

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 4<sup>th</sup> October 2018

The House met at 2.30 p.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

### PRAYERS

**Hon. Deputy Speaker:** Order Members! Can the Members who are making their way in do so quickly so that we can confirm whether we have the required quorum. We can now proceed with the business. We have the required numbers.

### PETITION

#### FAILURE OF GOVERNMENT TO REGULATE ACTIVITIES OF THE *CITIZEN* NEWSPAPER

**Hon. Deputy Speaker:** Order, Hon. Members! Standing Order No.225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I, therefore, wish to convey to the House that my office has received a Petition from one Mr. Khalid Njiraini Tiang'a of Luanda Constituency regarding unregulated circulation of the *Citizen* Newspaper.

Hon. Members, the Petitioner avers that the newspaper has been publishing negative stories touching on him and as result, he sued it and was awarded Kshs2,200,000, but he has been unable to execute the judgement as the newspaper has no known physical office. The Petitioner further contends that the newspaper is still in circulation and yet, it is not registered and his efforts to obtain an explanation from the Inspector General of Police have been futile.

Hon. Members, the Petitioner therefore prays that the National Assembly:

- (i) causes investigations into the matter with a view of establishing the reasons for the failure by the Office of the Attorney General and Inspector General of Police to deter the circulation and regulate the activities of the *Citizen* Newspaper; and,
- (ii) recommends the steps which will be taken to resolve this matter.

Hon. Members, this Petition, therefore, stands committed to the Departmental Committee on Communication, Information and Innovation for consideration. The Committee is requested to consider the Petition and report its findings to the House and Petitioner in accordance to Standing Order No. 227(2).

I thank you.

What is it Member for Homa Bay Town?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker, for allowing me to make a rejoinder to the Petition by the Kenyan citizen. The *Citizen* Newspaper is scandalising everybody across Kenya. I am aware, as an advocate, that there are so many awards against the newspaper which are not capable of execution.

As a Kenyan and Member of Parliament, I have been scandalised by the newspaper. For them to serve summons is a problem. I want to request that this matter be remitted to that Committee jointly with the Departmental Committee on Justice and Legal Affairs. This is because it concerns enforcement of court judgments against a party which continues to interfere with other people's reputation. Therefore, I urge that for this matter, you should also consider involving the Departmental Committee on Justice and Legal Affairs.

**Hon. Deputy Speaker:** I can also see Hon. Dawood Rahim.

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Deputy Speaker. I agree with Hon. Kaluma on the newspaper. We should consider involving the Ministry of Interior and Coordination of National Government so that it can investigate and remove the newspaper from the streets and consign it to a dustbin.

When they reported about Members of Parliament receiving Ksh10,000 bribe, my name appeared in that newspaper and I was in Meru on that day. So, I wondered where they got my name from. Therefore, I think this matter should be taken up by the Ministry of Interior and Coordination of National Government so that the police can arrest the people distributing and not the printers only. It should be thrown in the dustbin.

**Hon. Deputy Speaker:** Member for Emuhaya, before I go to the Leader of the Majority Party to summarise.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. I want to thank the Petitioner who I happen to know because he comes from my constituency. I am aware about the *Citizen* Newspaper and part of its links comes from my constituency. The Petitioner is correct and should be accorded the necessary support to execute his claim. Also, other Members of Parliament have a right to be supported to execute their claims. The *Citizen* Newspaper is just gutter press like many other gutter newspapers in this country running concurrently with other newspapers.

Sometimes, the *Citizen* Newspaper says things that come to happen. So, this is also another level of communication we should not completely kill in as much as it may have hurt some Members of Parliament and other individuals. I am not saying that those MPs should not be given a chance to execute their claims against the newspaper. The *Citizen* Newspaper is also extremely informative and it assists us to get the other side of the story.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let me give the Floor to the Leader of the Majority Party and then see if I will give two more Members a chance.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, at the outset, we should not be discussing the substance of the Petition. I think the only contestation on this matter is where their physical address is. Why are we fighting *Citizen* Newspaper and you cannot fight *Facebook*, *Twitter*, *WhatsApp* or *Instagram*? I think *Citizen*, to a large extent, predicts what is going to happen. Once in a while, I read it because they predict what will happen, say, how Hon. Kaluma behaved in the village, or how Hon. Duale behaved somewhere. I think *Citizen* Newspaper is not gutter press because in this country, there are people who sit and create a story and post it on *Facebook*, and there is nothing you can do about it. So, let us ask the Committee just to tell us who the owners or shareholders are and their physical address so that they can be part of press conferences going on in Parliament. In fact, they should be given accreditation. But this House should not purpose to gag freedom of conscience, freedom of thought and freedom of expression because there are many people who do not know what happens when it is very dark and there are also many people who do not know what happens during the day.

Hon. Deputy Speaker, as I conclude, I want you to rule whether the short Member of Mwingi Central is in the right seat. The last time I remember, the Deputy Leader of the Minority Party was the Member for Kathiani. You know he can take a snap and post it on his *Facebook* and tell his people... Hon. Deputy Speaker, I am talking to you. This is impersonation. He can take a picture of this and say: "I have been appointed by National Super Alliance as the Deputy Leader of the Minority Party." That could land him in court. The only person there who is qualified is Hon. Chris Wamalwa. The Member for Mwingi Central is my neighbour and I passed through his constituency and got a cup of tea. However, as a new Member, he should not impersonate. You do not sit on chairs preserved for other people. It is like Hon. Kaluma will never sit on the chair reserved for the former Prime Minister. You will never. He might look for a chair somewhere.

Hon. Deputy Speaker, if you listen to me, you need to guide the House whether it is proper for the Member to sit on that chair.

**Hon. Deputy Speaker:** One, you had come on very well because you were commenting on a Petition that was being presented. But on the second one, on the issue of impersonation - him sitting in a seat that is not designated for him - is probably, wrong. But it is not actually impersonation. This is because impersonating is for him to... You know the Member for Mwingi Central, Hon. Mulyungi, is a renowned architect. Even when he does his designs, he does them in an original fashion. I know he does not impersonate at all. So, unless he wants to say that he is the owner of that particular seat, it will not actually be impersonating. However, what he will be doing is that he will be sitting on a seat that is not designated for him. So, let me hear Hon. Mulyungi. Why is it that you are seated in that particular place? Is it a party matter or are you consulting?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker. Other than being a very senior architect in Kenya and the whole world, and you can confirm that, I am a very senior member of the Wiper Democratic Movement – Kenya (WDM-K) and the National Super Alliance (NASA) coalition. The seat I am seated on is for Hon. Mbui. Hon. Mbui is my brother. I think Hon...

**Hon. Deputy Speaker:** Hon. Mulyungi, all I need to get from you is that you are Hon. Mulyungi and not Hon. Mbui.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Yes, I am Hon. Mulyungi.

**Hon. Deputy Speaker:** So, you are not impersonating at all.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I am not impersonating. I am actually Hon. Mulyungi and I think Hon. Duale is actually intimidating me because of my size.

*(Laughter)*

What he does not know is that I can actually design him and he becomes shorter than me.

**Hon. Deputy Speaker:** Hon. Mulyungi, that is the absolute truth. I know you might not be very tall physically, but I know intellectually you are very tall.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I am very tall. What I am lacking is that cap.

**Hon. Deputy Speaker:** Hon. Mulyungi, when the person who sits on the seat you are seated on arrives, obviously, I would expect you to give way for him.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Definitely. I am holding brief.

**Hon. Deputy Speaker:** Probably you are consulting with Hon. (Dr.) Wamalwa and that is fine. That is okay.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I see quite a lot of Members who want to speak. We have finalised the issue of the Petition. So, we must move to the next one. I do not know what the Member for Bomet wants to intervene about. What is it Hon. Joyce? I think there is even a more serious problem here with Hon. Makali, but I will leave that one for another day. I am not so sure what Hon. Makali is doing in a seat that has actually not...

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Deputy Speaker. I just wanted to ask our able Leader of the Majority Party something on the issue that has also been raised by the Hon. Member. He was alleging that the Hon. Member is short. We were asking ourselves: "Short where?" That was the question.

*(Laughter)*

**Hon. Deputy Speaker:** You are completely out of order. Let us move to the next Order.

### PAPERS LAID

**Hon. Aden Duale** (Garissa Township, JP): The Member for Mwingi Central used to say it in Kikamba during the campaign that he was going to design the former Member, Hon. Mutambu, like KICC and bring him down. I am scared now he is going to redesign me.

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

Annual Reports and Financial Statements of Kenya Law Reform Commission for the Financial Year 2017/2018.

Annual Reports and Financial Statements of the Public Service Commission for the Financial Year 2017/2018.

The Report of the Auditor-General and Financial Statements of the State Department of Fisheries and the blue economy for the year ended 30<sup>th</sup> June 2017, and the certificate therein.

The Report of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2017, and the certificates therein:

- (a) Central Imenti Constituency;
- (b) Teso South Constituency;
- (c) Butula Constituency;
- (d) Mount Elgon Constituency;
- (e) Kimilili Constituency;
- (f) Funyula Constituency; and,
- (g) Kilome Constituency.

Again, I wish to remind Members, please, if the audited report of your constituency has been tabled here, it is important you pick a copy and look at it before it is passed to the relevant Committee to do the audit.

**Hon. Deputy Speaker:** Let us have the Chairperson of the Select Committee on Implementation, Hon. Kenta.

**Hon. Richard ole Kenta** (Narok South, ODM): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report by the Select Committee on Implementation on the Petition by Kenafric Industries Limited on the Implementation of the Recommendation in Paragraph 108 contained in the Report by the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis Facing the Sugar Industry in Kenya as adopted by the House on 27<sup>th</sup> February 2016.

**Hon. Deputy Speaker:** Very well. Let us move to the next Order. We will start with the Member for Chepalungu, Hon. Gideon Koske.

## ORAL QUESTIONS

*Question No.022/2018*

### POLICY ON DEPLOYMENT AND DE-LOCALISATION IN LEARNING INSTITUTIONS

**Hon. Gideon Koske** (Chepalungu, CCM) asked the Cabinet Secretary for Education whether she could explain the policy on deployment of teachers and delocalisation of the management of learning institutions.

**Hon. Deputy Speaker:** That one is to be replied by the Departmental Committee on Education and Research. The next one is by Hon. Rahim Dawood.

*Question No.023/2018*

### EVICTION OF RESIDENTS OF KWA NG'OMBE VILLAGE

**Hon. Rahim Dawood** (North Imenti, JP) asked the Cabinet Secretary for Interior and Coordination of National Government:

(a) whether he is aware that the residents of Kwa Ng'ombe village in North Imenti Constituency are being forcefully evicted from their legally owned land by vigilante groups from the neighbouring constituency; and,

(b) what steps the Ministry is taking to have the matter addressed and ensure security of the said residents.

The neighbouring constituency is Tharaka.

**Hon. Deputy Speaker:** That one is to be replied before the Departmental Committee on Administration and National Security. Let us go to the next one by Hon. Peter Opondo Kaluma.

*Question No.024/2018*

### JOB DESIGNATION OF HON. RAPHAEL TUJU

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Deputy Speaker. This concerns the status of my brother, Hon. Raphael Tuju.

**Hon. Peter Kaluma** (Homa Bay Town, ODM) asked the Cabinet Secretary for Public Service, Youth and Gender Affairs:

(a) whether he could state the current job designation and description of the position currently held by Honourable Raphael Tuju in Government; and,

(b) the terms of service including remuneration, allowances and entitlements of the above position.

I want to be sure we can get something from him.

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, that Question was dropped yesterday afternoon. We can check the HANSARD. That Question was dropped by the substantive Speaker. I do not just stand and say anything. Unless it is a different Question...

**Hon. Deputy Speaker:** I thought that one was to the Ministry of Education.

**Hon. Aden Duale** (Garissa Township, JP): Unless it is a different Question. The Speaker must tell us.

**Hon. Deputy Speaker:** It was a different Question. I am sure you can confirm.

**Hon. Aden Duale** (Garissa Township, JP): If it was a different Question, that is fine. But if it is the one from yesterday, that one was dropped.

**Hon. Deputy Speaker:** Let us hear from Hon. Peter Kaluma. He is a Supreme Court lawyer.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Deputy Speaker, just as our Leader of the Majority Party is serious, some of us are very serious. Yesterday, I had two Questions. The one in the afternoon was dropped because I was absent. I am in the process of seeking the intervention of the Hon. Speaker to have it reinstated. This is a different Question all together.

**Hon. Deputy Speaker:** That is to say Hon. Kaluma is asking too many Questions. Let us proceed. This one will be replied before the same Departmental Committee on Administration and National Security.

What is it, Hon. Member for Chepalungu? I thought you asked your Question. What is it?

**Hon. Gideon Koske** (Chepalungu, CCM): Thank you, Hon. Deputy Speaker. I just wanted to make a clarification for Hon. Kaluma. The Government of Kenya is Jubilee. Hon. Kaluma, you may not know the position of Hon. Raphael Tuju unless you are a Jubilee member.

**Hon. Deputy Speaker:** Order! In fact, even you, Hon. Koske, to the best of my knowledge, you are a fairly belated member in the Jubilee Party. The Question has been asked and it will be answered in the particular Committee. If there will be any Member who would be interested in going there to make those clarifications, they can appear before the Committee. Hon. Kaluma is perfectly in order to ask any Question about a Member of the National Super Alliance (NASA), Jubilee or a person who is party-less. I do not think that would be a major issue, but it is good that you raised it for us to clarify. The Question phenomenon is fairly new so many Members will be trying to catch up.

