff John Kennedy, the former President of the United States of America; the speech delivered by Martin Luther King on the Lincoln Memorial; and a speech delivered by Mandela following his swearing-in as the President of the Republic of South Africa, and when he was released from prison. That was an excellent Speech. On a scale of 1 to 10, I would give the President 10 out of 10.

For the first time in the history of this House, Members of Parliament rose in their places to applaud the President. It has never happened in East and Central Africa. I am happy that Members from both sides of the House – including my friend, Hon. Bosire – gave the President a standing ovation. I want to thank Members from the Opposition for giving the President a standing ovation.

So many things have been mentioned, and I do not want to repeat them. This Government has implemented a big project called “devolution”. Devolution is a game changer in this country. We all realise that devolution has empowered many Kenyans in the grassroots and has also created employment. It has also created a few demi gods in the name of governors but all said and done, devolution is bearing fruits. We should support the Jubilee Government for implementing devolution.

The Imperial British East Africa (IBEA) Company constructed the railway between 1893 and 1902. The Jubilee Government has done wonders because they completed the first phase of the SGR within a short time. It is now close to Nairobi heading to Narok. The SGR will be a game changer in this country’s transport sector. I invite you, the way the President did, to join him in June and travel to Mombasa using the SGR.



The implementation of road construction is unprecedented. Since Independence we have not seen the number of roads of this magnitude. Sometimes I wonder when my friends in the Opposition say they are not seeing these roads. Wait for those roads.

I want to remind my good friend, Hon. Nyamweya that the President was in Kisii yesterday launching the construction of roads up to today. You should have been there but you are not attending.

Hon. Speaker, construction of over 10,000 kilometers in the near future will transform this country to one of the most efficient in terms of infrastructure.

Huduma Centre is a game changer especially to the youth. Our youth have always been frustrated in getting a P3 form, driving licence and Identity Cards (IDs). However, Huduma Centre is a game changer in the entire continent. Most countries will come and benchmark with us the way they did when we started the National Government Constituencies Development Fund (NG-CDF). Most African countries came to benchmark with Kenya. Kenya has always been the best example.

The Last Mile Connectivity Project is taking electricity to villages. This has never been done by any Government. I was in *Nusu Mkate* Government and we never saw this. I was an officer during President Moi's Government and we never saw this. During the late President Kenyatta's time, we also never saw this. So, this is a revolution. I want Members to pay attention to the issue of corruption because that is what the Opposition is trying to use as a carrot. They say that the President is not addressing corruption in the manner that they want.

Hon. Speaker, this is the first President who sacked many of his friends. Over 200 officers - Cabinet Secretaries (CS), Principal Secretaries (PS) and directors - were sacked about two years ago. The onus is on the Judiciary to do the needful.

The President cannot be the Judiciary and he cannot micro manage the Ethics and Anti-Corruption Commission (EACC). He can also not micro manage the Office of the Director of Public Prosecutions (DPP). So, the ball is now on the court of the EACC. We want Archbishop Wabukala to deliver. I know he will pray for them but let them get jailed for stealing people's money.

The President has done his part and the onus is on the EACC, the DPP and the Judiciary. So, let us not blame the President because he cannot be everything. On corruption, the President has addressed it properly.

Hon. Speaker, for the first time, this Government is recovering Kshs3billion that was stolen. It has never happened before. So, we should thank the President and be prepared to vote for him because he will form the next Government. I can see my good friend from the National Supper Alliance (NASA). On a scale of one to ten I am giving the President ten over ten. So, let us be prepared to vote for him in the next election so that he can continue doing the good work.

With those few remarks, I beg to move.

Thank you.

**Hon. Speaker:** Hon. Members, we just have to do the usual. I have quickly looked through the Chamber and it is clear that we are less than 50. Therefore, I may not put the Question. I direct that, that matter be deferred to tomorrow afternoon.

*(Putting of the Question deferred)*

Next Order!

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



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

**Hon. Midiwo:** Just a quick one. Hon. Speaker, I want to ask you to address your mind and your legal team. I thought the normal practice is not to question a speech by the Head of State by putting it to Question. The reason I would want you to address it, if and when you get to do it is, what would happen were the Speech to be rejected? We put the Question only last year but I think it was an anomaly. You cannot debate and negate a speech on which the President was addressing the nation.

Hon. Speaker, I can see Clerk Njoroge is trying to agree with me that we go back over the years, because this is not the first time we are dealing with this. I do not think it would be sensible because there may come a day when we may be confronted with the rejection of the President's Speech. How will it be? Will it be that it never took place or it took place negatively? I have been here long enough but last year, I saw us putting the Question and I forgot to raise it. Hon. Speaker, now that you, as the utmost legal mind in the House has attempted to put the Question, I ask that you look at it before the Question is put. I think what I am saying is the tradition.

Thank you.

**Hon. Speaker:** Very well. Looking at the Motion as framed, it says:

“...the thanks of this House be recorded for the exposition of public policy contained in the Address of His Excellency the President delivered Parliament on Wednesday 15<sup>th</sup> March, 2017 and further notes the following Reports---”

These are two issues. The essence of this is if the House does not record its thanks by voting “Nay”, it is just an expression of displeasure. Indeed, even failing to note these reports again would amount to the House expressing some displeasure.

The House is still at liberty to either record its thanks--- I quite agree with you, Hon. Midiwo, that the tradition of the House has been that the thanks have always been recorded.

But as you have said, it is possible for the House to refuse to thank the President because it is not bound to do so. Again, going by the events of 4<sup>th</sup> January, 1642, I have no tongue to speak, but as directed by the House which is at liberty to record or refuse. I think that would be perfectly in order. The House can say it will not record any thanks nor take note of those Reports which are already in the House. But as you said, this is a matter which moving forward, as we look at our Standing Orders, we need to address and see how best to frame it. Maybe, we do not need to put two Questions for one Motion. There is the recording of thanks and noting of Reports and there is need for us to see how best to address this moving forward. Nevertheless, I think the House will express itself one way or another tomorrow afternoon.

Next Order!

ADOPTION OF REPORT ON VETTING OF NOMINEE FOR  
APPOINTMENT AS NG-CDF CHIEF EXECUTIVE OFFICER

**Hon. Lessonet:** Hon. Speaker, I beg to move:-

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the Vetting of Nominee for Appointment as the Chief Executive Officer of the National Government Constituencies Development Fund, laid on the Table of the House on Tuesday, March 21, 2017, and in furtherance to the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011 and Section 20(1) of the



National Government Constituencies Development Fund Act 2015, rejects the proposed appointment of Mr. Wilfred Buyema as Chief Executive Officer of the National Government Constituencies Development Fund.

On behalf of the Committee and pursuant to Standing Order No.199(6), it is my pleasant privilege and honour to present to this august House this Report on the vetting of the nominee for appointment as the Chief Executive Officer (CEO) of the National Government Constituencies Development Fund (NGCDF). There were various guiding principles in the execution of this mandate which is provided under the Standing Orders and fulfilling the role of the National Assembly of overseeing the NGCDF Board.

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

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

The Committee was guided by the core constitutional and statutory principles on public appointments as well as established norms, customs, traditions, practices and usages. The guiding principles in this matter were basically the Constitution of Kenya, the NG-CDF Act of 2015, the NG-CDF Regulations, 2016 and the Public Appointments (Parliamentary Approval) Act, 2011. The Committee which I chair believes that while recruiting such a public officer, there should be openness, equity and transparency. This is to enhance effectiveness and ensure that quality service delivery is obtained in the public sector.

The Committee looked at the above guiding statutes and other legal provisions and frameworks in examining, scrutinising and making recommendations on the nominee forwarded to us for appointment as the CEO of the NG-CDF Board. We held various public hearings about this nominee.

In total, we held four sittings during which we met the Cabinet Secretary for Devolution and Planning. We got comments from the NG-CDF Board, met with the nominee and also held a meeting with the former Chair of Uwezo Fund where the nominee had previously been seconded to.

We also received several memoranda and petitions. There was a petition from Hon. Moses Muhia, a former Member of Parliament for Gatundu South. We received a memorandum from Reverend Muya. They both believed that the nominee was unfit for the position. We also focused on the procedure and processes which were used during the recruitment of the proposed CEO. As a Committee, we have issues with that process, and of importance to us, was the constitution of the Board.

Currently, the NG-CDF Board, as constituted, does not have independent directors. It is constituted of civil servants from various ministries who have been given slots. There are nominees from the Ministry of Education, Science and Technology, the National Treasury, Attorney-General Chambers and the Ministry of Devolution and Planning. They form more than 90 per cent of the NG-CDF Board as at now. There is one independent nominee, Hon. Mbuno who has been chairing this Board.