Let us proceed to the next one by Hon. Memusi.

#### *Question No.025/2018*

#### ACQUISITION AND SUB-DIVISION OF MAU FOREST LAND

**Hon. Deputy Speaker:** I can confirm that this one was dropped yesterday. I will proceed to drop it again because first, I do not see the Member and secondly, it had been dropped in the first place.

What is it Leader of the Majority Party? Let me confirm because I know for sure that yesterday, Hon. Memusi asked a Question on this particular issue.

*(Hon. Deputy Speaker consulted the Clerk-at-the-Table)*

**Hon. Aden Duale** (Garissa Township, JP): Clerk Tiampati, you cannot stand between the Speaker and the person speaking.

Hon. Deputy Speaker, this Question was dropped yesterday. There must be a complete breakdown of communication between the people who run the Table Office and the HANSARD. Parliament must be very efficient. How do we have a Question back again on the Order Paper? This Parliament spends a lot of money on staff and there must be somebody who is tracking this. Every day, we drop Questions and then we find them on the Order Paper again. Unless there is something going on with the people who print the Order Paper! I have a list that I have been ticking when the Speaker drops a Question so that we can follow up.

For those Members who asked Questions, under the new procedures, we can invite the Cabinet Secretaries to submit a written answer or they can appear before the Committee and respond orally. We need this system to work well.

**Hon. Deputy Speaker:** Just to clarify, yesterday, Hon. Memusi had a similar Question. That one was referred to the Cabinet Secretary for Environment and Forestry. The substance was fairly different. But in any case, since he is absent, it is dropped.

I would also like to confirm and reiterate the position that once a Question has been dropped, it can only take the intervention of the Speaker for it to be reinstated. That one is dropped.

*(Question dropped)*

**Hon. Deputy Speaker:** We will go to the next one by the Member for Suna West, Hon. Francis Masara.

*Question No.026/2018*

#### CRITERIA FOR RECRUITMENT OF PERSONS TO KENYA DEFENCE FORCES

**Hon. Deputy Speaker:** I am informed that Hon. Francis Masara has requested that this matter be pended because he is in the constituency and has sought permission. This will not be dropped. It will be deferred and be put on the Order Paper next week.

*(Question deferred)*

The next one is by the Member for Igembe Central, Hon. Cyprian Kubai.

*Question No.027/2018*

#### MEASURES TO CONTAIN LIVESTOCK THEFT IN IGEMBE CENTRAL CONSTITUENCY

**Hon. Kubai Iringo** (Igembe Central, JP) asked the Cabinet Secretary for Interior and Coordination of National Government:

- (a) whether he could explain the measures that the Ministry has put in place to contain increased cases of livestock theft in Igembe Central Constituency; and,
- (b) state when a police station will be established in the constituency so that it can contain the menace.

**Hon. Deputy Speaker:** That one will be replied before the Departmental Committee on Administration and National Security. Let us go to the next one by the Hon. Member for Mvita.

*Question No.028/2018*

ABDUCTION OF HUSNI MBARAK

**Hon. Abdullswamad Nassir** (Mvita, ODM): Hon. Deputy Speaker, as Hon. Duale has rightfully put it, there is a problem with the way some of these things are being placed. This is a Question that I forwarded close to a month ago and it is being slotted today.

**Hon. Abdullswamad Nassir** (Mvita, ODM) asked the Cabinet Secretary Cabinet Secretary for Interior and Coordination of National Government:

- (a) whether he is aware that on 25<sup>th</sup> May 2018, one Husni Mbarak, an 18-year-old Mvita constituent of no known criminal background was allegedly abducted at about 2.30 p.m. by four armed and unknown persons in a white Toyota Fielder registration number KCP 254W from Sapphire Hotel, Mombasa; and,
- (b) what efforts are being made by the Ministry to establish the whereabouts of the youngster.

**Hon. Deputy Speaker:** That Question will be asked and answered before the Departmental Committee on Administration and National Security. What is out of order, Hon. Gikaria?

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I need your guidance. This has nothing to do with the Questions. The first quarter of the Financial Year is over. I want to inquire about the National Government-Constituencies Development Fund (NG-CDF). We were at the Office of the NG-CDF to find out about it. We were told that they cannot proceed to tell us to give out our proposals unless we are through with the Supplementary Appropriation Bill, which was concluded recently. I am not saying that the House Business Committee (HBC) is not competent enough but how soon will it be brought to the House, so that we can give out our proposals?

**Hon. Deputy Speaker:** I will give the opportunity to the Leader of the Majority Party to respond to that question. I hope you are not asking a Question because that is obviously not a point of order.

**Hon. David Gikaria** (Nakuru Town East, JP): I need your guidance, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I do not know why you want me to guide you on the Supplementary Appropriation Bill. You are asking a Question. I want to guide you before I give any other guidance. The only way you can process a Question is through a certain laid out procedure. You cannot do it on the Floor of the House. You have to process it. Let us hear what the Leader of the Majority Party will say because it is a serious issue. It is something he can clarify.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, the Supplementary Appropriation Bill is with the Budget and Appropriations Committee. I hope they will conduct



public participation next week. I hope we will bring it to the House by Thursday next week for Second Reading and finish to consider it that time. We have to go through the process of the House.

**Hon. Deputy Speaker:** Very well. That is well sorted. Do we have a Statement? From my records, the Leader of the Majority Party has a Statement. Let us hear you because Questions are over.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, have we got to the Order on Statements?

**Hon. Deputy Speaker:** It is the same Order. Both Statements and Questions are on Order No. 7.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, Hon. Gikaria has confused all of us. Because he comes from your county, you have decided to give him an opportunity to contribute despite not having a Question.

**Hon. Deputy Speaker:** I can assure you Hon. Duale that I do not know Hon. Gikaria when I am seated on this Chair. I only get to know him when I am on that other side. That is when he becomes my neighbour.

Let us proceed, Leader of the Majority Party.

## STATEMENT

### BUSINESS FOR THE WEEK COMMENCING 9<sup>TH</sup> TO 11<sup>TH</sup> OCTOBER 2018

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order No. 44(2)(a), I rise to give a Statement on behalf of the HBC.

The Committee met on Tuesday this week at the rise of the House to give priority to business for consideration today and next week. The HBC has scheduled various Reports for consideration by the House next week. These include:

- (1) Report of the Sixth Ordinary Session of the Fourth Pan African Parliament (PAP);
- (2) Report of the Departmental Committee on Defence and Foreign Relations on the inspection visit to Kenya's diplomatic missions; and
- (3) Report of the Departmental Committee on Environment and Natural Resources on the inquiry into complaints on environmental pollution by London Distillers Limited.

Hon. Deputy Speaker, let me bring to the attention of the House that the HBC has taken a deliberate resolve to prioritise committee reports in this part of the Session. I call upon the Chairpersons to submit committee reports and be present in the House to commence debate, which must be either today or next week, Tuesday. You need to enforce this law, Hon. Deputy Speaker. The main focuses are the reports of the three main watchdog committees: Public Accounts Committee (PAC), Public Investments Committee (PIC) and Special Funds Accounts Committee (SFAC).

The HBC also notes with appreciation that the Committee on Delegated Legislation, which is chaired by Hon. Boss Shollei, is amongst committees that have concluded and tabled the highest number of reports which have been debated so far.

The House ushered in a new system of administering Question Time this week. By yesterday, 13 Members had Questions on the Floor of the House. Two Questions were dropped because the Members were absent. The various Questions are scheduled for reply by the respective Cabinet Secretaries (CSs) before the Departmental Committee on Environment and

Natural Resources; the Departmental Committee on Agriculture and Livestock; the Departmental Committee on Finance and National Planning; the Departmental Committee on Education and Research; the Departmental Committee on Transport, Public Works and Housing; the Departmental Committee on Administration and National Security and the Departmental Committee on Energy.

According to the provisions of Standing Order No.42A(6), the Leader of the Majority Party shall consult with the chairpersons of committees as to when the committee will schedule the relevant CS to answer Questions before those committees. I am well informed by the respective chairpersons that the schedule for the appearance by the CSs before committees is set to be concluded. In this regard, it is my hope that my office will receive the schedule by the end of next week, so that we do not end up frustrating the completeness of this new process of Question Time. Thereafter, I will inform the House next Thursday on the CSs who will answer Questions before the committees.

Finally, the HBC will convene on Tuesday, 9<sup>th</sup> October 2018 at the rise of the House to consider the business for the coming week. I now wish to lay the Statement on the Table of the House.

Thank you, Hon. Deputy Speaker.

*(Hon. Aden Duale laid the document on the Table)*

**Hon. Deputy Speaker:** Hon. Members, before we go to the next Order, let me introduce students from Kahuho Secondary School from Gilgil Constituency, Nakuru County who are seated in the Speaker's Gallery. There are also pupils and students from Njabini Primary School and Njabini Secondary School from Kinangop Constituency, Nyandarua County; Fred's Grammar School from Ndia Constituency, Kirinyaga County; and Growland Day School from Embakasi North Constituency, Nairobi County, who are seated in the Public Gallery.

What is out of order, Hon. Nassir?

**Hon. Abdullswamad Nassir** (Mvita, ODM): Hon. Deputy Speaker, with your indulgence, can the chairpersons of committees have a few minutes to give their input because Hon. Duale has mentioned them.

**Hon. Deputy Speaker:** Is there a specific issue you want to raise?

**Hon. Abdullswamad Nassir** (Mvita, ODM): Hon. Deputy Speaker, I agree with Hon. Duale that we need to table our reports. I wanted to state on behalf of the PIC that within the next two to three weeks, we will retreat to come up with our first report. We hope that the House will give us the utmost support on the same.

**Hon. Deputy Speaker:** That is very good, Hon. Nassir. The only thing I would like to ask the rest of the chairs is whether it is possible for that issue to be discussed at the Liaison Committee. Members can give input at that particular point in time. What is out of order, Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, nothing much. I want to inform the Chair of PIC that, as he asks for more time, he should have the calendar of the House in mind because this is not a very long Session. It is a very short Session.

**Hon. Deputy Speaker:** That is good guidance. Do you want to say something, Majority Whip?

**Hon. Benjamin Washiali** (Mumias East, JP): No.

**Hon. Deputy Speaker:** Next Order.

**BILL**

## THE URBAN AREAS AND CITIES (AMENDMENT) BILL

*(Hon. Aden Duale on 3.10.2018)*

*(Debate concluded on 3.10.2018)*

*(Hon. (Ms.) Sabina Chege stood next to Hon. Deputy Speaker)*

**Hon. Deputy Speaker:** I order the Hon. Member standing next to the Hon. Deputy Speaker to take a seat.

*(Hon. Simba Arati stood in the aisle)*

Order, Member for Dagoretti North. Freeze and remove your hand from the pocket.

*(Question put and agreed to)*

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

**MOTIONS**

## REPORT ON THE EAST AFRICAN LEGISLATIVE ASSEMBLY PLENARY SESSIONS

THAT, this House notes the Report of the Select Committee on Regional Integration on the East African Legislative Assembly (EALA) Plenary Session held on 13<sup>th</sup> to 16<sup>th</sup> March 2018 and 17<sup>th</sup> to 25<sup>th</sup> April 2018, in Arusha and Dodoma Tanzania respectively, laid on the Table of the House on Thursday, 14<sup>th</sup> June 2018.

*(Hon. (Ms.) Janet Ong'era on 3.10.2018)*

*(Debate concluded on 3.10.2018)*

**Hon. Deputy Speaker:** Hon. Arati, again freeze!

*(Question put and agreed to)*

REPORT ON THE INSPECTION VISIT TO THE ISIBANIA  
ONE- STOP BORDER POST

THAT, this House notes the Report of the Select Committee on Regional Integration on the Inspection Visit to the Isibania One-Stop Border Post from 22<sup>nd</sup> to 25<sup>th</sup> March 2018 in Migori County, laid on the Table of the House on Thursday, 14<sup>th</sup> June 2018.

**Hon. Deputy Speaker:** Let me confirm from the Leader of the Majority Party whether this is the direction he wants us to take. I am told he had a request that Motion No.12 comes before Motions Nos.10 and 11? What is the position, Hon. Leader of the Majority Party?

**Hon Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, the Chair of the Departmental Committee on Defence and Foreign Relations has other commitments. We have agreed under your indulgence we bring the Motion by the Departmental Committee on Defence and Foreign Relations before the rest.

**Hon. Deputy Speaker:** That is acceptable. Is the Member for Lamu in? She was supposed to prosecute Oder No.10. Hon. Captain Ruweida, what do you have say?

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Hon. Deputy Speaker, I was ready to present the report on the inspection visit to Isibania one-stop border post.

**Hon. Deputy Speaker:** Since we expect the Chair of the Departmental Committee on Defence and Foreign Relations will be out of Nairobi next week and has made a request that his Report be considered first, I also request you to kindly allow us to step yours down. It will be moved next. I am sure we will finalise this one.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): I have no objection.

**Hon. Deputy Speaker:** Thank you for your understanding, Hon. Ruweida. Proceed, please.

*(Motion deferred)*

REPORT OF THE SIXTH ORDINARY SESSION OF  
THE FOURTH PAN-AFRICAN PARLIAMENT

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan-African Parliament, held in Gallagher Convention Centre, Midrand, South Africa on 7<sup>th</sup> to 18<sup>th</sup> May 2018, laid on the Table of the House on Tuesday, 31<sup>st</sup> July 2018.

Order No.11 has also been skipped and it will be moved next week. The gracious lady from Kisii has acceded to it.

*(Motion deferred)*

## REPORT ON THE INSPECTION VISITS TO KENYA'S DIPLOMATIC MISSIONS

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Deputy Speaker, I thank you and the Leader of the Majority Party plus my colleagues who were to move Order Nos. 10 and 11 for indulging the Departmental Committee on Defence and Foreign Relations and granted us priority to move this Motion this afternoon.

Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the inspection visits to Kenya's Diplomatic Missions laid on the Table of the House on Tuesday, 28<sup>th</sup> August 2018.

I would like to bring to the attention of this House that this is a very important subject for all Members and not only the members of the Departmental Committee on Defence and Foreign Relations. That is because when we travel out of this country, our first points of contact are our missions abroad, either through their staff or visits to the embassies. Therefore, it is of keen interest that Members contribute to this Motion and give their experiences and feelings about our missions abroad.

Kenya has 54 missions abroad. The Committee and through the innovation of His Excellency the President of the Republic Kenya, will expand its footprint globally. Several missions have been lined up for opening as consular and others as fully-fledged missions.

In the First Session of the 12<sup>th</sup> Parliament, the Departmental Committee on Defence and Foreign Relations resolved to inspect Kenyan foreign missions with a view of assessing their capacity to represent Kenya's interests abroad and to recommend possible interventions needed for them to discharge their duties effectively. To achieve this, the Committee identified missions in Asia, Europe, Russia and North America for inspection visits in the Financial Year 2017/2018. In the 2018/2019 Financial Year, we are going to undertake many visits of our missions in Africa.

Pursuant to Article 95 of the Constitution of Kenya, the Committee resolved to visit Kenyan embassies in the Republic of Korea, China and Japan led by one team. Another team visited our embassies in Switzerland, Austria and Russia while another team visited our missions in the USA in Washington DC, New York and Los Angeles consulate in California. There is also another team that visited Canada.

The objectives of these visits were among others, to assess the status of the Kenyan missions in order to establish their performance, operations, challenges and opportunities to tap investments from countries of representation. The visits were also to inquire into the welfare of the diplomatic staff and their working conditions. In this respect, I appreciate the effort of this House that in the just concluded Finance Bill, 2018, it acted in favour of our foreign officers.

*(Loud consultations)*

Hon. Deputy Speaker, the consultations are too loud both on the right and left side of the House.

*(Hon. Kassait Kamket stood on the gangway)*

**Hon. Deputy Speaker:** Order Members. Let us consult in low tones especially to my right close to the Hon. Member standing. Let us keep our consultations a little low.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Deputy Speaker. I was saying that on this objective, this House exempted the officers returning from our diplomatic missions abroad from paying VAT and excise duty on the vehicles they buy from the countries when they are returning. That was in the just concluded Finance Bill of 2018.

The third objective was to engage with Kenyans in Diaspora with regard to consular services provided to them.

Fourth was to explore opportunities in bilateral, political, economic and cultural operations. You will understand that some of the missions I listed earlier are not only for bilateral activities. There are those meant for multilateral activities especially the ones in New York and Geneva, Switzerland.

The fifth objective was to meet with our counterpart parliamentary committees responsible for defence and foreign relation matters to familiarise with their mandate as well as to share experiences.

I will just talk about what we found in the embassies in the USA where I led the delegation to and then I will leave the rest to my colleagues to talk about the areas they visited.

The building that houses the Embassy of the Republic of Kenya in Washington DC has greatly deteriorated with the passage of time. In comparison with our neighbouring structures, it stands out as neglected. Secondly, the masonry facades for the general structure especially the external walling are in fair condition, but cleaning and minor repairs are necessary. The wooden windows have deteriorated with the passage of time and battering by elements of weather and require to be replaced with modern aluminium glaze windows. This being historical building, care must be taken to preserve the nature of the facades. We own the building. The iron sheet roof and the supporting structure had deteriorated extensively and there was evidence of general leakages. Gutters and down water pipes were extremely corroded. Most of the ceilings have evidence of current and previous damages associated with leakages from the roof. Even the so-called Kenya House is also in bad shape. That building which we own is mainly partitioned using plastered masonry. It was apparent that some of the partitions had to be added without consideration of proper circulation pattern and fire escape routes. The internal wall finishes had been painted severally over time and most of the old paint is dead and peeling off. The paints dating back several decades ago could be containing lead components and it is making it a health hazard.

Most importantly, it is about the high rental expenditure. The embassy is spending large sums of money in rental expenditure for its staff. As I said, we own the building but we are

renting the houses for our staff. It is not all of them. I remember we visited about two. We own three or four staff houses but we are paying very high rental expenditure for the rest. In addition, there is inadequate funding for maintenance and repairs of these government-owned properties. Even those ones we own, maintenance and repairs need to be done. This has resulted in gradual dilapidation of the properties.

Another problem is the foreign exchange losses. The budget for the Kenyan missions abroad is prepared in Kenya Shillings as per the requirement of the Public Finance Management Act but when the funds are budgeted and then transferred to recipient missions on quarterly basis to facilitate this transfer, there is multiple translations from Kenya Shillings to the currency of the mission and then to the currency of the recipient country. This leads to huge net foreign exchange losses which erode their already very minimal allocation.

In the USA, we have another mission which handles multilateral relations. The one in Washington DC handles bilateral activities. The Kenya House in New York is the official residence of the ambassador who in this case is the permanent representative, commonly referred to as PR. The official residence called Kenya House is currently not occupied. The current PR, Ambassador Lazarus Amayo, is almost the third ambassador who has not occupied that house because it is in dilapidated condition. The House is located far from the UN Headquarters and the traffic jam associated with the New York may not make it strategic for the PR who may have so many engagements especially in the morning hours. This Kenya House sits on a big parcel of land which we own as a country. We were arguing about the acreage. It is said to be five acres. It is big. Owning such a big piece of land in New York is good. This piece of land can be used to construct additional houses for other home-based staff so that we stop renting. There is need for the ambassador to move closer to the UN Headquarters where most of the activities are done.

Austerity measures and budget cuts are rationalised for macroeconomic reasons and this affects the mission's programmes. The application across all subsectors without regard to functions and mandate adversely affects the implementation of the projects and the programmes in the mission. They include, for instance, the payment of salaries for contractual staff. That must be paid, failure to which the mission may face litigation.

There is also resource inadequacy. As I said earlier, this resource inadequacy has been a serious problem in all our missions. Actually, the ones we sampled - we visited 10 - it is just a replica of what is happening all over. This is a serious problem in this sector especially in meeting its budgetary requirements. It has made it very difficult to implement the planned programmes and projects. Resources allocated to these missions are quite inadequate and fall short of the critical needs hence undermining the service delivery to this mission. Remember these missions outside the country are the face of the country. We say Kenya is a giant, a point to reckon with in Africa, but when you go to New York, you will find that the mission for our neighbour Uganda is a 12 storey building and they own it. They occupy only two floors and the rest of it is being used for income generation. The information we got is that the building facilitates 70 per cent of the requirements of other missions of Uganda abroad. I remember one of our appointments was at the Inter-parliamentary Union (IPU) which this House is a Member

of. The offices were housed on the fourth floor of the Uganda House just some few blocks away from it. They are very strategic. It is located just a few meters from the gate of the UN Headquarters. Few blocks behind it is the Nigerian House. The Embassy of the Republic of Nigeria has about 47 floors and it is fully owned by the Nigerian Government. You can imagine how much income they are generating that could be used as Appropriation-in-Aid in running other missions abroad.

There is also the biggest problem for all embassies. This is the delay in Exchequer releases. These delays even affect this House and operations of our sectors in Government, locally. How much more would those, who are far away from Kenya and experience those Exchequer releases, be affected? It is not only going to negatively affect implementation of their programmes but also their lives. I remember when we visited our consular in Los Angeles, California. We were there in mid-June this year – around 15<sup>th</sup>. Two weeks to the end of the financial year, they had not received their money for the quarter. That is for April, May and June yet it was only two weeks to the end of financial year. Even the staff has a problem paying their rents.

Lastly, let me talk about the Kenya Consulate General in Los Angeles. It is the only Kenya's footprint in the West Coast with an area of jurisdiction comprising of 13 states. I know you cannot open two embassies in one country. Only one fully fledged embassy or mission can be opened in a country then open consular offices in other areas within one country. But, if you take the Los Angeles consulate, it is serving Kenyans in 13 states: Alaska, Colorado, Montana, New Mexico, North Dakota, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington and Wyoming. This is a very vast region. There is need for Kenya to open other consular missions in other states. Therefore, Kenya can only learn and cooperate with the USA, particularly the State of California and the city of Los Angeles on matters aerospace, aviation and film industries. We even went up to Hollywood where one of our own, Lupita Nyong'o, was performing. California is known as a giant in ICT. The owners of *Facebook*, *Google* and *Twitter* are all there.

I want to end there because the recommendations are the same for all the missions. I kindly request you to allow the Member for Kamukunji, who led one team to Canada, to second. He was also in the other team that visited the Asia missions. Also allow the Member for Saku to talk about Russia, Switzerland and Australia.

Thank you, Hon. Deputy Speaker. I beg to move.

**Hon. Deputy Speaker:** Okay. Of course, you have said Hon. Yusuf will be seconding and then at one point or the other we will get a few Members of your Committee to also contribute. Members will also have their say.

Proceed, Hon. Yusuf.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Deputy Speaker.

First of all, I am going to pay tribute to the many professional dedicated men and women who are serving in our diplomatic services and representing us internationally. They are flying our flag high. They are the face of our country. These are the people we are talking about. I must say that we need to consider foreign policy and relations as an important component of our sovereignty. There is no country in the world that does not have foreign relations; we are not an island. We need to interact and engage other countries. Foreign policy is absolutely crucial in our development as a nation. We need a robust foreign policy and an effective foreign representation to achieve our national goals and aspirations. People should not think foreign policy and our diplomatic services outside is in vain. We are represented in 49 countries. We have 54 missions.



They are not luxuries. They are essential components in our development. In a very competitive global environment, we need to be there to project, promote and protect Kenya's interest and image globally. As a country, we have a very ambitious foreign policy to achieve our national goals and aspirations. It is to consolidate our position as a regional power, to assert our role in Africa and in global affairs. That is why we need to continue to support and have our missions, to have the best and the most qualified people with the appropriate competencies to represent us internationally – in the international milieu at all levels. They should be people with specialised knowledge, area knowledge and language skills; people who can stand out there and represent us as a country. We must also have first class support system in the Ministry of Foreign Affairs. At the moment, I am glad we have competent Cabinet Secretary, Principal Secretary and staff in place.

We also need to provide for our ambassadors and the staff we send outside to have the necessary resources to be effective representatives. That is one of our jobs as a Committee and Parliament - oversight. We should keep our chanceries in the best possible condition to have very good and attractive offices that will leave a very good impression with any visitor, particularly now that one of our major pillars of our foreign policy is economic diplomacy. We are no longer begging countries to give us handouts. We want engagements as an equal partner in our economic development. We want investment. We want countries to come here and have manufacturing industries. We want them to have businesses therefore generate and grow our economy. Therefore, we need to put our best foot forward. That is why it is very important.

I had the privilege of travelling with the missions that were sent to South Korea, the Republic of China, Japan and Canada. I must say that what we found there, in some of those countries, is quite wanting in terms of equipment, support and offices. In the case of the Republic of South Korea which is an important country, a big industrial power with very strong relations with Kenya and wants to engage with Kenya, we found that we do not own the embassy in Seoul. Since we are going to have a long term relationship with that country, our recommendation is for the Ministry of Foreign Affairs and our Government to buy the necessary building to have our offices in a good place where they can continue to carry out the good job they are doing.

We also think there is a problem in the allocation of resources to the missions. We want the allocation of resources to be increased as well as to be regular so that those embassies can continue to function effectively. Many of the problems in many of those missions are the fact that there is delay in remittances of their budgets. It puts a lot of pressure on the embassies as well as stress on the staff. We would like the Ministry of Foreign Affairs and the National Treasury to look at means of streamlining that so that, that problem can be addressed effectively to make our missions much more effective in carrying out their tasks.

In the case of South Korea, we feel that our country needs to take full advantage of ICT and to learn from the experiences of such countries that were underdeveloped or were at the same level of development with us some three or four decades ago. We need to learn from their best practices. I think they are very happy to export and exchange some of the technologies they have with our country.

We also think that in the case of all these countries that are affluent like South Korea, we do not have a tourism mission there. South Korea has 25 million people who visit different countries as tourists. Even if we were to get a small slice of that, it would be a major contributor to our economy.

The other area was the export of vegetables and other agricultural products which we produce in abundance. We are not able to access the markets in those countries for lack of engagement in the area of trade. Therefore, we recommend tourism and trade to be looked into as far as Korea is concerned.

In the case of the Republic of China, it is not easy to imagine the importance of this very powerful country in terms of economics and population. It is a major global power. We engaged with them at various levels but it is important that we intensify that relationship and put more resources in developing our relationship with them. One of the things we found out is that China is the fourth largest country. Beijing, the capital is in the north but most of the people who engage with Kenya in terms of trade are in the southern part of that country and cities like Guangzhou. We recommend that the Ministry of Foreign Affairs and the Government looks into and quickly establishes a consulate general in Guangzhou where we can provide more services to people who are involved in trade and industry and engage with Kenya.