The NG-CDF Board, other than the Chairman has another seven independent nominees other than the ones I have mentioned from respective Ministries. We took note of that very serious anomaly in terms of the constitution of the NG-CDF Board. The Committee also took note of the process of recruitment. The advertisement for that position did not even indicate the



recruiting organisation. It was very vague. That explains why in total it only attracted 31 applicants most of whom did not know they were applying to which body.

For us to attract competent people and make the process very competitive we thought clarity was necessary in the advertisement in terms of the organisation being recruited for. The process of recruitment required that applications be done only online. We took note from the memoranda we received that there were other applications whose applicants were purportedly not received despite clear indications that the applications should be online.

With regard to this process of online application, I am sure we have also heard in other quarters that such systems require, at least, some backup, whether a manual process or any other process that would make sure that such a process becomes open, competitive and available for everybody to apply. We found the process of online application to have been limiting and that explains why the quality of the candidates who made themselves available for this position did not even meet the set criteria in the Act most of the time.

The Board nominated three persons knowing very well that the nominees forwarded to the Cabinet Secretary did not even meet the minimum qualifications in terms of experience. It required that you must have, at least, 10 years of working experience. In those 10 years, at least, five years should have been in a senior management position. We invited the nominee to come to our Committee.

We noted from the nominee that he had not served for the 10 years and above in terms of experience. Equally, the nominee at the moment does not hold a senior management position. You will agree with me that the NG-CDF Board is a very small organisation where for you to be deemed to hold a senior management position, you should be reporting to the CEO. You should just be one or two levels below the CEO but at least you should directly report to the CEO for you to be deemed to hold a senior management position. This nominee, at the moment, does not report to the CEO, therefore, does not hold that position of senior management. That violates the requirement of the NG-CDF Act.

We looked at the education qualifications of this nominee. We noted that he holds a diploma in development studies from Bugema University before joining the same University to pursue a degree in development studies. We also noted that the nominee pursued a Master's degree at Mt. Kenya University (MKU) in Kenya and is currently pursuing a PhD at Jomo Kenyatta University of Agriculture and Technology (JKUAT). Noting that Bugema University is not a university within our jurisdiction, we believe that it was necessary for the Commission for Higher Education (CHE) to certify those documents, degrees or papers. The CHE was to also confirm whether Bugema University is properly or fully accredited in that country and in Kenya.

Hon. Temporary Deputy Speaker, allow me to make the conclusion that Mr. Wilfred Buyema is not qualified to be the CEO of the NG-CDF Board. From exactly what I have told you, the Board that carried out the recruitment process was not properly constituted. The nominee does not meet the requirements, like I have just articulated. The process of advertisement was not open. Even the advertisement did not show us the organisation recruiting. I can imagine if you were to advertise for the position of the Governor of the Central Bank of Kenya (CBK) and you do not tell us that this is an advertisement for the position of the Governor of the CBK. I can imagine the type of applicants you would receive for such a critical position. This position of the CEO of the NG-CDF Board is also very critical such that we must be very exclusive and open to make the process extremely competitive.

Having taken into consideration the law, the submissions and the observations, the Committee, therefore, recommends as follows:



1. The National Assembly rejects the nomination of Mr. Wilfred Buyema to the position of the CEO of NG-CDF;
2. The Cabinet Secretary should promptly appoint the seven independent directors to the NG-CDF Board. Like I said, the Board is not properly constituted for them to appeal or even recruit a CEO at the moment.
3. The Board undertakes a fresh recruitment exercise and adheres to the provisions of Section 20 of the NG-CDF Act and Regulation 4 of the NG-CDF Regulations.
4. During the subsequent recruitment process, the Board should ensure that such advertisements calling for applications should be clear, specific and indicate the recruiting employer so that it may attract the best qualified candidate.
5. The process of submitting applications must be open, transparent and cater for various modes of transmission whether online, email and any other manual way of transmitting applications.

In conclusion, the Committee registers its highest appreciation to the Office of the Speaker and the Clerk of the National Assembly, the Office of the Cabinet Secretary of Devolution and Planning, the NG-CDF Board, the immediate chairperson of the Uwezo Fund and the nominee, who dutifully honoured their constitutional obligations and made quality submissions before the Committee. Our special appreciation also goes to the members of the Committee secretariat who were ready to go beyond the normal call of duty to ensure the completion of this report, notwithstanding the numerous challenges.

With those remarks, I beg to move. Allow me to call on my Committee Members here to second. Let Hon. Ore second me.

**Hon. A.O. Ahmed:** Thank you, Hon. Temporary Deputy Speaker. I rise to second my Chairman.

Being a Member of the Committee and an active one for that matter, looking at the process that was followed, for what the position entails and the requirements, we found that the particular nominee would not be able to take up this particular task. In the process, there were issues with the consultants who were recruiting in terms of the position and the organisation. Those details were not very clear in the advertisement including even the closing time for the applications. We have been informed and we are aware that some of the applicants, while they applied before the end of the day which should have been midnight, were still locked out. The way they framed the advertisement left a lot to be desired and for that matter, many Kenyans who were qualified and who would have done this job were locked out.

The Board was not properly constituted. There was only one independent member who was not from the Government or ministries. So, that in itself was unfair.

The nominee does not have the requisite 10 years experience. In terms of qualifications, the nominee has not held a senior management position. He only was a fund manager, worked in some organisations and was seconded to Uwezo Fund where we still had issues with the immediate chair of the Uwezo Fund. There were issues in terms of performance while he was at Uwezo Fund. There were also some loose ends or issues that border on integrity before he went back to the NG-CDF Board again. Even in terms of seniority and ranking, this particular nominee does not report directly to the CEO. He reports to a project coordinator who in turn reports to the CEO.

As Members of the Committee and what is required of a CEO, we are looking for somebody who will be in charge of the NG-CDF. It is a huge programme that entails a lot and has many challenges. We know that this is something that is close to our hearts in terms of



touching the lives of many Kenyans by enabling them access essential and basic services like education and healthcare. Were it not for NG-CDF, many children in this country would not be in school today. Therefore, we want somebody who is mature and somebody who is up to the task. We want somebody whose integrity does not have any shroud of doubt and, somebody we will feel that he is able to be the CEO and take care of this huge programme that has been very helpful to many Kenyans.

As Committee Members, we have recommended that the process be repeated afresh so that Kenyans and anybody else, including people like Hon. Elmi and I who will not be contesting, will get an opportunity so that it is above board. Everybody or any Kenyan who has experience and feels like he is able to take that particular task can apply. It is not proper to advertise for the CEO of a big organisation like NG-CDF and yet less than 30 people apply. We are asking for a fresh process and this particular nominee's presentation to the House be rejected.

Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Ms.) Mbalu): Having proposed the Question, I have more than 13 requests. The first one on the request list is Hon. Silverse Anami. But before Silverse Anami, priority is given to the leadership of the House. Let me give this chance to Hon. Jakoyo Midiwo.

**Hon. Midiwo:** Thank you, Hon. Temporary Deputy Speaker. I will be brief. This is one of the unique reports that this House must really use to make a proper statement. Some things have arisen and I have been following this process. There is more than meets the eye even as the report is tabled before the House but, I rise, nevertheless, to support the work of the Committee. I want to say some things. At this late hour in the life of Parliament, we need to guide this country moving forward.

First of all, I raised questions twice in this House why our NG-CDF, the body that manages the only money that Members are in charge of, was having a perpetual Acting CEO. I found that something was very wrong with that process. That this House can condone that their own employee sits in office in acting capacity for seven years is against the rules of natural justice.

*(Applause)*

That does not make sense. This House cannot lead this country going forward when we ourselves can condone that kind of thing. We are now in a catch 22 position. I have had occasion today to interact with Members and the thing has even now taken tribal lines. If we need our country to become a nation, we must say and speak out when a bad thing is happening.

The other day, I felt very bad when I appeared on national television to debate with the Leader of the Majority Party and the issue of the Auditor-General came up. He said that Members of the Committee who were there and defending Edward Ouko were doing so simply because he is a Luo. When you saw the Waiguru debate, Members who had largely benefitted and were also from her tribe showed up in Parliament and were behaving as though they had more rights in the Committee than the real members of the Committee. They were behaving like hired goons. This must not be let to happen in our country.



Logic is logic and reason is reason. We are now here. If you care to know, the CS in charge of devolution where the NG-CDF resides has been given names three times before this one and has gone mum despite what the law requires. Now the Committee goes, advertises and then choses a junior officer under the acting one and expects this House not to speak out in favour of the acting one. That to me is not a country I want to live in willingly without talking. It is wrong.

Now you have taken this very junior officer and you want to embarrass the Member and the junior officer. That is not a good thing. This Board works for Parliament. This Board must not be let to be rogue. What am I suggesting? The Committee, whose Report I am supporting, needs to call the CS in charge and negotiate this quagmire so that we do not besmirch members of our society when we do not have to. The CS reports to Lessonet's Committee. Call the CS! The Board is too big. We are talking about a Board that manages billions of shillings from the NG-CDF. The reason I say they must negotiate is because where there is a recommendation by the Committee that there should be re-advertisement, then that recommendation is faulty. How is it faulty? We changed from the old Act to a new one. Now, the new Act has transitional clauses which recommend that any actions of the old Board bind the new Board. Anything decided under the old Act is legal under the new Act. This is stipulated in Transitional Clause No.6 and I have read it.