In the case of Japan, we also think that Japan does not have a tourism office. The case of Japan is same to that of China. We believe that we can benefit from millions and millions of tourists that come to our country. This could be a growing area of our economy because those countries have affluent populations that have surplus incomes. We should not just be looking to the West; the East is an area that we must invest in, in terms of engaging in trade, agricultural trade, ICT and tourism. We think that tourism industry there needs an office or representation that can promote our beautiful country.

Finally, I was able to lead the delegation to Canada. Canada is another country which is very effective in international relations. It is now re-engaging with Africa and particularly Kenya. Our President has recently been invited there for the G-8 meeting. Canada is at the moment engaged as a partner and a co-host of the Blue Economy Summit Conference which will be held here in Nairobi next month. One of the things we felt about Canada was lack of engagement at a higher level in the areas of tourism and trade. We also felt in many of these embassies, there was shortage of staff in critical areas where we will benefit more in terms of promoting our foreign policy and particularly our economic diplomacy. So, we very much recommend that we do that.

Finally on Canada, it is the second largest country in the world. Our embassy is in Ottawa which is on the eastern side of the country. The rest of Canada is out there, there is the big city of Toronto, Vancouver, Edmonton and Calgary where many Kenyans are. We therefore need to expand consular services to those areas so that our embassy can be more effective in terms of promoting relations in the Diaspora as well as in trade and tourism.

With those few remarks, I second the Report that has been tabled by our Chairman on the missions that the Departmental Committee on Defence and Foreign Affairs visited in those countries that have been outlined.

Thank you, Hon. Deputy Speaker.

*(Question proposed)*

**Hon. Deputy Speaker:** Let me see, there is a senior Member from Kangema. He is not a Member of the Committee, but it is also good to hear what the rest of the world is saying.

**Hon. Clement Kigano** (Kangema, JP): *(Technical hitch)* We have been ridiculed by other people. My other area of concern is tourism, which the Seconder has mentioned. In a country like Japan, we have no tourist officers. We have a college that trains tourist officers, that

is, Kenya Utalii College. It is ridiculous for us to be told that in many stations in Canada, Japan and elsewhere there are no tourist officers.

The other concern I have is the large entourage that accompanies our dignitaries when they travel. I checked the last time when our delegation went to the United Nations Headquarters and found out it was a whole planeload of people. I would call them joyriders. It is a matter of concern and I would like to compare our country with a clip I saw this morning on Swiss Confederation. The President of that country, which has about nine times the GDP of Kenya, went to the United Nations with a delegation of five people. He lived in a small shared apartment and was walking to the United Nations Headquarters. So, it is a matter of concern that a country like Kenya can afford the luxury of floating per diems for joyriders.

I rest my case.

**Hon. Deputy Speaker:** You know senior, I know you have been practising probably since 1972 before Hon. Cecily Mbarire was born, so I am sure you are more familiar with 'resting your case'. However, here you are either supporting or opposing. So, which one are you doing?

**Hon. Clement Kigano** (Kangema, JP): On this one, I will abstain. I am entitled to...

**Hon. Deputy Speaker:** That abstention again is not...anyway, you have made your point

**Hon. Clement Kigano** (Kangema, JP): Because of the reservations which I have talked about such as Saudia, tourism and the large entourage that accompanies our delegations, I am unable to support that Report.

**Hon. Deputy Speaker:** In a better language, simply say you are opposing. It does not make a lot of difference.

**Hon. Clement Kigano** (Kangema, JP): I have a lot of reservations.

*(Laughter)*

**Hon. Deputy Speaker:** Okay, Hon. Member for Kangema. Let us hear from a lady now, Hon. Mbarire.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I really want to congratulate this Committee – the chairman, the vice-chairman and the members – for a job well done because any Member of Parliament who has travelled abroad will hear officers in our missions informally raising complaints about what is not right in their workplaces. We have never had a formal channel that would enable us to discuss those matters on this Floor and make them an agenda item that needs to be pushed forward to the Executive. So, I feel this is a great opportunity. The Committee was right to see it necessary to take time to go to these embassies, listen to them, understand the challenges and bring a substantive report to this House.

I would not want to repeat all the issues that the chairman has raised here. All of us have been to these missions and we have seen most of these offices are very old, dilapidated and poorly resourced in terms of both human and financial resources. More often than not, when we travel there our demands on them are so high that they are unable to meet them because they do not have the necessary resources. It was interesting to note that in New York City there is Uganda House and Nigeria House. I could not help but ask myself where we went wrong as a country such that we could not find it fit in our days in the 1970s when things were much easier

to also procure a house that we could use today to finance most of the embassies. I hope that going forward we can change our strategy in terms of how to manage these offices.

One, it does not make sense that we continue to pay rent for offices and staff houses instead of us thinking of mortgaging some offices and houses there. At the end of the day, there is no one day Kenya will be without an office in the USA or London. Therefore, if we can have permanent houses and offices for our staff, in the long run we will spend less than we are spending right now. Right now, we are putting money down the drain.

I am also concerned about delays in release of Exchequer or remitting of finances by Treasury to these embassies. You can imagine when we are unable to pay our bills and staff on time, when we have debtors knocking our doors every other day; it gives a very bad image. These embassies are very critical for the nation. I hope even that can be properly taken care of.

What I would want this Committee to do—and I hope the chairman is hearing this—is to go beyond this great report you have written, because we will support it today. It will be important that at some point there be a joint meeting of the Ministry of Foreign Affairs, Treasury and the Committee so that we can agree in the next couple of years how much money we can give for what purposes and in what missions so that we can come up with a strategic plan of how to empower our missions abroad, so that this Report does not become one of those that we just pass and nothing is done about them.

Finally, I hope also that the proposal to give Kenyans out there a chance to do internship in those offices, may be at a lower cost or for free, will be taken care of so that they can get a chance to learn and get experience in a homely environment and in that way also help the nation go forward. I hope all Members present here support.

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

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

I also want to tell this Committee, having seen them mention something to do with tourism officers; that, I was an Assistant Minister for Tourism for five years. We changed the style of marketing the country because it was not very effective at that time. We had tourist officers who were not well resourced in terms of budgets for marketing, and who were probably not well trained in terms of marketing tourism. They were doing very little, if anything, in the embassies. We came up with a strategy where we contracted tourism-oriented firms. Like in the USA, there is a marketing representative who is paid to do certain activities per year in marketing the country. You might also want to engage the Ministry of Tourism to understand whether they would want to go back to the old style. If we had both the marketing representatives, as is the case right now, and also had well-trained tourism officers in the embassies, it does not hurt because they complement each other. That is a discussion you might

want to have with the Ministry of Tourism so that they can tell you what they think works best in terms of marketing the country.

With those few remarks, I beg to support and congratulate this Committee for finding it fit to do this great job. I hope it will not be just any other report that we pass and nothing is done. We hope that come the next budget cycle, we can see actual budgetary allocations to meet some of these critical demands by our foreign missions.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Rasso Ali led one of the delegations. You have the Floor.

**Hon. Ali Dido** (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Report. I also want to thank Hon. Mbarire for her input. What is really important about this visit is for us to evaluate whether the missions we have out there serve Kenya's national interests. Is the Kenyan taxpayers' money in those missions getting value? Thirdly, in terms of representation, both diplomatic and otherwise, are they fit for the purpose? We are very proud of the Kenyans who represent us out there at different levels in the missions. Sometimes we are under very difficult conditions. They represent us and they hold our flag high. What is currently out there is economic diplomacy. When countries send representatives, they do it so that they gain something out of the presence of that mission, embassy or high commission.

During our study, we visited different stations. Hon. Muturi talked about Saudi Arabia and the Middle East. I think it is not among the stations that were visited. I hope the Chairman has noted that it is important that we cover the different continents during the year, funds being available.

Hon. Temporary Deputy Speaker. Geneva is a multilateral mission where big organisations such as the World Trade Organisation (WTO), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organisation (UNIDO) and the International Telecommunications Union (ITU), among many others are based, where the Kenyan staff represent us in those organisations in different forums, workshops, meetings and also chairing and attending plenary sessions.

Geneva is one of the most expensive destinations in the world such that if we do not put enough resources into that mission then our representation will dwindle to the extent that we may not get the best out of it. Whereas the Kenya High Commission in London is the embassy that covers Switzerland, we found it to be a misnomer. We felt that it is important to have a diplomatic representative in Bern which is the capital city to Switzerland, so that bilateral relationship is firmed. On the issue of rent and residences, we found out that it is a very expensive destination and we pay a lot of money in terms of rent.

The Chair, Hon. Yusuf and also the Deputy Whip have spoken to that. We must decide as a country as to whether we should rent or buy. These missions and embassies are permanent features as part of our diplomatic representation. In the long run, buying these properties may save the Kenyan taxpayers a lot of money. The other area of concern is the facilities that the staff has particularly the office space and vehicles that would facilitate their effective operations.

The issue of foreign currency fluctuations is a major problem. Out there transactions are not done in Kenyan shillings and because of the variations in the dollar and the Euro; in the process the embassies lose a lot of money.

I will quickly talk about Vienna, Austria where we have another mission and the Russia Federation in Moscow. One of the major issues that we found out there is about the number of staff. Where the mission has an establishment of 15 members of staff they raise only five members of staff. In the process, the major delivery for the mission is very much undermined.

We have talked about trade which is a major docket. Some of the missions just second a trade officer. A trade officer might have been redeployed and not replaced, or alternatively, a tourism officer; the missions are expected to market Kenya through trade and tourism fares. However, this is not the case because they do not have money to conduct such. So, in our engagement with both the National Treasury and the Ministry, one of the tasks that we must give them is to find out how they would promote trade when they are not able to conduct trade fair.

When we talk of the Russian Federation, this is one such place where we are losing great opportunity. Russia is the largest country in the world. It has so much opportunity particularly the Eurasian Economic Council that consists of five countries. It is a major hub of the international market for the Kenyan tea and coffee.

Therefore, as a Committee we have identified several issues covered in the Report. Since my time is up, I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we now have Hon. Soroney. He must have taken leave.

Let us have Hon. (Ms.) Nyaga.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka - Nithi CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Report by the Departmental Committee on Defence and Foreign Relations which I am a Member. I want to support the sentiments by my able Chair and the Secunder, Hon. Hassan.

What they have said is very true. What we witnessed in those missions is very sad. Most of the missions abroad have very few resources. They cannot operate as expected. They cannot even move because the vehicles they are using are very old. Even those used by the ambassadors do not befit their status and so we ought to do something about it.

Most of these missions are understaffed. The Chairman has already alluded to that. I have heard Hon. Mbarire suggest that we have a sitting together with the Ministry of Foreign Affairs and the National Treasury so that we can see how we are going to support our missions abroad. The buildings they are living in are in pathetic situations. They need renovations, but they cannot deliver when they are not given sufficient funds. How do they give services in those countries?

Hon. Temporary Deputy Speaker, we also realised that we pay so much money in rent for our staff. Kenyans are paying so much to sustain our missions abroad and we need to have houses so that we can save. When you go to some countries such as Geneva, African countries such as Uganda have their houses there. But after 50 years of Independence, Kenya does not own houses and yet rent in those countries is quite expensive. We need to save so that we can build our economy. We need to save so that we can grow our economy and support Kenyans working in missions abroad. I support this Report and in future I am sure we will do something. When the Ministry of Foreign Affairs brings its budget we need to support it so we can portray a good image of Kenya out there.

Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ong'era Janet.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity. I rise to support this very good Report. From the outset, I want to commend the Chair of the Committee for the excellent job they have done. However,

there are some gray areas which they need to look into. Indeed, we need to improve the infrastructure of our missions abroad so as to alleviate the suffering of our staff. They should also be accorded training opportunities.

However, the big elephant in the room is the kind of services these officers offer to Kenyans living abroad. I am particularly concerned about Saudi Arabia. As Members have indicated this afternoon many of our girls are raped in that country, others are molested and live like slaves when they go there as domestic workers. We need a solution to this problem because none has been found for the last five years. Despite this matter being discussed in this House and being raised severally no solution has been given.

Recently, when there was pilgrimage to Saudi Arabia, there was nobody from the Kenya Embassy who came to the aide of Kenyans when an incident happened. However, not all is lost, because there are some embassies which are representing us well. The Kenya High Commission in South Africa is doing an excellent job led by High Commissioner Jean Kamau. They are offering excellent services to Kenyan delegates attending the Pan-African Parliament. This High Commission goes out of its way to ensure that delegates are comfortable while in South Africa. On matters security particularly, we all know that Johannesburg is a dangerous city. However, this Commission goes out of its way to provide security to delegates of Pan-African Parliament and, indeed, other MPs when they visit South Africa. The good job they are doing should be noted in the HANSARD.

However, as we think about improving infrastructure and capacity of our missions abroad we should do due diligence. Do we need many missions abroad or can we combine some so that they can offer effective services. Another issue is about foreign policy, what are we doing about it? Are we talking about economic foreign policy or shuttle diplomacy? Perhaps, there is need for us to start thinking about Kenya changing its foreign policy so that it meets the changing times like other countries. For example, the European nations' foreign policies are sensitive to the needs of their citizens. Therefore, it is high time the Ministry of Foreign Affairs began to rethink about our foreign policy and find out if it is sensitive to the citizenry.