Therefore, in instances where we are in a quagmire, the Committee needs to save this Parliament from embarrassment. It should call the CS and negotiate. Let us not talk about Buyema. We are talking about his degrees and all those things yet in this House, and in Parliament in general, we talk about fake degrees. This is a Kenyan who has a diploma but has gone further to educate himself. You cannot come here and say those things. It is wrong. I want to plead with my colleagues, just recognise and order the Committee to go back to the drawing board. You may wish to know that half of the NG-CDF Board comprises politicians who have gone to contest. Who is going to advertise? You are saying that you will be going home to campaign and there will be nobody in charge of the NG-CDF.

We do not want chaos in this country. As soon as tomorrow, the Committee needs to invite the CS and negotiate. These guys cannot find a job in that Committee. They have all been working there. Do not treat us to a situation where we come here to mete out injustice on somebody who the State has already meted out injustice for seven years. You want us to pick another person and say how uneducated the one he is replacing is. Even people who are uneducated are now colluding to say how uneducated Buyema is. This is wrong.

I was on television on the morning of Tuesday and I said that---

*(Hon. Lessonet crossed the Floor without bowing to the Chair)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Chairman of the Committee on NG-CDF! You moved your Motion very well. Just resume your seat. Do the necessary and resume your seat. We are debating your Motion. You did it so well.

*(Hon. Lessonet walked to the Bar and bowed to the Chair)*

**Hon. Midiwo:** You know there is drought in his village and so he is not thinking properly. The animals in his place are dying and yet the Jubilee Government promised people irrigation.



**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Carry on, Hon. Midiwo. Forget about the Chairman.

**Hon. Midiwo:** Hon. Temporary Deputy Speaker, if they had irrigated the 1 million acres of land in Galana-Kulalu, Kenyans would not be missing food and the Chairman would not be so troubled.

I wish to end and give my colleagues time to talk. I want to plead with the Chairman, whose Report I am supporting that, please, tomorrow, call the CS and negotiate us out of this quagmire so that we do not badmouth Kenyans simply because we have privilege in the House. Let the CS and the Board work and bring us names of new Board members because NG-CDF is the only working devolved fund in this country. The rest is being looted by governors.

I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): At least, you have got the Chairman's ear. He is the Chairman of NG-CDF and not CDF. The proposals that are being made are meant for Hon. Lessonet and his Committee.

Yes, the Member for Shinyalu.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. I am happy to have this opportunity to talk on this matter. I have, indeed, followed the process as was taken by the Committee throughout the vetting. After the leader of my party and coalition has spoken, I find myself agreeing with him to some extent, but certainly I want to emphasise the inaccuracy of this Report.

*(The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) consulted with Hon. Lessonet)*

I can see you are in consultation with the Chairman of NG-CDF Committee. I will repeat what I said. I would like to highlight the inaccuracies that are contained in this Report because these inaccuracies are against the nominee, Mr. Wilfred Buyema. I can say that with authority because I had an opportunity granted to me by the Chairman of the NG-CDF Committee to attend the four sessions he has alluded to as a friend of the Committee.

It is true that there was a sitting where the Board was addressed and there was sitting where the nominee was addressed. There was also a sitting where the Chairman of Uwezo Fund attended. I want to emphasise the fact that the transparency component that we allude to and which is highlighted in the Constitution was not respected. Public participation was not respected hence the memorandum that was presented by the Chairperson of Uwezo Fund as well as the memoranda that were presented by Hon. Muihia and Rev. Mbula were afterthoughts. These were presentations and meetings that were held way after the vetting process between the Committee and Mr. Buyema. I do not think we should accept that kind of procedure because these were afterthoughts.

There is allusion on the suitability of Buyema. I would like to confirm that Mr. Buyema is suitable to hold this office because the requirement is that he should be in a senior position. If you look at the Report which contradicts itself--- Actually, the Report confirms this. If you look at Item 19 of this Report, you will realise that it confirms that senior management covers Grades 1, 2, 3 and 4, and Mr. Buyema is in Grade 3.

He may be having someone else he is answerable to but he is in the senior category. So, he is not a junior officer as it has been alluded to here. I agree that it is not proper to have the CEO of the NG-CDF serving in acting position for seven years. There is something wrong. That



wrong thing is not Wilfred Buyema. Mr. Buyema is a hardworking young man and he not junior. He has risen through the ranks. He has found himself taking over the job of his mentor and friend whom he is loyal to and has endorsed his application for this post. The Acting CEO has worked with Buyema and recommended Buyema for this post. So, I would not like a situation where we preside over a process that antagonises two hardworking Kenyans who have served us within the ranks of the NG-CDF.

In moving this Motion, the Chair alluded to the Constitution. Indeed, the Constitution encourages---

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Francis Kilonzo, what is out of order? You would rather quote what is out of order. Please be informed. If it is a point of argument, you will have your time to argue. Let me understand what is out of order because the Member is debating. Use your Standing Orders. Quote the Standing Order and say what is out of order.

**Hon. Kilonzo:** Thank you, Hon. Temporary Deputy Speaker. I am going through this Report and I do not see any recommendation of Mr. Buyema by the current Acting CEO. Is it in order for the Member to quote such a thing?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Silverse, it is good to quote the Report. You can clarify that as you debate.

**Hon. Anami:** Hon. Temporary Deputy Speaker, the Acting CEO is the Secretary and a member of the Board. We are talking about the Board here and the Acting CEO is a member of that Board. So, the Acting CEO participated in the recommendation of the three names that were sent to the CS who played his part to pick one from amongst the three. He picked Wilfred Buyema because he was the most suitable in the absence of the Acting CEO. Amongst the three other names that were presented to the CS, Buyema was the most suitable for this job. During the vetting session, when the Committee met the Board and the CS, the CS explained this.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Silverse Anami! There is another point of order or clarification or information. You need to state exactly what it is.

**Hon. Nakara:** Hon. Temporary Deputy Speaker, thank you very much. The Member is misleading the House and the reason is that the Acting CEO was an interested party in this matter. So, he could not sit in the Board to recommend anybody.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is nothing out of order! He has just substantiated his part. It is good to debate on what is in the Report. This is a very serious matter.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. I am getting distracted.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): It is a parliamentary process. You are not distracted.

**Hon. Anami:** I can see my time is running out. I would like to go by the recommendation that has been made by Hon. Midiwo to the extent that we should have a negotiated process in dealing with this matter because we have two overlapping interests. The interest of the Acting CEO is very clear but to the extent that he did not apply for this particular post, he was not an interested party. However, if that comes clear, then it should be raised and we need to negotiate.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over! I thought I heard the Chairman of the Select Committee on the NG-CDF, while moving, talking about his



application. There was an application. That is not from the Temporary Deputy Speaker but from the Chairman. It is in the HANSARD. So, Hon. Members, it is important that as we debate, we debate what is in the Report because we have a very clear Report by the Committee on the NG-CDF.

Let us hear the Member for Lungalunga.

**Hon. Mwashetani:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Motion though I had pressed the button to contribute on the President's Address. Nevertheless, I am sure it is part of my responsibility to also comment on the nomination of the CEO, Wilfred Buyema.

I support the Motion rejecting Wilfred Buyema to become the CEO. I think there was a problem with the process of appointment because it is very unfair for any Kenyan to serve in an acting capacity for seven years and then when he does an application, unfortunately, the application is not found amongst the applications. I have not gone through the Report but with the information I have, the Acting CEO applied for the position.

Unfortunately, it is in our knowledge that his application was not found and he was not selected among the nominees. So, it will be fair enough to go by the suggestion that Hon. Midiwo came up with to follow the process so that we can accommodate some negotiations and it does not go in the tribal direction. This is because with the stories that I am hearing in the House, it is taking a direction which might not be good for the House. So, I support this Motion.

Before I sit down, I would like to go on record. Three-and-a-half years ago, I tabled a Petition in regard to a piece of land in Lungalunga. I believe the Departmental Committee on Lands has really interrogated all the parties involved and it has come up with a Report. Unfortunately, it is three-and-a-half years now and the Report has not been tabled. So, I ask your office to compel the Departmental Committee on Lands to come up with the Report so that it can be adopted. The land is in Pongwe Kikoneni.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): As much as we observe relevance, I know you have made your point. It is wrong timing. We are on the Motion on the Vetting of nominee for appointment as CEO for the NG-CDF. It is the adoption of a Report but you stood to say you support the Committee. That is what is on record as far as the Motion is concerned. Let us have the Member for North Horr.

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Report. From the outset, I support the Report of the Committee on the NG-CDF. I commend the Committee for a very good Report.

The Report questions the integrity of the recruitment process. When we do vetting as Members of Parliament in our oversight role, we look at the integrity of the actual process, the educational qualifications of those individuals as well as the issues of integrity and suitability. From my assessment, all these critical factors have been considered by this very able Committee led by my friend, Hon. Lessonet.

It is very clear the recruitment process was not transparent and above board from the outset. It is also very clear the nominee for the CEO is not qualified and lacks the necessary management experience to run an institution of that magnitude – basically managing billions of money for our NG-CDF. There is clear demonstration from the Report that the nominee is favoured by a political class somewhere and they are trying to use this Parliament as a rubberstamp or clearance House. I am very glad that this able Committee is able to say no to this



and object to this appointment. We cannot be used as a rubberstamp. We have a duty to ensure that due process is followed and well qualified Kenyan is given this position.

As Members of Parliament, we are lucky enough to be part of the NG-CDF process because those who were elected in the 290 constituencies agreed to have it. We have known, and some of us have been there for the 10 years that the current Acting CEO has been part of this establishment. He has been acting for the last six-and-a-half years. This is the case and yet this able CEO who has managed this institution for over six-and-a-half years is not even given an opportunity for interview on grounds that his online application was not received by the appointing authority or the board that was supposed to recruit. The process is clearly not transparent. It is also clearly dubious and mischievous.

On these grounds, I strongly support this Report and demand the whole process be repeated and be done above board. The entire process should be started afresh. I support the Report.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You support. Thank you. It is important, Hon. Members, to say where you stand – whether you support or reject. It is a House of debate.

Now let us go to the Member for Yatta. You have the Floor.

**Hon. Kilonzo:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report. Naturally, even acting for almost a year, for sure, demands certain action. Most likely, since this is a Kenyan who has acted for over six years, he could have even been accorded a fair process. If you go through this Report, you will realize that the process was not fair.

Hon. Silverse Anami, is there anything out of order? I did not hear any. Let us hear you.

**Hon. Anami:** Hon. Temporary Deputy Speaker, my point of order is related to the reference that the Member is making about the Acting CEO. Actually, this Report is not about the Acting CEO but about the nominee who is Wilfred Buyema.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Silverse Anami, the Member for Shinyalu, you are actually out of order! He has imported information to build on his case.

Carry on.

**Hon. Kilonzo:** Thank you, Hon. Temporary Deputy Speaker. You know the Member was once a singer. Being a singer---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Just carry on with the debate. You were once a singer. Let us give him a chance.

**Hon. Anami:** *(Inaudible)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Now you are making noise. Hon. Kilonzo, let me hear what Hon. Silverse has to say.

**Hon. Anami:** Hon. Temporary Deputy Speaker, I was not just a singer once but I am a singer up to now, and I could do one. The issue I raised has nothing to do with my singer talent or skill. It is about the nomination of Wilfred Buyema who is suited to fit in that position. That does not disqualify my friend who has worked very hard, the Acting CEO, Mr. Mbuno.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Now you are also overdoing it. You have confirmed you are a singer. It is okay.

**Hon. Kilonzo:** But singing might not take him far.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): No! You carry on with the debate.



**Hon. Kilonzo:** What I was saying is surely, the process, according to me and this Report, was not fair and did not accord everyone equal opportunity. Secondly, even if that was the case, unlike my friend who is a singer, I am an HR practitioner. I know the difference between somebody who has acted at the management level and somebody who is purported to have worked in the same position. In this case, I support the Committee and the Report. If you go through the CV that is attached to this Report, you will find that it does not state it as part of the requirement. So, in this case I support the Committee and I want to commend it for a very good Report.

Finally, let this House stand to the occasion. It is very unfair to conduct the kind of process that was conducted with shortcomings and then expect this House, as Hon. Midiwo said, to approve.

I support this Report.

Thank you.

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

**Hon. Injendi:** Thank you, Hon. Temporary Deputy Speaker. First, when this name came on the Floor last week, I asked myself, what about Mbuno? But then what surprises me and why I am not in agreement with the Report is that if the Committee found that the procedure and the process of advertising and interviewing was inappropriate, then the only honourable thing it would have done was to stop the whole process of even talking to the person who was nominated. The process itself was faulty. We are also suspicious because the Committee went ahead to vet the person when it knew very well the process of reaching this particular person was not appropriate.

I am just wondering. I can see the Report says that if a person does not report to the CEO directly then he is junior. This is not proper and it is not a fact. The Report is not clear. The Chairman is not clear on which position the nominee was holding. Was he holding a managerial position or not? Was he holding a senior position or not? On page 18 of this Report, Item 19 states very clearly that managerial or senior position is from Level 1 to Level 4. This person was in Level 3, which implies that he was senior.

Something else that surprises us is that they are talking about Uwezo Fund; that during his stint at Uwezo Fund, he had integrity issues and performance issues - he was underperforming.

The Chairman has not come out clearly. Did we have a prior report? This person worked at the Uwezo Fund for two-and-a-half years? Was there a prior report? Regarding renewal of contracts, we are aware that this is the person who was recommended. His contract was to be renewed at the CDF Board, but people at the CDF Board are wondering why they should renew his contract given that he was not working at the CDF. This is not also coming out clearly.

Hon. Temporary Deputy Speaker, I am from a university background. When it comes to verification of documents, the onus is on the candidate. The Committee should have gone ahead to establish whether Bugema University is accredited by the Commission for Higher Education (CHE). It is indicated in this Report that the candidate had documents which were not certified by the CHE. This is not supposed to be the responsibility of the candidate because he could as well have forged the document. The Report also says that this person is not mature. What is maturity? Even in this Parliament, we have a Member who came in at the age of 25. The same Member is going to vie for the position of governor. Are we talking about the age or what when it comes to Mr. Buyema?



If the process and procedure was not appropriate, then the issue would not be Mr. Buyema. We should refocus on the process and re-advertise the position, but he should be given a chance to also apply.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Member for Turkana Central.

**Hon. Nakara:** Thank you, Hon. Temporary Deputy Speaker. We are here as the representatives of the people.

This House cannot deny anybody an opportunity to serve this nation. As Members who represent the country, we are here to make sure that everybody gets a chance to serve as per the qualifications they hold. Mr. Buyema has all it takes as much as we know. However, the question we have raised is on the due process. There is nobody here who can deny the fact that Mr. Buyema is educated, experienced, smart and has grown from whatever stage he was to where he is now. We should not judge somebody because of his background. He may have been a CDF manager but that does not matter. Anybody can grow to become a manager as well as the president of this country. However, we are questioning the process that was used to arrive at this particular applicant. That is the only thing.

I want to quote the Cabinet Secretary in charge of the Board, Hon. Kiunjuri. He said, “I also doubt the process that was used by the contracted agents”. He was also shocked. He could not understand why the Acting CEO could not apply yet he was the one who contracted the recruitment agency. He was an interested party at the same time. All of us were shocked. We said to ourselves that it could not happen because the person who was acting wanted the job. The Cabinet Secretary said that he called the Acting CEO and told him that they wanted to advertise the job. The Cabinet Secretary also asked the Acting CEO if he was interested, and he said he wanted to compete for the position, just like the other applicants. I am wondering why his name ended up not being on the list. From the reports that were submitted to us, the contracted agents confirmed receiving the application of Mr. Mbuno. The question is what happened to his application?

Secondly, the contracted agents used two email addresses to receive applications from the candidates. Mr. Mbuno used the one for the office while other applicants used the other one. The agents confirmed that position. They confirmed that they received Mr. Mbuno’s application through the office email address. We have denied a Kenyan a chance to serve this country. We observed that this was not the right way to recruit people. We do not want to appear to be against Mr. Buyema. We are only saying that the due process was not followed. Those are the only two things our arguments are based on.

I agree with what Hon. Midiwo said – that we need to call the Cabinet Secretary and negotiate on how to go about this matter. Mr. Buyema can also apply and go through the process. If he gets a chance to be re-appointed, we will make ourselves available to help him go through.

With those few remarks, I appeal to this House to allow a repeat of the process so that Mr. Buyema and other people can be given an opportunity to appear before us.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Member for Matuga, Hon. Hassan.

**Hon. Mwanyoha:** Ahsante sana, Naibu Spika wa Muda. Nimesimama hapa kuiunga mkono Kamati yetu inayoongozwa na mzee mwenye kipara, aliyoko hapa.