Finally, I urge the Chair of this important Committee that it is not enough to lay the Report on the Table. We need solutions. We should see laid down solutions so that they can be passed to the Committee on Implementation.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Tuwei Kipkurui, Member for Mosop.

**Hon. Vincent Tuwei** (Mosop, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this Motion. I want to thank my Chair and fellow Committee Members who got an opportunity together with me to travel and investigate what is ailing our foreign missions abroad so that we can deliberate today.

From the outset, the Member who has just spoken has said that the Committee did not give recommendations. I request her to get the document because there are recommendations attached to the main Report. It is good for her to go through it so that she can apprise herself with the recommendations we made about the missions we visited.

The Ministry of Foreign Affairs is having challenges and it is my request to the President of this country to consider it in the cluster of security sector ministries. Over time the budget of this Ministry has been reducing yet Kenya's name out there is attracting a lot of attention. Kenya's presence in the world is highly welcomed. Its position in the world requires us to take

advantage of opportunities. Kenya needs to be marketed by all of us, our leaders, athletes and tourism sector.

It is my pleasure to have the Ministry of Foreign Affairs, diplomatic missions and embassies accorded support in order to enhance our position as a country that is very strong in Africa. Surprisingly, when we visited Austria, a country as small as South Sudan owns an embassy there, yet it is very young. However, we pay rent for ours and we are the mother country which recently helped South Sudan attain independence. When we spoke to the mission staff we become heartbroken. They complained of not receiving their salaries for over four months.

One wonders whether this is a deliberate effort by the National Treasury or poor coordination between the Ministry of Foreign Affairs and the National Treasury in respect to delaying remittance of salaries to all the staff of missions abroad. All their monies according to budgetary provisions are done in Kenya Shillings but when they are remitted to them the exchange controls reduce these amounts. In most cases, what they had planned to do is never achieved. Therefore, the targeted projects which the missions wish to undertake are hampered by the deficit of remittances due to exchange rates.

Some of the missions we visited have old cars which one feels ashamed to board. The vehicles are so old that one cannot believe an ambassador or a mission of that stature can use. It is high time we bought them new vehicles to enable their mobility and visibility in all aspects of their mission. When we were in Russia we found out that the Russian Government gives us 100 scholarships every year. We found students who were actually going to the mission to ask for assistance, but the missions were unable to help. When we talked to the people in the Diaspora and the students concerned, we realised that the Ministry of Education, Science and Technology does not assist them. Also, the assistance has to be done through the foreign missions because they are given scholarships free. We need to support them on how they can actually undertake their scholarly work in order for them to bring us knowledge from outside.

We also found out that our products outside there are not getting proper marketing. Our Kenyan tea is being adulterated and downgraded by blenders who blend our tea and reduce its good quality. It is my sincere request to this House that we look at improving and supporting the Ministry of Foreign Affairs and our embassies to have officers who are in charge of trade. Surprisingly, the staff in these missions and the staff in our offices in Nairobi here are not properly coordinated. The complaints we got outside there are that when a letter is written to our Kenyan department, it takes them years to respond to it. Inquiries are being made and the desk officers in the Ministry of Foreign Affairs do not respond to them. Very many tourists would wish to come to Kenya but the time of conveying information is not done in a proper and timely manner. It makes us lose a lot in terms of tourism and in terms of information as a result of the laziness of the staff within the Ministry in Nairobi and departments of our Government.

The other issue that is now putting a lot of Kenyans in the Diaspora into problems is the issue of getting a new passport. Many Kenyans outside there are actually asking serious questions as to how they can acquire the new generation passport. They are being told to come back to Kenya for fingerprints. It is high time we saw how we can improve our missions and embassies worldwide in order for them to have the fingerprints or biometric passport taken and be sent here for them not to spend a lot of money coming to this country for the same. This is because they are expected to have new passports in the next one year. If we look at the cost implications of Kenyans who are outside coming back for these new biometric passports, it is high. Let us strengthen the Ministry of Foreign Affairs to have the biometrics done and also the



Ministry of Interior and Co-ordination of National Government to speed up the issuance of the same by giving them priority.

The other issue is that of our Kenyans who are incarcerated, are in prisons or have been detained for whatever reasons outside there. We found out that ladies and gentlemen who left this country for good intentions to work outside have found themselves with...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Your time is up. I ask the Clerk-at-the-Table to alert Members when the time is almost done so that they are able to organise themselves.

Next is Hon. Nyoro Ndindi.

**Hon. Ndindi Nyoro** (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. I rise to support the Report by the Chair of the Committee. I belong to a committee that shares so much with the Ministry of Foreign Affairs. I am in the Committee on Regional Integration and basically, we do more or less the same thing. We have seen, first-hand information, some of the issues that were raised by the Chairman and even the Secunder of the Report. However infamous and unpopular the person was, what Idd Amin Dada did to the Republic of Uganda was to make sure that Uganda was represented not just by personnel but even by real estate in the places they had presence. I think we can borrow a leaf as a country with regard to that because most of the embassies I have been to are rented. If you are to tabulate the recurrent expenditure of renting these spaces, I think it will be strategic for us as a country to move forward with haste in acquiring some of these properties and have presence in most of the places that we have missions and embassies.

I was in Moscow just recently and I can attest to most of the issues that have been raised. First of all, even the location itself... This is because the physical address of an embassy talks a lot about the importance that we give them. The embassy is the equivalent of downtown Nairobi along Kirinyaga Road. If this is the face of Kenya and this is the place that sells Kenya fast, I think we need to be a bit more strategic even in terms of location and in terms of even acquiring the properties so that we can kill two birds with one stone. We should have the right address but more importantly, we should have a less recurrent expenditure when we own these properties.

However, that is not the only problem with these missions. There is the issue of mobility. I have heard it from so many other Members. I think we are rushing too much into having presence in so many places yet we are not facilitating them in a way that befits their excellences. This is because you cannot give a person the title "His Excellency" or "Her Excellency" but the state at which they live and conduct their business is very far from that title. Also, I noted some few things and I have noted them in most of the places we have been going for parliamentary business. One is an issue that was raised by my colleague that some of these people go out of their way to look for opportunities for us Kenyans. I would like to cite an example.

The Russian Embassy went out of its way and got 100 scholarships for the Kenyan youth, but I have to put it categorically that when these opportunities come to the relevant departments of Government, for example, the Ministry of Education, Science and Technology, the truth of the matter is that some of the mandarins within those ministries and within those departments purport to want to sell these opportunities to the Kenyan youth. The outcome is that whereas we have many opportunities like in the last financial year, we had 100 opportunities for the Kenyan students to go for full paid scholarship to study in Russia; we only managed to take 33 because of the red tape and bottlenecks in our relevant departments here in Kenya. We need to align that so that we can take full advantage of the opportunities that we get.

We can come here and enumerate the problems and the challenges but we need to go back to the drawing board and ask ourselves why we actually have these missions and embassies. Foreign policy currently across the globe is very important. That is the reason, for example in the United States of America (USA), of all the other secretaries who serve in different departments; the Secretary of State is the most important. Currently, we have Mike Pompeo. We have had so many other notable figures. This shows the importance of foreign policy in so far as driving the agenda of a country is concerned. In Russia, the current Secretary of State is the most outspoken Secretary and Minister in the Russian Federation because of the importance of the office.

Even as we talk about the policy, we need to ask ourselves why we have their excellences in those countries. My answer - and I might be right or wrong - is that in the current dispensation, we should be driving trade. When we talk about trade, we need to have the right personnel and negotiators. Currently, we watch on international media every now and then that the bulwark or strong point of the current USA President is foreign policy and his representatives in different countries. The whole thing is about trade. He uses the word “deal” in most of his speeches than any other word just to rubberstamp the importance of trade when it comes to engagement with other foreign countries. I do not think we are doing so well.

As we talk about western countries, closer home, let us talk about a country like Tanzania. We had this discussion yesterday in this House. We have over 853 products from Kenya facing tariffs when they are destined for our sister country, namely, Tanzania. Even more worrying - because we are talking about foreign policy and trade forms part of the basis of foreign policy – regionally, we are losing because we used to be the “Uncle Sam” and the big brother of this region but we are gradually losing this position. On trade and balance of trade (BOT) with our neighbouring countries, Kenya is currently subdued by Uganda in terms of BOT. We have a great opportunity because 82 per cent of the commodities that go to Uganda have to come through our ports. We need to refine our foreign policy especially when it comes to trade because that is the only point that makes sense to the citizens.

The other day I heard our Cabinet Secretary for Foreign Affairs and International Trade giving us the numbers of Kenyans who are rotting in foreign jails. First is China but it is despicable that the second country where most Kenyans are in jail is our neighbouring country of Tanzania. When we should be talking about the advancements we are taking and the benefits we are reaping from our neighbouring countries in terms of trade, the only thing we can enumerate that tops the list is the number of Kenyans in those jails. As we talk about foreign trade - and I am talking directly to our neighbouring country and state - we need respect in our engagements so that even as we try to engage as countries and bring down barriers and boundaries, we will do this on the basis of respect and reciprocity. This is so that we also get back what we give even as we move forward with integrating the entire world together into one global population. That is the basis of foreign policy.

With those many remarks, I support this Report by our sister Committee.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): As the Speaker said earlier, we will keep mixing Members from that Committee and those who are not so that everyone gets a chance to speak to this. Let us have Hon. Shaban.

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Asante sana, Naibu Spika wa Muda. Langu ni kuipongeza Kamati hii kwa utafiti katika ofisi za ubalozi za nchi ya Kenya zilizoko maeneo yale waliweza kupitia.

Ukweli ni kwamba masuala yaliyotajwa hapa ndivyo mambo yalivyo. Matatizo yako katika kila ofisi zetu za ubalozi kule nje. Tatizo linalowakumba mabalozi wetu walioko kule na

wafanyikazi wao ambao pia ni mabalozi wasaidizi wakimsaidia balozi mwenyewe ni kwamba pesa zile ambazo wanapatiwa hazitoshi miaka nenda miaka rudi.

Ukiangalia Bajeti inavyopitishwa, ofisi ya ubalozi bado inapatiwa pesa kidogo kulingana na muda ambao umepita. Ukiangalia hesabu inayofanywa, hawajabadilisha pesa walizopeana miaka kadhaa iliyopita mpaka sasa hivi ilhali hela yetu ya Kenya imeshuka nguvu kufananisha na pesa za nje. Hivyo basi, inaonekana kuwa kuna upungufu mkubwa sana wa pesa za kufanya kazi ile ambayo waliotumwa kule nje.

Suala la pahali ambapo ofisi zetu za ubalozi zipo pamoja na pale wafanyikazi wetu wanapokaa huko nchi za kigeni limekuwa suala nyeti na limezungumziwa kwa muda mrefu. Kuna wakati nakumbuka nikiwa waziri, waziri mwenzangu alifanya uamuzi wa kuuza sehemu fulani ambapo tulitakikana kujenga maeneo ya ubalozi na ikatutatiza sana wakati huo. Tulifikiria kuwa tungetafuta pesa kwenye Bajeti za kusaidia kujenga maeneo yale ili ubalozi wa Kenya uwe pahali pa hakika.

Vile vile, ukiangalia maeneo mengine ambapo tunafanya shughuli nyingi kama vile nchi ya Uchina, ukienda kule mara nyingi Wakenya wengi wanafanya shughuli zao haswa za kibiashara upande wa Guangzhou lakini hawana ofisi ama ubalozi ambapo wanaweza kwenda kupata usaidizi. Vile vile, mara nyingi, eneo lile ambalo watu wanaweza kutumwa kushughulikia chochote, kuna umbali kana kwamba hata ukisafiri na ndege, ni masaa matatu na nusu mpaka Beijing ambapo ofisi zetu zipo. Hivyo basi nakubaliana na Kamati hii kuwa kuna umuhimu wa Serikali yetu kufungua ofisi ya ubalozi mara moja katika eneo la Guangzhou ili Wakenya walioko kule waweze kupata huduma na pia uhusiano wetu na nchi ile uimarike.

Vile vile, ukienda kwenye ofisi za ubalozi, utakuta wana matatizo makubwa sana haswa kwenye masuala ya magari. Mara nyingi inawabidi watafute magari ya kukodisha. Magari ya kukodisha huwa ya bei ya juu.

Kwa kifupi sana, ningependa kuzungumzia swala hili la sisi kulipa kodi ya nyumba kwenye maeneo yale. Bei ya kulipa iko juu hata kushinda bei ya kulipa deni kama tutakuwa tumechukua deni kwa uhusiano wetu na zile nchi na haswa benki zile ziko kule ili kuweza kujenga ubalozi kule nchi za nje. Ingekuwa ni rahisi sana kwa sababu, wale wengi waliojenga kwa mfano nchi ya Uganda na nchi zingine ambazo zina majumba, maeneo yale kama upande wa New York na London, utaona wanapata hela nyingi kiuchumi na zinatumiwa kwenye wizara ya kusimamia masuala ya nje ili kuimarisha shughuli za ubalozini.

Maeneo yale ambayo yanahitaji ubalozi mdogo haswa maeneo kama yale niliyotaja kwa mfano Uchina na nchi zinginezo, pahali ambapo Wizara hii imeona kuna umuhimu wa kufungua maeneo yale, kuna umuhimu wa Bunge hili, na haswa Kamati inayohusika kushikana na kuzungumza na wizara pamoja na Rais wetu na Naibu wake ili kuhakikisha ya kwamba maeneo yale yanaweza kupatiwa ubalozi huu haraka iwezekanavyo.