*(Laughter)*



Kulingana na utafiti wangu, kazi na fedha zilizoko katika Uwezo Fund, ukizifananisha na fedha zilizoko katika NG-CDF, zimepitwa mbali sana. Kama huyu ndugu yangu alishindwa kufanya kazi katika Uwezo Fund mpaka akapigwa mateke, tukimpeleka kwenye bodi ya NG-CDF tutakuwa tunamuharibia Mwenyekiti wetu kazi yake nzuri. Kazi yake itakwenda sivyo ndivyo. Kamati hii imefanya kazi yake vizuri. Kusema kwamba Bw. Yusuf alimuunga mkono huyu ndugu, ama alimkubali mpinzani wake, ni uongo mtupu. Pia nina shaka kidogo. Labda barua yake ya kuomba kazi ilifichwa makusudi ili aweze kudhalalishwa. Kwa hivyo, ninaiomba Kamati hii, kupitia Mwenyekiti ambaye ananiskiza hapa; wahakikishe kwamba wamewaita wanachama wa ile bodi haraka iwezekanavyo, Waziri akiwa kwenye kikao hicho, ili uteuzi wa Bw. Yusuf, ambaye ametufanyia kazi nzuri kwa miaka saba sasa, uweze kuhlalishwa ndiyo achukue wadhifa huo mara moja.

Ahsante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The next is the Member for Mbooni, Hon. Kisoi Michael. I am following the requests as it is. Currently, I have other nine Members who want to speak.

**Hon. Kisoi:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity. I want to thank the Committee. I want to, first and foremost, support the Committee's recommendations.

This is a country that is ruled by the law. This is not about Mr. Buyema or Mr. Mbuno. This is about a competent Kenyan who ought to occupy a very high office of this country and execute very important functions that will have impact to this nation. If you look at this Report, you will see that it points out two major things; compliance to the law and integrity of the process.

The NG-CDF Act itself has stated very clearly the qualifications that are required for one to occupy the Chief Executive Officer's (CEOs) position. I wonder what wisdom informed the Board to go against the same Act that has settled the issue of qualifications.

Secondly, it is about the integrity of the process. When you listen to the Members of the NG-CDF Committee, you will realise that there is more than meets the eye. We must come out of tribal and regional issues and talk about competent Kenyans who should act on this specific position and serve Kenyans. It is quite disheartening.

It is unfair that someone can be left to act in a position for over seven years and suddenly certain integrity requirements are imposed to deny that person the opportunity to exercise his or her democratic right. This is a clear demonstration that the Committee exercised a lot of wisdom in coming up with recommendations. Let us not look at this process from an individualised point of view of Buyema and Mbuno. Let us look at it as a way of serving Kenyans.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Member for Turkana East.

**Hon. Ngikor:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Report. The Committee is clear in its Report. The issue between Mbuno and Buyema is not a serious issue. We know Mbuno has acted for seven years and everybody in the village knows who the Acting Chief Executive Officer (CEO) for the National Government Constituencies Development Fund (NG-CDF) is. We were shocked upon hearing that Mr. Mbuno was not among the applicants. Everybody is shocked. We would not expect that to happen because he has been acting for seven years and actually doing good work. We have



never brought any query in this House against Mbuno with regard to the NG-CDF. Today, we are discussing somebody who wants to take this position through the back door.

I want Members in this House to rise to the occasion. We are here to represent Kenyans and not our tribes. There are people like the Njemps who are not represented in this House. In the last election, they took a petition to court asking to be represented. It will soon be a norm that for one to get a job in this country, one needs to be supported by members of one's community or tribe. We must behave in a way that befits Kenyans calling us their leaders. We are not going to deny Mr. Mbuno a chance to compete with the rest of the applicants just because somebody went there and threw away his application. It cannot be the case.

So, I support the rejection of this Report so that the entire process can go through the normal way. That way we will get the right candidate. It does not matter who will be the next CEO of the NG-CDF. The NG-CDF Committee must act immediately so that we get the right person before we have the country's general elections.

Members of the NG-CDF are already saying that the process was not good. In fact, they are complaining. There are people who are not members of that Committee and yet they are trying to give us their own version which we cannot trust. We need to give that Committee all the support it needs so that it gets the right information. We need to give all Kenyans a level and fair ground to compete. That way, we will get the right people to serve this country. The issue of sneaking people because we know them should not be tolerated in this country.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let us have the Hon. Member for Sirisia.

**Hon. Koyi:** Thank you, Hon. Temporary Deputy Speaker. At the outset, I support the Report by the Committee.

**Hon. Angatia:** *(Inaudible)*

**Hon. Koyi:** I am not fighting a Luhya.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Savula! I can hear you from where I am sitting. This House is not about tribes. You are debating for Kenyans.

**Hon. Koyi:** This House should not be tribal because we are all Members of the National Assembly and we can work anywhere in this country. It is true the Acting MD, Mr. Mbuno has worked in NG-CDF for a very long time. He has been the Acting CEO for the last seven years. The failure we have been talking about is attributable to the Committee of the NG-CDF. The Chairman has not been serious with his work. It was an oversight on his part for him to recommend such a Report to come to the House and yet he had a lot of time to rectify it. So, it is you, Mr. Chairman, who has brought forth this problem. To be honest, this chance should be given to Mr. Mbuno because there is nothing wrong he has done. We have never had any accusations against him that can bar him from being confirmed as the CEO of NG-CDF.

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

*[The Temporary Deputy Speaker  
(Hon. Cheboi) resumed the Chair]*

The law and due process was followed. There was an interview and if the right process was followed and the candidate recommended, we cannot then point a finger and say it is tribal. Everyone in this House belongs to a certain tribe. We, however, do not want to bring that here. In



all fairness, I am a Luhya, but there comes a time when we have to be fair to other people. So, this chance should be for Mr. Mbuno and I support the Report of the Committee. I would like to tell the Chairman not to repeat this mistake. He should not bring such shoddy things to the House.

I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have Hon. Munuve from Mwingi North.

**Hon. Mati:** Thank you, Hon. Temporary Deputy Speaker. At the outset, I support the Report by the Chairman of the NG-CDF Committee. I have listened to my colleagues and even read the Report carefully.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Munuve! I would like to know something here. Hon. Anami and Hon. Wangwe, are you truly on the intervention?

**Hon. Anami:** On a point of order, Hon. Temporary Deputy Speaker. The debate is drifting towards Mbuno whose name has not been mentioned in this Report. Mbuno is not the subject of discussion but it is the nomination of Wilfred Buyema. Is it in order for Hon. Members to continue saying they support or do not support Mbuno when he is not the subject of discussion in this debate?

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Anami, you see in judicial circles there is something called judicial notice. These Members are real products of the National Government Constituencies Development Fund (NG-CDF) and know him very well. Allow Members to debate because this is a House of debate whether Mbuno or anybody else comes in as long as they are relevant. You see Mbuno is the Acting Chief Executive Officer of NG-CDF and if Members mention his name, they are relevant.

**Hon. Wangwe:** Hon. Temporary Deputy Speaker, you also mentioned me.

**The Temporary Deputy Speaker** (Hon. Cheboi): You are out of order. Hon. Munuve, proceed.

**Hon. Mati:** Thank you, Hon. Temporary Deputy Speaker.

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

**The Temporary Deputy Speaker** (Hon. Cheboi): Let me hear from Hon. Wangwe because he is insisting. What is it Hon. Wangwe? Hon. Munuve I will add you a minute.

**Hon. Wangwe:** On a point of order, Hon. Temporary Deputy Speaker. There was a faulty connection between Hon. Malulu and I. The substantive Speaker gave him my chance. I am seeking another chance because most Members who came after me have spoken. I seek to catch your eye.

**The Temporary Deputy Speaker** (Hon. Cheboi): That is true. I can see you are the fifth on the line. I take it that you really want to contribute to this but let the Member proceed. You will have your chance. Hon. Munuve proceed and you have an extra one minute.

**Hon. Mati:** Thank you, Hon. Temporary Deputy Speaker. I want to very strongly support the Report by the Chair of the NG-CDF Committee. I also would like to very strongly raise issues concerning the process and natural justice. This country has rules and practices. It is embarrassing for this House to be debating the appointment of a person who went through a process where some of the candidates were not given an equal chance to participate. It is shameful that this institution which was given the responsibility of recruiting was paid a lot of money, even after fiddling and probably throwing some of the applications in the dustbin.

On the issue of natural justice, I have been a Member of Parliament (MP) for the last four years alongside all of you. It is really embarrassing to hear that Mr. Mbuno has worked for seven



years in a Government position without being confirmed. In normal practice people work for six months after which they are confirmed or a competitive process is put in place to fill the position. Not unless, my brother Hon. Mbuno does not have enough technical know-how to get the confirmation. I also appreciate the fact that the Minister pronounced himself and said that this process was not transparent, according to him. Hon. Kiunjuri is my friend and the buck stops with him. This is a Kenyan who has suffered seven years of anxiety and thought of leaving the position. I think the Board should be advised by Hon. Kiunjuri on natural justice not being followed. Probably, there are some laws which have been broken by keeping a person for seven years without confirmation. If he was not qualified, he should not have been hired and because he the incumbent, at least natural justice demands that he be given the opportunity to defend that position and compete.

I have listened carefully to the debate and it is interesting that people are even authenticating degrees from universities we do not know. I am happy my brother Matiang'i has been very hard about such degrees. It has also been said on this Floor that some degrees may be reserved to the Board to authenticate certificates. If a candidate is suspected to have falsified documents he should be disqualified. It does not matter whether they have 10 Doctor of Philosophy Degrees (PhDs) or not. The fact that there is a document which is not recognised, it is impossible for such a person to be considered.

I would like to beg the Committee chaired by Hon. Lessonet to move with speed so as to reduce anxiety and pain that our current CEO has gone through over the last seven years. There is nothing as painful as being uncertain because you do not have tenure and job security. I hope this House, through the NG-CDF Committee, will make sure that due process is followed and the best candidate selected for this position. If Mr. Mbuno does not qualify, at least let him be given an opportunity like other Kenyans as some Members of Parliament have said, he may be interested in competing for that position.

I also want to ask: How many Mbunos are there in the public service? These are people who have worked tirelessly and diligently offered their services to the Republic of Kenya for years without being confirmed. It is shameful and I am sure it is not the only case. The relevant Departmental Committee on Labour and Social Welfare should find out if there are other such cases because the Government cannot break the law. If it is a question of inefficiency or misadvised by the Minister and the Board, we should look into it seriously. I do not think this is legal, according to all legal books, to keep a person as acting for not one or two years but seven years. Something is wrong somewhere and if it is happening elsewhere, it should be stopped.

Lastly, I will beg all of us that when it comes to a matter as emotive as this, let us look at the processes and natural justice rather than jump to the occasion by trying to salvage one or two votes because a candidate is from your constituency. I am saying this because I saw a bit of emotions rising here. Some Members were even suggesting that it is okay to forge and falsify documents so as to qualify for a position. This House should not entertain such thoughts because it is a House of rules.

With those few remarks, I wish to strongly support the Report by the Chair of NG-CDF Committee. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I notice there is a very interesting phenomenon here. Today it is not about the right and left of the Speaker but about the right or left of regions. I want to give an opportunity to one Member whom I consider fairly neutral and not because I am reading his mind. Let us hear Hon. Athman Ali, Member for Lamu East. The rest will have to be from the regions I have talked about.



**Hon. S.A. Ali:** Asante sana, Mhe. Naibu Spika wa Muda. Kama wenzangu, ningependa kuunga mkono Ripoti hii iliyoletwa hapa Bungeni kuhusu suala hili. Tunajua malengo makubwa na mathumuni ya NG-CDF, ambayo Wakenya wengi wanaifahamu vizuri kutoka siku ilipoanza hadi sasa wakati tunajadili suala hili la msimamizi wa pesa hizi.

Kwa kweli, ni masikitiko makubwa kuona ya kwamba jambo kama hili linaweza kutendeka kwa utaratibu ambao umetendeka kupitia mwongozo huu. Mhusika mkuu amekuwa akiwahudumia Wakenya na Waheshimiwa katika Bunge hili kwa muda wa miaka saba. Lakini wakati ambapo utaratibu wa kisheria unachukuliwa kuhakikisha kwamba kumepatikana mhusika ambaye atakuwa wa kudumu na vile utaratibu huu ulivyotumika katika ile hali ya kutaka kumuepusha ama kumuondoa kwa njia ambayo haistahiki, si jambo njema. Leo hii, namna Kamati hii ilivyochukua hatua na kukataa jina hili kuwepo katika kitengo hiki, wametumia busara baada ya kuangalia ule utaratibu unavyokwenda.

Ninavyofahamu swala hili, limekuwa likitembea kwa namna yake. Nina imani kwamba Waheshimiwa wote katika Bunge hili wakiangalia ushirikiano wa pesa hizi za Hazina ya Kitaifa ya Maendeleo ya Maeneo Bunge (NG-CDF) kupitia wahusika hao waliokuwa hapo, watatembea vizuri na kwa ushirikiano mzuri. Ingekuwa ni vyema kama wenzangu wanavyozungumza kwa sababu tukizungumzia masuala ya nyadhifa tofauti za Kenya hii, hatuungalii kwamba huyu ni nani ama ametoka wapi. Tunaangalia ni nani anastahili kuwa hapo.

Ukweli ni kwamba mbali na kuipa kipaumbele kuangalia stakabadhi za mhusika mkuu, kuna swala la uzoefu katika masuala haya. Aliyekuwa hapo amekuwa na uzoefu wa takriban miaka saba. Leo, utaratibu unatumika kutafuta mwingine ama mtu ambaye atawekwa pale kudumu. Utapata kwamba mambo fulani yanapita eti kwa sababu za hapa na pale ama kwa sababu ya upendeleo wa watu fulani. Tukiwa kama viongozi ambao tunawakilisha sehemu zetu, masuala kama haya ni mambo ambayo hatutayapendelea wala hatuyapendelei. Kile tunachohitaji ni kwamba Mkenya mahali popote alipo anahitaji kupewa haki yake. Masuala ya kuangalia kwamba huyu ni kwa sababu fulani ama huyu ni kwa sababu fulani kwa watu fulani ambao wataweza kuamulia wengi, tatizo hili limekuwa lipo sana; wachache kuamulia wengi. Utapata kwamba swala nzima hili pengine ni wachache wamekaa na kujipangia na kutaka kuwaamulia wengi. Nashukuru kwamba Kamati husika---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! Hon. Kisoi you have requested an intervention. Do you want to speak to something?

**Hon. Kisoi:** Yes, Hon. Temporary Deputy Speaker. With your wisdom, I was rising on a point of order on Standing Order No.195 because there seems to be consensus on this. With due respect, we may be oscillating on the same facts and so we can call the Mover to reply.

**Hon. Members:** No!

**The Temporary Deputy Speaker** (Hon. Cheboi): You have perfectly brought in the Standing Order you wish to rely on but, you may not have the consensus of the House. Rather than put the Question at this point in time since I can see there is quite some interest, I will give a chance to a few more Members, at least four of them, then I can put that Question. I can see there is quite some interest from both directions. I advise the Members who will contribute now, much as we still have 10 minutes each, rather than repeat ourselves on what has been said by other Members, if we could take some five minutes each it would be good, although I am not ruling that it will be five minutes. I want to give a chance to few more members then I will put your Question, Hon. Kisoi. *Tafadhali malizia, Mheshimiwa Ali.*

**Hon. S.A. Ali:** Mheshimiwa Naibu Spika wa Muda, katika Ripoti hii hatuoni jina la aliyekuwa akisimamia utaratibu huu. Ukweli ni kwamba ni lazima kama Waheshimiwa tumtaje



na tumsifu kwa sababu ya kipindi ambacho amekuwa nasi hapa. Na yale ambayo yamefanyika hapa kuhakikisha kwamba yeye siye aliyechaguliwa kuendelea kusimamia jambo hili ni jambo ambalo hata sisi kama Waheshimiwa, halikutufurahisha. Ndiposa tunaunga mkono pakubwa Kamati kusema kwamba imekataa jina lililopendekezwa kwa sababu ya utaratibu.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, again! I see a request by Hon. Mbalu. What is your point of order? Is it a point of order or do you want to contribute?

**Hon. (Ms.) Mbalu:** I just wanted to make a contribution.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will give you an opportunity at the right time. I now rule Hon. Kisoi's point of order as out of order because you had contributed and the rest of the membership had not. Therefore, I will not even put the Question. If it was another Member raising that one--- I had no idea that you had already spoken. That is against our Standing Orders.

Proceed, Hon. Athuman.

**Hon. S.A. Ali:** Mheshimiwa Naibu Spika wa Muda, kwa kweli maamuzi ya Kamati ni maamuzi ya busara kama nilivyosema kwa sababu ya utaratibu uliochukuliwa. Vile vile, kwa sababu mhusika ambaye hivi sasa ndiye yuko na amekuwa na ushirikiano mzuri na Waheshimiwa kwa miaka saba, hatuoni sababu ya kubadilishwa. Sababu zinazochangia kubadilishwa ni kuonekana kwamba lile jambo limekuwa si zuri ama mhusika amekuwa na changamoto za hapa na pale. Nakubaliana na Waheshimiwa kwamba tumetembea na ndugu yetu huyu tukiwa kwenye uongozi na yeye akiwa ndiye mhusika katika zile fedha za NG-CDF. Tumekuwa tukitembea na yeye kisawasawa na hakujakuwa na malalamiko. Sioni sababu yoyote ya dharura ya kumbadilisha ama kusema tutatumia mbinu ya kumweka kando na kuweka wengine ambao wataendesha jambo hili.

Kwa haya, ningependa kuunga mkono Kamati ambayo imekuja na maoni haya ya kukataa hili jina na hata mimi nalikataa.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have used slightly less than five minutes which is very good. Let us have the Member for Lugari.