Mhe. Naibu Spika wa Muda, naunga mkono kazi hii ambayo imefanywa na Kamati hii lakini wasiiachie hapo. Waendeleo na kuhakikisha ya kwamba masuala hayo waliyoyataja hapa, ambayo ni muhimu, yametekelezwa mara moja. Tunapokwenda kwenye mwaka ujao wa kutengeneza Bajeti inayokuja, tuangalie umuhimu wa kupatia pesa za kutosha masuala yaliyotajwa hapa, na haswa tuangalie kama hela hizo zinatoshwa ama hazitoshi kwa shughuli zile zinazoendelea na kuita wawekezaji. Ubalozi ndio unaweza kutuunganisha na nchi za nje ili kuhakikisha kuwa wawekezaji wamekuja kwa nchi yetu kwa wingi kufanya biashara huku na kufungua makampuni ambayo yatawapatia kazi watu wetu, na haswa vijana.

Mhe. Naibu Spika wa Muda, kwa maneno hayo machache, naomba kuunga mkono.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Noor Sophia, Member for Ijara.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Motion. At the outset, I want to support it and congratulate the Members of the Committee for doing their job well.

I was the Chair of the Departmental Committee on Labour and Social Welfare in the 10<sup>th</sup> Parliament. I visited some of the embassies around the world. They had given us a memorandum as a Committee, which talked about their welfare. Honestly speaking, there is no difference between that time and what I have read from the Report of the Committee. It shows that those embassies are still suffering 10 or 7 years later. An ambassador of a country is a person who promotes the interest of a nation. He is supposed to be well facilitated. He goes around the nation selling the agenda of Kenya. From what I have heard and read from the Report of this Committee, most of our embassies lack adequate resources. If we are not able to resource the embassies which promote the agenda, mission, vision and the integrity of this country to the international community, then it beats common sense.

This Report shows us that most embassies do not have vehicles. If you go to their offices, the kind of equipment that is there is outdated. The recommendation of the Committee is to upgrade and replace the furniture in those offices. The embassy is the image of this country. When you do not have furniture in the embassies, it becomes a problem. You have heard that Uganda and Nigeria own properties. The Committee told us that when they went to New York, the kind of facility that Uganda and Nigeria have, compared to what we, as a country, have it is unfortunate. We want to ask the Executive to change the image and invest heavily in our missions outside this country. We have heard the kind of revenue that those facilities generate for both Uganda and Nigeria. We, as a nation, have the capacity to put up facilities that can generate revenue. I know we have land in many different capital cities in the world. If we can use the properties that we have and improve them, we can generate a lot of revenue that can be surplus for our missions all over the world.

Members of Parliament talked about Saudi Arabia. I also had that impression. Sometime this year, we accompanied our Speaker to Saudi Arabia. We met Kenyans living in Saudi Arabia. They invited us for a talk. We had a whole evening together, where we engaged with Kenyans who live there. I urge the Committee to visit Saudi Arabia because I do not have the mandate to give you the kind of information that we got from them that evening, and tell you the kind of support they get from there. I do not want to mention it. I am requesting the Departmental Committee on Defence and Foreign Relations to go to Saudi Arabia and do investigations. I was there. The Speaker was also there. We were invited by the Kenyan society in Saudi Arabia. They gave us a completely different impression of the one I had when I went there. I invite the Committee to go to Saudi Arabia and write a report, so that we do not talk about them in this very important House, where we make laws from the media perspective or because there are allegations. We must talk from the facts on the ground. I ask and request the Committee to get the facts as they are from Saudi Arabia because what we hear is completely different from what I saw.

The diplomats who live in Kenya from different countries support their countries' citizens a lot through social welfare and scholarship programmes. They also go out of their way to support programmes in this country. However, our Kenyan diplomats in different countries cannot support their own. If a Kenyan has a problem, for example, in London, the High Commissioner there cannot facilitate him. We need to think through the policies that we have the

kind of resources that we give to our embassies, and what we have as Kenyans. Kenya is a blessed country. It is only the Members of this House who can change the impression that people have about us.

Finally, I want to conclude by saying that the Committee, in its Report, indicates that our tea and coffee, which are the best in the world, do not get the required marketing. We need a strategy that can sell our products abroad. We need to get the best persons to go out there and sell our products. Kenyan tea and coffee are brand products. Whenever I travel abroad, I carry some Kenyan coffee and tea for my friends out there at their request. When some officers know that we are visiting their foreign missions, they ask us to carry some Kenyan tea and coffee for them.

Hon. Temporary Deputy Speaker, the Committee needs to think how best the Ministry of Foreign Affairs and International Trade can promote our products; measures they can put in place to specifically address that. Tourism is not enough and it is not doing well. We want to have a unit in the Ministry that can sell our products properly and can represent our country in a better way than what we see today.

Seriously and honestly, as a budget-making House we need to see how we can provide resources for our missions abroad.

Thank you, Hon. Temporary Deputy Speaker. I support this Report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wamalwa, certainly, you shall get a chance. I am sure you would also like to be fair to Members who came quite a long time ago including the Whip of the Majority Party. I will give you a chance later. Just be patient a little.

Hon. Koyi Waluke.

**Hon. John Waluke** (Sirisia, JP): Thank you Hon. Temporary Deputy Speaker for giving me a chance to speak. I rise to support the Report of the Departmental Committee on Defence and Foreign Relations. It is now 54 years since our country attained Independence. It is surprising that as we speak there are many Kenyan missions abroad that do not have proper offices and furniture. It is a pity because Kenya is respected and is an international hub. The Cabinet Secretary concerned is not doing his job as it is supposed to be done.

Many colleagues have complained about the Middle East where our people are killed and our girls raped in Saudi Arabia. For many years, we have heard reports about Kenyan ladies who go to work in Saudi Arabia getting raped and there is no proper action taken. As a country, we just complain and cry. We need to take action especially against the Chinese. Chinese enjoy a lot in this country. They are the contractors tarmacking our roads and infrastructure. I am shocked to note that many Kenyans are jailed in China.

We also need to think twice about the people who enjoy in our country yet when Kenyans go to their countries they suffer. Action should be taken. We should not fear the colour of their skin. Because they are Chinese, we should not rush to give them big contracts yet we do not have any Kenyan contractor in China.

It is high time we thought about the people who sold our embassies. In the countries I have mentioned, we used to have land there. Today our missions there do not have offices and land. In Kenya, all countries represented own land. Their offices are not leased and they do not

pay rent like Kenyan missions abroad do. It is a pity that Ministry of Foreign Affairs and International Trade officers working abroad sometimes miss salaries for four to five months. It is a shame as a country not to send money to pay those officers in the foreign missions.

With those few remarks, I support the Report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Before I move to my left, let us have Hon. Washiali.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to congratulate the Departmental Committee on Defence and Foreign Relations for the Report currently before the House. The Chair of the Committee, Hon. Katoo ole Metito was my former boss in the 11<sup>th</sup> Parliament. I know him as a man who can deliver very good reports and this Report supports my position.

I have been a Member of Parliament for the last 12 years. In those years, there is no year I do not visit one or two foreign countries. In most cases, I also find time to visit our embassies and missions. I would like to add my voice to that of the Members of Parliament who said that facilities in our missions abroad are in a dilapidated form.

Embassies are the faces of the country. Anybody coming to Kenya his first point of call is the embassy. That is why on matters of education, it is the embassies that represent us. Even on matters of trade where we talk about how to market our produce like in this case tea, coffee and whatever else we produce it is done through the embassies. For example, we rely a lot on tourism and the first point of call for any tourist who would like to visit Kenya is our embassies abroad. Therefore, it is important we keep the embassies in shapes that will attract those who would be visiting.

Earlier in the year, I came from Washington DC and while there, I had an opportunity to visit my good brother Amb. Njeru Githae, former Minister for Finance. We were together here in the 10<sup>th</sup> Parliament. I can confirm that the condition in which the Kenyan Embassy in Washington is even us as Members of Parliament would not wish our houses to be like that. The office has been in that kind of state for many years. I remember in 2008, I also visited the embassy. It was in the same situation. Nothing has been added.

As Members of Parliament, we need to ask ourselves hard questions. As a Member mentioned, it is us who have the responsibility of budgeting as we did the other day when we managed to get Kshs30 million even though later it was changed. I am sure we have the powers to get some money for these embassies so that they represent the kind of image that this country has outside there. Kenya has a budget of Kshs3 trillion. The annual budgets of some of the embassies that are better looking are still in billions. Therefore, we wonder why we have not emphasised on foreign policy that would portray the image of this country in a good way outside there.

As I support this Report, I just want to urge Members to take note of this Report and that as we do any Supplementary Budget in the near future; we need to get some money for these foreign embassies. We can do them from one continent to the other. If we decided today that we are doing Europe, then we do just that. All we need is to do face-lifting and improve on the facilities. Among other functions, the embassies help us supervise bilateral agreements that this

country has signed. Therefore, if we sign bilateral agreements with countries that we depend on, there are some things that will benefit this country. So, we need to get facilities.

This month, Kenya Airways (KQ) will open up a very lucrative route to the USA. If my memory serves me right, the route was initially meant for New York, but now it has been opened to any State in the USA. As a country, we need to take this seriously. Even those passengers who will initially want to use KQ will need to go to the embassy in the Washington DC and in New York to start finding out where the offices of KQ are situated so that they can fly KQ which will now give a very strong connection route from Nairobi. Anybody who will be flying from USA who may not wish to use Ethiopian Airlines will fly KQ. I am sure those passengers will need to go to embassies that are fairly in good condition.

I want to end there and encourage the Committee that they need to move another step to try and find out how much money these embassies will need so that we can improve their condition. Those monies should be put in a Supplementary Budget so that we can appropriate the money for the embassies to facelift their facilities.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. First and foremost, I want to thank the Departmental Committee on Defence and Foreign Relations led by Hon. ole Metito.

In the last Parliament, I was a ranking Member in that Committee and the performance was pathetic under the chairmanship of the Member of Parliament for Tetu, Hon. Githinji. I brought a Motion twice to impeach the Chairman because he was sleeping on the job. This is the first Report. Hon. ole Metito, because we were with him in the last Parliament in the same Committee, knew the problems that we were going through. Foreign missions are very critical for the success of any country because they provide a linkage between the mother country and the host country. This is the face of Kenya. It provides public relations. It is the ambassador.

In this country, we have a defined foreign policy. When we have our ambassadors abroad, they are supposed to advance, propagate and market the foreign policy of Kenya. The foreign policy of Kenya is commercial. It is about business. It is about trade. It is very shameful when you look at a country like China. The balance of trade between Kenya and China is in the excess of 90 per cent negative which means they are reaping from us. The respective ambassadors must always know they are there to market their country so that we can attract tourists. Tourists need to come to this country. We have many foreign sites that they can visit. We know about the Maasai Mara, the natural flora, the mountains, the bullfighting in Kakamega, the circumcision ceremonies in Bungoma and Trans Nzoia and many others. This is what they are supposed to be marketing. Unfortunately, because of the limited resources that they have, they cannot do their work properly.

I happened to go to Cairo, Egypt and I was very disappointed. In the USA, our foreign missions are not doing badly. I was in India about three weeks ago but you realise that the location is a problem. There is something called first impression. When you see a handsome man like Chris Wamalwa, you must look at the first impression. When you see a beautiful girl, it is first impression that counts before you go further to know what is between the ears of that particular person. If the first impression is wrong, you get it wrong. If the location of a place is pathetic, first and foremost you will not attract tourists to come to that particular country. So, it is indeed important that for our country to move forward, we must improve on our image first by having a good location of our premises and good ambience to attract customers.

Secondly, we must improve on the welfare of the staff working in those foreign missions. Research has shown that there is a positive correlation between how an employee relates to the customer and how he is treated by the employer. If you do not treat your employee well, you do not expect your employee to treat your customer well. It is the same thing for our foreign missions. Our ambassadors are trying, but at times when you visit them you realize that their salaries have been delayed. You can imagine a salary being delayed for two months in a foreign country. Where will you go and borrow? You do not have your relatives there. Some of their children are sent home because of lack of fees. The medical insurance is a problem. You can imagine becoming sick in a foreign country and you cannot afford the medical facility. You are told that you have already gone beyond your credit limit. It is very shameful.

The current Cabinet Secretary, Ambassador Monica Juma, is a career diplomat. She understands the issues of foreign affairs in and out. It is high time she negotiated for a good budget at the Cabinet level. From there, when we come to the Budget Policy Statement (BPS) where the National Treasury puts some ceilings... A lot of those ceilings are as a result of Cabinet meetings. I know she has very good negotiation skills. We expect her, together with the Principal Secretary who is also a career diplomat, to negotiate for high budgets at the Cabinet level because it is the Cabinet that sets Treasury ceilings. Those ceilings are incorporated in the BPS. If you have been given a ceiling of “x” billion shillings, for you to add an extra, say, Kshs10 billion, it would be very difficult.

Therefore, it is indeed important that the respective CS and the PS start their lobbying early enough, at the Cabinet level, so that when it comes to the National Treasury on the Budget Policy Statement (BPS), the amount of money that is allocated should be a bit higher. On the Departmental Committee on Defence and Foreign Relations, I know the chairmanship of Katoo ole Metito, he is an experienced Member. He has been a Cabinet Minister. They are doing good work. We just want to emphasise the issue of locations. We know very well that the foreign policy in this country is commercial. We also have political diplomacy but that one is insignificant. The significant part of it is more on trade. If we look at China; it is making Africa impoverished and it is high time we revisited and re-evaluated our relationship with China. When it comes to many African countries, it is a dead policy. They will give you a lot of money. When it comes to paying back, the payback period is shortened, yet the returns in terms of interest rate are very high. We are doing poorly in this country. Many of the problems are because of China. It is high time we looked at the foreign policy and see which areas or jurisdictions we should relate with.

We did not suffer too much the time UK had very good relationship with Kenya. I know their aid comes with conditions because they are concerned about the welfare of Kenya. When it comes to China, it is high time we reconsidered the bad manners like corruption which is in this country. These are some of the things coming from China. When you go to China, there is something called “facilitation fee”. When you look for business from company “X”, there is a certain amount of money called “facilitation fee”. That is corruption. It has been exported into this country. A lot of corruption in many countries involves Chinese companies. Many of my colleagues will agree with me. It is high time, as we advance our foreign policy, that we knew which countries to partner with for the sake of the welfare of this country.

We have a lot of products in this country; tea is an example. Agriculture is the backbone of this country. We have tea and coffee. I happen to have gone to Turkey last time - It was a Presidential Trip. I sat with His Excellency President Uhuru Kenyatta and we were with the



President of Turkey that time. Our President wanted to have more of our tea go that side but I remember what the President of Turkey said: “Let us not go where tea is.” It is because their tea is of inferior quality compared to Kenya’s. They have tried to put some safeguard measures in place for the sake of improving the welfare of the farmer in Turkey. This is the spirit. As I speak, farmers from Trans Nzoia, Bungoma and North Rift are really suffering because of the flooded market with maize from Uganda. As we try to advance and have this commercial foreign policy, we must put first priority on the interests of the common *mwananchi* of this country. I am speaking like this because I was in that Committee.

Okay, time is gone. I can see you are warning me. I wish you could add one minute. It is important that this Departmental Committee on Defence and Foreign Relations is given an opportunity to visit and evaluate many other foreign missions. There are other foreign missions in which we have embassies that are not adding value in trade. These embassies should be closed down because of overheads. They are not adding value. They must consolidate. Let us only have foreign missions in countries that add value and make a lot of sense so that we can do business with them.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Wamalwa. Your point is made. Hon. Kimani Kuria, Member for Molo.

**Hon. Kuria Kimani** (Molo, JP): Thank you very much, Hon. Temporary Deputy Speaker. I was listening to Hon. Chris speak about those embassies that do not add value and that they should be closed down. I could not help but cheer him on. A Government should find out what the return is on any investment it makes. It is not just about operating these embassies but finding out what value they bring.

I would like to first applaud this Committee for the good Report they have done. I would like to make contributions based on three countries.

I will start with China. China is one of the biggest economies with 1.63 billion people. I think the Committee needs to find out whether it has 22 or 23 provinces. They have said it is 22 but my research is 23 and five municipalities. We could come back to Kenya and find out how many counties we have and municipalities we will have compared to a population of 1.63 billion people. That is a story for another day.

I would like to analyse the balance of trade of the various countries and as Members have said, necessitate our looking at how we engage these countries. When it comes to China, our exports between 2011 and 2016 grew by 36 per cent. The value of the goods and services we exported to China between 2011 and 2016 grew by 38 per cent. However, our imports between the same year and 2016 grew by 136 per cent. It means we are gradually getting to importing more from China than we are exporting. As a result, our balance of trade has adversely moved from Kshs-140 billion to Kshs-327 billion.

Let us compare that with Japan. In 2013, our exports were Kshs2.7 billion. In 2016, our exports were at Kshs4.07 billion. It shows a 52 per cent growth. What does that mean? It means that we are exporting more to Japan, by 52 per cent, over the years. How much have we imported from Japan? Our imports from Japan have been Kshs83 billion in 2011 and Kshs82 billion in 2016. Therefore, our imports from Japan have reduced. As a result, our balance of trade has improved from Kshs-81 billion to Kshs-78 billion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Kimani. What is it Hon. Mwathi Mungai, Member for Limuru? What is out of order?

**Hon. Peter Mwathi** (Limuru, JP): With all due respect to the Hon. Member, he is flashing some figures. Is it in order for us or the House to get the source of that data? He spoke

about the provinces. It is a big anomaly that he is aware there are 23 provinces and we have 22 as a House. We need to correct that position.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kimani?

**Hon. Kuria Kimani** (Molo, JP): The Member is misleading about where I am getting these figures from. I am getting them from the Report that you did; the imports and exports, the balance of trade. For you to calculate the rate of increase or decrease on imports or exports, you just need to use a calculator and analyse it. On the issue of provinces, I am not an authority in this. I asked the Committee to confirm whether there are 22 or 23. Again, I am not an authority in the number of provinces that exist in China.

Back to my line of thought, our exports to Japan grew by 52 per cent. This shows that it remained almost the same. Therefore, a balance of trade was able to improve from negative Kshs81 billion to negative Kshs78 billion. Let us compare that with Austria. For this, I would also like our Members to look at their Report on page 48 where they are talking about the trade and economic cooperation between Kenya and Austria. The second paragraph says Kenya's exports to Austria in 2016 were valued at Kshs114,242,565 against imports from Austria valued at Kshs2,707,321,042. They are saying Kenya has maintained a steadily growing positive balance of trade which stood at Kshs2,593,078,477. These figures cannot add up. Therefore, either one of the commas was supposed to be a full stop or something. You cannot say that the export was about Kshs 114 million against imports of Kshs 2 trillion yet you are saying that the balance of trade is a negative Kshs2.593 trillion. This is something that the committee will need to look at and clarify.

On the issue of South Korea, our exports between 2012 and 2013 grew by 83 per cent but what we imported from them reduced from Kshs 22 billion to Kshs 14 billion. This is an improvement in our balance of trade from negative Kshs 21 billion to negative Kshs 12 billion. So, you can see that of all these samples of the embassies that we received, when you look at our engagement with these countries in terms of our economic trade and specifically by measure of our balance of trade, we seem to be improving in all the countries apart from China. We tell ourselves that this is our biggest ally. It is high time the Kenyan Government reviewed its foreign policy.

When we talk about loans to this country, we just talk about the value of our imports and our exports. They have improved in all the other countries but for China we continue to do poorly. We are now saying that we have a balance of trade of negative Kshs327 billion from negative Kshs140 billion. Our imports have grown by 136 per cent. At what percentage has our export to that country grown? It is only 38 per cent. Could we now invite the policy by John Keynes who was the Leader of the UN Monetary and Financial Conference in 1944, who established the Bretton Woods. He formed the Keynesian theory which says those countries that cause an imbalance in the balance of trade, should have incentives to ensure that we end up with a favourable balance of trade. We cannot continue trading with China year in, year out, we are becoming worse off. Our balance of trade has gone to the highest negatives and yet we continue to say China is one of our biggest allies.

With those few remarks, I support this Report.

**Hon. Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Odoyo, Member for Nyando.

**Hon. Jared Okelo** (Nyando, ODM): In the spirit of the handshake, I have chosen to occupy a seat of the Leader of the Majority Party in Parliament and I understand why you have

been at pains to place me correctly. You will be seeing this often as we go along. I will be joining you my sister, Hon. Janet Ong'era. I am just here on a loan, I will be back home.

In support of the Report, I would want us to take cognisance of a few things. It is true that we are experiencing very harsh fiscal and economic realities as a country and the imposition of 8 per cent VAT on petroleum products is a testament that cannot be gainsaid. In recognition of the Report of the Departmental Committee on Defence and Foreign Relations, I would urge this House to advise the Executive correctly, as it considers austerity measures to fill the gaps in our budget and also to scale back our diplomatic representation overseas by closing some of the embassies abroad, especially those that are ineffective and offer no tidings to this country. Maintaining and operating embassies abroad is very expensive and therefore something needs to be done that will hence help our budget not to see deficits, but at least, try to balance our books.

The mistaken perception that we have also had to contend with is that embassies abroad are about cocktails, partying, stealing taxpayers' money through diplomatic missions and receptions. We must do more to dissuade these notions from our people and where realities have been proven, look at ways of addressing these illegalities in a way that will save the already suffering taxpayers the agony of going deep into their pockets to cushion these unwarranted payments extended to our embassies abroad.

Conventional embassies are ill suited for today's challenges. They should adapt to globalisation and the information systems advancements so that they become more responsive to the modern environments. The way we have had to trade with our development partners and our embassies abroad is archaic; it reflects a conventional means that they will never address the current generation's concerns.

Another big question that we have to live with is: Are we really rescuing our people from the jaws of abuses in continents such as Asia and other places? Day in, day out we are confronted as a society by hue and cry from our citizens abroad about the difficulties, alienations, segregations, abuses and violence meted on them on a daily basis. Are our embassies abroad doing enough to protect the dignity of our people in these countries? Why is this becoming so rampant? We must have the right mix of skills to meet the needs of missions abroad. That goes deep down into employment requirements for people serving in our missions abroad. Have we put issues of ethnicity, tribalism at the expense of scales? Do I have the right name in order to be considered for a diplomatic mission abroad? Have we negated the gains that should be exhibited in our transactions? These are fundamental questions that we must ask because some of the ambassadors doing business out there, whatever they do is not reflective of any skill, knowledge or knowhow of what diplomatic missions are all about.

How do we allocate scholarship opportunities with countries that expend scholarship opportunities every year? Do the students we send out there have the Kenyan representation or it is about who knows who, in order that we access this most important opportunities out there? In championing the spirit of oneness, the spirit of the handshake and the spirit of Kenya, every opportunity must be given to Kenyans who deserve, regardless of their voting patterns, ethnicity and their originalities. How do they handle issues bedevilling Kenyans abroad? We know Kenyans who are always confronted with challenges out there, not just the abuses and violence that I have talked about being meted on them, but it could be financial, homelessness, sickness and other challenges. How do our embassies address these problems that bedevil our people? Have we had laxity in our responsiveness?

In support of this Report, I want to thank you for giving me an opportunity and an opening to delve in depth on issues surrounding Kenyans abroad.

I thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. There being no further interest to speak to this particular Motion, I shall call upon the Mover to reply.

Hon. Mwathi, you have the Floor.

**Hon. Peter Mwathi** (Limuru, JP): Thank you, Hon. Temporary Deputy Speaker, for the chance to reply to this Motion, a Motion that I had really wanted to speak to but nevertheless have a chance now to reply to and probably tackle a few issues pertaining to Kenya's missions abroad.

I want to start by thanking all the Members who have supported the work of the Committee and who have spoken to issues arising from the Report and new issues which are quite informative and which we shall be able to take up with the Ministry of Foreign Affairs and the Treasury so that we can streamline the operations of the missions.

It is worth to note that as the chairman alluded to, we have 54 missions abroad and I agree that we need to do an audit of their performance and how their output has been of help to Kenyans. At the same time, this Report deals with only 10 missions, some of them consulates, out of 54. That probably answers the question as to why we did not include the issue of Saudi Arabia, which various Members with diverse opinions have spoken to and which are very sensitive. I want to inform the House that we had intended to visit Saudi Arabia but at that time we did not have an ambassador there, and their calendar and ours did not marry. So, Saudi Arabia shall be visited. I thank every Member who says we need to come up with the correct information from that mission and, of course, from Kenyans living in that part of the world so that we can inform you properly.

What has come out strongly is that the state of facilities in most of the missions is wanting. I have listened from speaker to speaker, including my own chairman, Hon. Katoo ole Metito, speak about the state of facilities, especially in New York. When he speaks about a façade of a mission being dilapidated, it is the image of the country which is dilapidated because the first impression, as Hon. Wamalwa said, is a lasting impression. The impression of these missions abroad is the image of our country. Therefore, just like the Majority Whip said, we need to address this matter going forward, especially with the Treasury because of funding, and with the Budget and Appropriations Committee. I have had occasion to meet officials from the Ministry of Foreign Affairs. What we realised is that release of funding, especially for infrastructure development, kept on being delayed. First, the money is released to the Ministry; second, the Ministry releases it to the missions. That is why the Chairman spoke about forex deposit that appears. Once the exchange rate fluctuates, especially when it goes up, it means the amount allocated at the time it is transferred to the Ministry is not adequate to fund the budget once it is converted into forex.

The other issue we found is that of delay in release of funds, especially for infrastructure, delayed procurement processes, which then delayed execution, which then delayed absorption. The Treasury, including in this last Budget, slashed the budget of the Ministry of Foreign Affairs on account of low absorption. That low absorption is brought about by the fact that they get the money late. So, they are not able to utilise all of it by the required time. As Members will find in

the Committee's recommendations, the issue of the state of facilities—like in New York you heard of Kenya House. I like the way I heard several Members speak about Kenya House in New York; that you cannot want your house to look like what Kenya House looks like. That is very good. In fact, that should persuade the membership of this House that once the Supplementary Budget is done, they should help us to get the funds to be able to deal with the problems that arise out of the poor state of facilities.