**Hon. Angatia:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Report.

First and foremost, I would like to discredit the report because the whole process looked flawed. Look at Recommendation No.7. The Committee received a memorandum raising pertinent questions on the integrity of the nominee. These were just allegations. What parameters did they use to confirm that those allegations against the subject were true?

With regard to integrity issues, the only institution in this country that can block someone from getting an employment opportunity somewhere is not even the Ethics and Anti-Corruption Commission (EACC); it is the court of law. A man is innocent until proven guilty. Look at another recommendation. The nominee did not have a letter from the Commission for Higher Education (CHE). The Committee should have written to the CHE to confirm this. Are they authentic certificates? Nevertheless, normally worldwide, the human resource practice is that when somebody acts in an office for seven years, it is good for him to be evaluated and confirmed internally. This should happen to NG-CDF and Agriculture and Food Authority (AFA) where the CEO, Mr. Busolo, has been acting for the last four years.

Lastly, it is not good for a powerful institution like Parliament to kill the career of a young man like Buyema. This will go on record. Wherever he will apply for a job, it will be on record that the National Assembly of the Republic of Kenya rejected his name. We will have killed this young boy.



The best is to return this Report to the Committee and they should either re-advertise or confirm Mbuno without killing the career of a young man called Buyema. The Government is too big. Hon. Chairman, tell the President and his deputy to give Buyema another job instead of killing his career. Once we adopt this Report, he will never be employed anywhere. Someone will use this Report to deny him an opportunity

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for South Mugirango.

**Hon. Nyamweya:** Thank you, Hon. Temporary Deputy Speaker. From the outset, I support the Committee's Report. I want to look at where the rain started beating us. I want to look at the organisation that was hired to do the recruitment. The PKF was hired to do the recruitment. They were very clear on the type of people they wanted. In their advertisement, they said the person must have 10 years experience in the relevant field with five of them in a senior position. What we are saying here is that in the first place, the candidate whom we are now crucifying should not have passed that stage of recruitment. I asked the Committee why they never called this firm if it has been paid. They did a shoddy job and have put us in a crisis which we should not be as the National Assembly. So, I urge the Committee to call this consulting firm. The instructions were very clear that the people they were to vet had to have 10 years of experience and five years in a senior position. How did this man pass through? Did the Committee call this consulting firm and has it been paid? If they have been paid, they should actually refund the money. They have not helped the country, Parliament and the Board. They were chosen to lessen the process and make it fair. Why did they pick this young man? The young man applying for a job is normal. He was trying his luck. For him to be selected, he is praying that he is lucky and is going to be the CEO. We cannot blame him, but we have a problem with the firm which was hired to do the recruitment. I urge the Chair to come up with a very strong recommendation to even blacklist this firm from being hired by Government institutions to provide service because the problem we have has been caused by this consulting firm. If this firm had not put the name of this young man here, we would not be debating it.

I also want to talk about the Board. The man who applied for the job is innocent and if he has been shortlisted and has been picked, he will take the job. The Board knows very well that the Acting CEO has been there for seven good years. They need to tell us why they did not recruit him. From the record available, the man applied for the job. Why was he not shortlisted?

Finally, we go to the Cabinet Secretary (CS), the appointing authority. He is a former colleague. We were with him in the last Parliament here. He went ahead to appoint somebody he knows is wrong to appoint. So the three institutions: the firm which was hired to do the shortlisting, the Board and the CS must be held accountable. But more importantly, we are discussing people who are very innocent especially Mr. Buyema. I sympathise with him. He applied for a job. It does not matter whether he qualified or not, but the institutions which were charged with responsibilities to give us the fair feel, failed. They should be held accountable. I hope the Chair has heard me that if this firm has been paid, it must refund the money and be investigated further so that people take their work seriously.

With those remarks, I support the recommendations of the Committee but, let us be careful on how we move or navigate this. Let us also look at these consulting hiring firms whether they are---

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have Hon. Mbalu.



**Hon. (Ms) Mbalu:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report of the Committee on NG-CDF. The Report is about rejection of a nominee. I join other Members to indicate that the nominee, one Mr. Buyema, has no issue. He has his papers and the Committee worked as per the recommendations and looked at the whole process right from appointment.

I agree with Members who have said that the consultant who was given work to do messed the whole process. I am sure that is the basis the Committee is using to recommend the rejection of the nominee among other issues they considered. I want Kenyans to know this: We have had Acting CEO for the NG-CDF for the last six-and-a-half years. It is important to note that Mr. Mbuno was employed on 1<sup>st</sup> September 2011. Sometime in 2012, an interview was done on the same. We had the list of those who were given a chance to do it and the results were there. So, as the Committee gives out its recommendations, Kenyans should know that the whole process is flawed and faulty. The results for the 2012 interviews are still there. I am aware of some regulations that were put in the law, but those results should be legally binding. I am aware that one Mr. Mbuno was one of the best. So, we are asking ourselves why it is that they have kept him for seven years in acting capacity. Mr. Mbuno would have ventured into other areas instead of waiting for seven years. We have not had issues with him or the NG-CDF. Every Member of this House has been a beneficiary as far as representation is concerned. It is very painful for any individual to be subjected to such. I believe the Chairperson of the NG-CDF Committee in Parliament will consider the recommendations that have been made in this House. One recommendation by Hon. Midiwo, which is very welcome and others, is to try and see why this process was not conducted in the right way.

Also let Kenyans know that one Mbuno applied online and I am sure if the Chairman investigates as requested, he will get the said application. It is so bad to have a consultant firm--- I want to echo the sentiments of one Member that such consultant firms should not be allowed to work in this country. We are putting one Buyema in a very awkward situation. It is really bad for you to reject or fail to receive--- You would rather fail from other points but not in a calculated move to remove the best candidate or one of the candidates. This is not about Mbuno or Buyema. It is important in this country that as we do our appointments, we should have a fair process.

I do not want to talk much because most of the issues have been said but it is important for Kenyans to know that Mr. Mbuno, who hails from Kibwezi East Constituency and who has interests in Mombasa and in Kenya, has been denied a chance to defend his position as the CEO for NG-CDF.

For one to head such an institution, he must be very competent. It is in this House that noises are made, but I have not heard Members make noise about that particular individual. If someone has performed well, why do we not give him a chance? How I wish the results for 2012 that the CEO was the best, were revealed. I know we passed regulations in this Parliament. I would like to applaud the NG-CDF Chairman and his Committee for the good work they have been doing. They now need to consider some of the recommendations that put one Mr. Buyema in his current position. They should also see how Mr. Mbuno, the Acting CEO for seven years, will still get his position. This thing has been anonymous. This appointment is what I call corruption. This consultant firm should be ashamed for doing such a shoddy job by putting Mr. Buyema in such an awkward point of discussion at the National Assembly.

For seven years, the Acting CEO has done very well. So, why is he being denied a chance, including even being locked out of the recruitment process? We need to reconsider this



matter. That is the message from the people of Kenya and the people of Kibwezi East. I must say we are being unfair to Mr. Mbuno, the Acting CEO.

**Hon. Wangwe:** Thank you, Hon. Temporary Deputy Speaker. It is a good evening because I will have, at least, a minute or so to air my views on this Report. At the outset, I oppose the Report. I am opposing it not because it is rejecting the appointment of Mr. Buyema or is not supporting Mr. Mbuno. It is because the Committee has fallen into the trap that was laid by the consultant. I want to clarify two issues. When the Mover, the Chairman of the Committee was moving the Motion, he said that he was rejecting this on three aspects. One, the advertisement was wrong. Two, the Board is not properly in place and, three; Mr. Buyema does not have the experience. What is advertisement? That definition is not clear. Anything that has been covered, whatever little or wholesome it is, in my view, is an advertisement. So, whatever it is, it was done. Hon. Members relied on the Board to make this Report. It is said that the Board is not properly in place. All of us in this House have got our CDF allocations. I want to ask the Chairman to come clear and tell us why we get that money while the Board is not properly constituted. Why should that happen and yet, the Act stipulates what is supposed to be done? Therefore, I find it a bit out of order for the Committee to make recommendations on that basis.

On the issue of experience, they have alluded to the fact that Mr. Buyema is in Grade Three. As long as one meets the prerequisite qualifications, that is good enough. Mr. Buyema is at the senior management level which qualifies him to apply for the job. However, the requirement of the experience of 10 years was less, in my view. In fact, that is why I said that the consultant misled the entire process.

On that basis, I am not comfortable with the consultant and I agree with my two colleagues who have said earlier that the consultant did a shoddy job. Since he was contracted by the Government, let him refund the money that he was paid. Let him pass a formal apology to one Mr. Buyema for having made his name to reach the National Assembly. We are debating a very innocent Kenyan and putting the name of Mr. Buyema in an awkward situation and also subjecting the rightful CEO, who has been acting for seven years, in a position of compromise. We cannot allow a CEO who has been acting for seven years to go that way even without writing to him to seek his written opinion on the process. The minimum the consultant would have done was to get a write-up from Mr. Mbuno to explain why he was not able to appear, but they just left everything loose and gave an end which is not conclusive, putting the whole House into disorganization.

Therefore, PKF should be held accountable and that should be a recommendation. If we are allowed, we can vary the Report. We should make one of the recommendations that PKF should carry a very severe punishment as a result of misleading this House. It should not spoil the name of a young man like Mr. Buyema and put the National Assembly on a conflict with the current NG-CDF CEO because of their own professional negligence.

With your permission, I beg not to support the Report, but seek that if you could allow that kind of an amendment, it would be good so that it sets precedent for those other consultants who would want to mess up other people's careers.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Kiharu.

**Hon. Kang'ata:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report 100 per cent. I wish to state that I might be the only Member of Parliament contributing today who does not have a vested interest in this Report by virtue that I will not be defending my seat as a MP. So, I am just giving very objective analysis of this debate. With that, I want to vouch for the character of one Mr. Mbuno. I have interacted with Mr. Mbuno and he comes



across as a very humble and bright person who, personally, I would have wished that he takes over to be the substantive CEO of this Fund.

Secondly, I would also want to state that there is a matter that I have seen in this Report that has not been canvassed very well and it ought to have been canvassed better. There is an affidavit here signed by one Moses Muhia which raises very damning allegations against that nominee. In law, when you have an affidavit, it has very strong probative and evidential value. It means that the burden of proof is no longer upon the deponent of that affidavit. It is usually on the other party to the extent that once that affidavit was filed, there is no other evidence that was filed to controvert the allegations contained in that affidavit. It means, to a certain extent, the nominee had issues to answer to. To that extent, I think the nominee has integrity issues.

I also wish to draw the attention of this House that Kiharu is the best performing constituency in Uwezo Fund as par the Report that was published by the Ministry of Devolution last year. I can recall that I used to go to the office of the CEO, Mr. Buyema, when he was working in that Uwezo Fund. I noted that he was a person who was not quite open. He did not practise an open-door policy. I would make an effort to look for him because I had interest in some certain issues. Never at any one moment did I ever get time to meet him or even for him to address the concerns that I was trying to push. Therefore, when I compare how he treated me and how Mr. Mbuno has treated me in NG-CDF - and how he has also treated Members of Parliament here - I have no doubt in my mind that Mt. Mbuno is a better manager who has good social skills and who needs to be supported.

Therefore, in my own assessment, the best person to steer this Fund in a substantive manner would be Mr. Mbuno.

What I would urge--- I have heard objections to this Report from Hon. Savula. He is alleging that once we adopt this Report, we shall have killed the career of Mr. Buyema. I doubt that because this Report does not *per se* touch on Mr. Buyema's qualifications. It raises issues of procedure. For instance, does Mr. Buyema have the relevant qualifications in regard to the provisions of the law, like working in a managerial position for the years provided for in law? Therefore, once we adopt the Report, he can still apply for any position in Government, notwithstanding this Report.

I also raise the issue regarding his academic qualifications. I have seen there is no letter from the relevant commission that vets our education papers and, in particular, when you undertake studies outside this country. That should be a practice. Of course, we know the so-called reputable universities in this region, like Makerere and the University of Nairobi. Anyone from Makerere or Nairobi University is a respectable graduate. Again, when you take into account his KCSE grade, it was a C (plain). If you had a C, for you to reach a stage where you have a Master's degree, I think your papers need to be scrutinized. To the extent that the letter is missing, that is something which is quite crucial.

Be that as it may, I think the best person to steer this Fund, as many have said, is Mr. Mbuno. What I am happy with is to see a cross-ethnic support for Mr. Mbuno. I say that because I hail from Central; I am not a Kamba. I have seen Members of Parliament from the Western region and Coast who appear to have come to that unanimous opinion that Mr. Mbuno has done a fairly good job. To that extent, surely, we cannot all be wrong, all factors remaining constant. Therefore, I would urge we adopt this Report and the process commences again.

Going forward, I would recommend the following: One, probably we wait until the Board is fully constituted. The fact that it is not fully constituted does not mean *per se* that it is defective. It does not mean that. We need to draw a distinction. It can still function. But the issue



of having the so-called independent Board members is to ensure public participation in a clearer manner. But that does not mean it cannot continue transacting other usual NG-CDF related business. That needs to be captured in the HANSARD. I have seen one Member purporting to say if at all we are saying the Board is wrongly constituted, how comes it is still doing other NG-CDF functions. The idea of having the so-called independent Board members is to ensure it has a more collegiate decision-making process in so far as this issue is concerned.

Two, when the fresh advert go out, it should clearly state that this is the NG-CDF Board which is seeking to recruit a CEO. I say that because when you look at the advert that appeared in the *Daily Nation*, which is annexed to this Report, that was not disclosed. Of course, I can see the rationale. One would imagine the rationale was to ensure there is no canvassing. But I would imagine there are other people who could have applied after knowing the name of the Board so that they do their best to apply for the position.

With those few remarks, I support this Report and congratulate Mr. Mbuno for the good work he has done for the time he has been the Acting CEO of the Board.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Member for Othaya Constituency!

**Hon. (Ms.) Munene:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to speak about Mr. Mbuno.

What used to happen in this country is that if you acted in a certain position for, say, two years, you would be confirmed automatically. I am surprised that Mr. Mbuno has acted for seven years. I have not heard any Member complain about NG-CDF. We always get our NG-CDF allocations because of that person. He does his job quickly. I do not come from Ukambani, but I am saying that if somebody has done a good job, irrespective of the region he or she comes from, we must support him or her. I am very disappointed to hear that Mr. Mbuno even---

**The Temporary Deputy Speaker** (Hon. Cheboi): Member for Othaya, I am going to revisit the issue that the Member for Shinyalu raised. Whereas at that point in time I was keen to say that, probably, even Mr. Mbuno could still be relevant, let us not make Mr. Mbuno the main subject matter of this Report. This is a Report which the Committee has tabled. We can be able to debate it. Mr. Mbuno's issue can arise once in a while because he is the Acting CEO now. But let us not make it a major issue. Let us go to the merits and the demerits of the Report. I just want to restrict you to the merits and the demerits of the Report itself. In the meantime, I can see intervention from Hon. Gaichuhie. What is it, hon. Member? We will have Hon. Musimba first.

**Hon. Musimba:** I concede to my senior, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Proceed, Hon. Gaichuhie.

**Hon. Gaichuhie:** Hon. Temporary Deputy Speaker, having sat here and listened to every speaker, one after the other, I rise under Standing Order No. 195 to request the Mover to reply. It is like everybody agrees with the Report of NG-CDF Committee. I request that you call upon the Mover to reply.

**The Temporary Deputy Speaker** (Hon. Cheboi): Before I make a ruling on that particular one, I want to confirm whether you have spoken on this particular Motion.

**Hon. Gaichuhie:** I have not spoken on this particular Motion, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will put your Motion to vote immediately after the Member for Othaya completes her contribution.

**Hon. (Ms.) Munene:** Thank you, Hon. Temporary Deputy Speaker.

**Hon. Bunyasi:** On a point or order, Hon. Temporary Deputy Speaker.



**The Temporary Deputy Speaker** (Hon. Cheboi): What is it, Hon. Bunyasi?

**Hon. Bunyasi:** Hon. Temporary Deputy Speaker, in the light of what has just been said, I note that we do not have quorum.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, that makes perfect sense. I order that the Bell be rung for ten minutes.

*(The Quorum Bell was rung)*

Order, Members! The 10 minutes are over and obviously we have not managed to raise the required quorum. This is what will happen in the next sitting, the Member for Othaya will have her balance of the minutes to finish her contribution and immediately thereafter, the Question will be put.

**Hon. Members:** No!

**The Temporary Deputy Speaker** (Hon. Cheboi): Yes, that is the position. Order Members! This is what will happen tomorrow and I want to repeat.

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

**The Temporary Deputy Speaker** (Hon. Cheboi): There is no point of order. We do not have quorum. I am just saying what will happen tomorrow. The Member for Othaya will finish her contribution and thereafter, we will make a ruling by putting the Question, whether the Mover should reply. Unfortunately, that is the position.

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

**The Temporary Deputy Speaker** (Hon. Cheboi): We do not have quorum for you to raise a point order. I am just giving the Members the position as it is. Hon. Members, I am not making a ruling. I am just advising you on what is going to happen tomorrow which I will repeat. The Member for Othaya will have her balance of the minutes to contribute and then the request by the Member for Subukia will be put to Question. That is the position. If you have an issue, you can raise it tomorrow at the right time.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Members! The time being 6.28 p.m., this House stands adjourned until tomorrow, Thursday 23<sup>rd</sup> March, 2017, at 2.30 p.m.

The House rose at 6.28 p.m.