It was also noted that missions in South Korea, China and Japan also have issues with mission housing and offices. In South Korea, the issue of high rent arose. In fact, because I was in that mission, there was a request that this mission be assisted to get enough money to purchase its own facility, which will reduce the cost incurred out of the monies paid for office rent. I agree fully that during budgeting we shall sit down with the Treasury and see whether it is possible for us to facilitate that mission to get a building of its own. But even where we have our own buildings, like in China and Japan, we have not utilised the space, and the space is big enough to be developed. As the chairman said, that space can also generate Appropriation-In-Aid (A-In-A) for this country, which can be used to fund other missions. So, among the requests and recommendations that were put in the Report is that we need adequate funding to be able to do infrastructural development in China and Japan, where we have land so that, that space can be utilised in order for us to stop hiring of more space for staff who do not live in those areas.

The second issue that arose is delayed release of funds. As per the presentation by the Ministry of Foreign Affairs before our Committee, the Treasury has promised that they will be wiring the money directly to the missions. That will reduce the delays. We hope and we call upon Treasury to quickly implement that policy and undertake to release the monies on time.

What of staffing levels? As observed by all Members, there are staff who have been recalled. They have come back to Nairobi, but they have not been replaced. What that means is that you are incapacitating the same mission, which we are saying is our image. So, what is critical now is to ensure – that recommendation is right at the tail end of our Report – that all staff who have been recalled are replaced, and all existing positions should be filled so that they are able to fulfil their mandate without stress.

The same case goes for the vehicles. I remember in China we found grounded vehicles. Again, procurement and disposal processes are difficult. They said that for the last three months the vehicles had been lying there idle. It is very important that procurement and disposal be done and approved quickly by the Ministry. They said the Ministry of Foreign Affairs needs to give an okay. We are having a sitting with the Ministry to show them how they can hasten the processes. Go to South Korea, a country that is renowned for its ICT prowess, which we can tap into; you find the mission office has equipment that are almost two years old and is overtaken by technology. The issue of upgrading equipment used in all the missions must be addressed quickly. Again, that appears in our Report.

I was shocked when I went to Japan and found our ambassador using a simple Toyota car such that when he goes to meetings with other missions he looks like the small brother against the big brothers. Purchase of that vehicle has been in the pipeline for nearly two years. So, we

have engaged the Ministry of Foreign Affairs but the House can assist us allocate budget so that we address such issues.

I have also heard about promotion of exports such as tea and coffee. We picked out that there is high demand especially in the Far East of macadamia nuts, cashew nuts and avocado but agonisingly, we do not have somebody who is dealing with export in that mission. We recommended as much that for the areas we have specific requests or demands for services or some goods then we should have those officers in place so that they can bring the issue to the Ministry of Trade, so that we help Kenyans do business with the other countries as appropriate.

So, Hon. Temporary Deputy Speaker, as I conclude, I would like to point out the issues that arose and which we shall be addressing. The critical one mostly is the one for Saudi Arabia and Hon. Janet spoke about the realignment of our foreign policy with the changing times. I heard you; we will discuss this with the Ministry of Foreign Affairs and Treasury, especially when we are doing Supplementary Budget so that they do not slice their budget again. This is because they sliced the one that we just did.

Finally, I have heard about the issue of transparency in scholarships and all other opportunities that Kenyans get out there. What I thought about this is that immediately we have such opportunities, the Ministry should form a multiagency team that will be ensuring scholarships get to the right person and once they do their quarterly report, each Ministry should give us a report on how they have made Kenyans benefit from those available opportunities.

With those many remarks I wish to reply. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is it, Hon. Washiali?

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I rise on Standing Order No. 53(3) which requires that immediately debate is concluded either on a Motion or a Bill, a Question is put. As one of the leadership of this House, I have a duty to request you that going by the issues at hand which are that most of our Members have travelled to the Kenya Private Sector Alliance (KEPSA) Conference to discuss the Big Four Agenda, we postpone the putting of the Question. Also, a few other Members are having training which has been organised by the Commonwealth Parliamentary Association. I would request that you defer putting of the Question to a later date.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Hon. Washiali, that is accepted in light of Standing Order No. 53(3). We shall defer putting of the Question of that particular Motion.

Hon. Members, you remember earlier on there was a bit of reorganisation in the Order Paper. We started with Order No. 12 and so we will go back to how the orders are itemised on the Order Paper.

Next Order.

## REPORT ON INSPECTION VISIT TO ISIBANIA ONE-STOP BORDER POST

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House notes the Report of the Select Committee on Regional Integration on the Inspection Visit to the Isibania One-Stop Border Post from 22<sup>nd</sup> to 25<sup>th</sup> March 2018 in Migori County, laid on the Table of the House on Thursday, 14<sup>th</sup> June 2018.

Hon. Temporary Deputy Speaker, the Committee conducted a familiarisation tour on the one-stop border post facility in Migori County between 22<sup>nd</sup> and 25<sup>th</sup> March 2018. The objective of the visit was to inspect and confirm the implementation status of the one-stop border post facility under the Ministry of East Africa Community and Northern Corridor Development.

The Committee notes the progress made in mainstreaming the East African dream through projects such as the one-stop border post for the short time it has been in existence has led to increased trade activity between Kenya and her neighbours. The Committee also noted that there is tremendous improvement in border efficiency because of enhanced efficiency in border clearance. Since the time taken to process cargo by various border agencies has dramatically reduced from several days to a few minutes. Where all documents have been properly lodged, the number of procedures involved in passengers and cargo clearance has also reduced.

The Committee also received the report of improved revenue collection by KRA, owing to increased traffic of cargo processed by custom and border controlled department, by about 60 per cent. Appreciating the contribution of one-stop border post to integration agenda in the region, the Committee urges the Ministry responsible for immigration, trade and security to fast-track the development of necessary support infrastructure to enable full role out of one-stop border point regime and guarantee Kenyans more benefits and better future.

The Committee also made some observations and out of that we made recommendations as follows:

The partner states should sensitise and encourage citizens to embrace, the EAC spirit by enhancing regional integration and reciprocating treatment as demonstrated by President Kenyatta on free movement within EAC without the requirement of a passports, though this is not reciprocated in Tanzania.

The partner states should implement uniform application of procedure at all border post facilities along Kenya and Tanzania border in terms of clearing of goods and people at the entry and exit points. Kenya and Tanzania should lift the periodical ban on exports of fish and levies and fees imposed on exports. The Department of Immigration through the Ministry of Foreign Affairs should harmonise requirements for business visa and other related requirements. The partner states should heighten security issues at the border areas and encourage joint border coordination committee meetings to ensure structured engagement.

The additional border entry/exit points including Muumuu Bay, Nyamira and Topanga to be gazetted and a law enacted to create mobile border stations manned by all border agencies. The distance between Isibania border area of control and the next border entry point is Namanga

which is 297 kilometers. This leaves a vast stretch along the border that is unmanned and no record of activities happening in the various border crossings. The Committee recommended the removal of a barrier erected at the entrance of the Isibania Border Post Facility by the Migori County Government. The one-stop border point authorities should ensure multi-stakeholder collaboration and partnership amongst border communities and other relevant agencies.

The Ministry of EAC and Northern Corridor Development should fast-track efforts of harmonised policies in order to facilitate cross border trade within the region. The governments of Kenya and United Republic of Tanzania should enhance public-private dialogue between governments and business community.

With these few remarks, I call upon Hon. Malulu Injendi, Member for Malava to second.

**Hon. Moses Injendi** (Malava, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion. In as much as a lot in this Report is positive we also noted some negatives. In this border post we realised the Government has deployed additional government agencies to ensure smooth flow of goods and persons. With this we noted an increase in levies and taxes collected from businesspersons.

Most of businesspersons have resorted to not using the border post but are using *panya* routes thus, the Government losses a lot of revenue. As you know, Kenyans are enterprising and outgoing therefore, most of them have resorted to using *panya* routes and eventually most are arrested. At one point we were taken to where their goods are held. We found most motorbikes and persons arrested were from Kenya. So, this in itself was a negative aspect of the border post.

As expected we have increased job opportunities at this border post. However, when it comes to tender advertisements for example, to provide cleaning and security services, unfortunately, you know how our procurement processes work. So most companies awarded are actually foreign. We found that the companies awarded to offer services were from Nairobi or other areas. So, at the end of the day the cleaners and security guards there are non-locals. You would imagine that in this kind of facility the cleaners and security guards ought to be locals. Therefore, we found this a negative aspect.

We even went ahead to find out about the catering services because they are provided with some meals. The head of the facility told us with audacity that the person running the catering facilities is a local. Unfortunately, the local community stakeholders attended our meeting. Surprisingly, a participant rose up and said the person running the catering services is a non-local. So, you can see how some senior persons can deceive. This in itself creates a poor relationship between the managers of the border post and the local community. The locals feel like the facility is being run by foreigners who are enjoying the benefits while they are not.

We also realised that Tanzanians freely cross over to Kenya because of the presidential directive of free movement of persons without passports. However, Kenyans who cross over to Tanzania encounter many barriers. The locals complained that Kenyans cannot go Tanzania and enjoy even drinks because apparently, they are cheaper there compared to Kenya. However, Tanzanians can cross over to Kenya and enjoy whatever they want. They cited cases where Tanzanians cross over to Kenya and even engage our girls to have relationships with them. So, Kenyans complained that fellows from Tanzania come here and have time with their girls yet, they cannot freely cross over and enjoy the same. This was found as negative and we are calling upon the Government to help change it.

Another issue we noted is a provision which states that between five and 10 kilometers from each border is a free area, and people can cross over freely. However, this only applies on the Kenyan side, so anyone can freely cross over to Kenya for business. However, the free area



in Tanzania has police officers who levy taxes. This is something else we urge the Government to consider so that Kenyans can also enjoy. Finally, there was lack of awareness, so, citizens of both sides of the border need to know more about this facility which was put up to serve them. Due to lack of awareness most people spoke negatively about the border post.

With those few comments, I second.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, I will now propose the Question.

*(Question proposed)*

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. From the outset, I thank this Committee on Regional Integration on the two Reports that they have brought in this House. Yesterday, if you remember very well, there was a Report that was moved by a member from the same Committee and now today we are seeing another Report that has been moved by another member of the same Committee who is now the Vice-Chair of this Committee on Regional Integration.

Hon. Temporary Deputy Speaker, you will agree with me that the population in the East African Community (EAC) has really grown. Initially we only had three member states, that is, Tanzania, Uganda and Kenya but now the number has increased to six to include Burundi, Rwanda and South Sudan. Indeed, the number has really grown.

From the latest report of the United Nations (UN), the estimated population of these six partner states of East Africa is 436,467,104. This reflects 5.68 per cent of the world population. What am I saying? I am saying that if we work together in East Africa with the cohesiveness that we need to have, we will provide a very huge market for any product. For us to be able to attract producers and manufacturers of products that are fast-moving, we need to be efficient at our borders. As EAC, we need to quickly look at the issues that have been raised about Isibania so that it can benefit us. If this happens, then it will provide employment for our youth in the partner states because if trade among our countries was smooth, then we will attract the big companies that would then also provide employment for youth in our place.

We have also noted the challenges that the Committee has had, especially the one they have pointed out. I would not want to repeat what the two Members who moved and seconded said but we really have a very big issue on the issuance of work permits. Just recently, we had a lady by the name Sylvia Mulinge who was working for Safaricom Kenya and she got a very lucrative position of being CEO of Vodafone Tanzania. It was shocking that despite Tanzania being one of the member states of East Africa, they denied her work permit to the extent of making her lose her employment. Because she was a good worker, she came back and reclaimed her position in Safaricom. However, Vodacom had to go ahead to hire someone from Tanzania by the name of Hisham Hendi who now took over the position that this Kenyan lady would have occupied. Now people start wondering why we have Tanzania and Ugandans here working and living in this country and when ours go out there to look for employment so that we have a balance of how the members the people of East Africa are getting opportunities to work within the member states, you find we have a problem.

We also have had other problems. I am sure Members from Nyanza will agree with me that it is the Kenyan side that has observed diplomacy. At Migingo Island, the police from neighbouring Uganda have been frustrating Kenyan fishermen to the extent of snatching their catch yet nobody takes issue with that. If the Kenya Government was a reactionary government,

then we would have had many issues coming out of Migingo because up to today the Ugandan Government has never accepted that Migingo Island belongs to Kenya despite the information that is out there that they will need to appreciate and respect.

Hon. Temporary Deputy Speaker, you also need to understand that we have some national parks that are cross-border, for example, Tsavo. We have tourists who come to this country through Nairobi and they watch animals from the Kenyan side and sometimes they even cross to the Tanzanian side to also see other species of animals that would be in the Tanzanian side. I am sure you are aware that lately we have a problem with the wild beasts. This is supposed to be the season of wild beasts. Unfortunately, the wild beast migration, which is actually the seventh wonder of the world, this time the wild beasts are not behaving. Some of us who have had an opportunity to watch the wild beasts are wondering whether this time they will behave or not because they have been doing that on their own volition. Up to now the season has not started and they are yet to cross to Tanzania the way they used to.

However, what I wanted to say is that the tourists that leave Kenya to go to Tanzania are charged US\$100 for them to go and visit the national parks in Tanzania while the tourists who are moving from Tanzania to Kenya are never charged anything. So, sometimes we wonder why the imbalance. Why do we have our tourists being charged and their tourists are not? Therefore, I think it is very important.

I urge this Committee on Regional Integration to continue doing what they are doing and to get the legislative arm of EAC, which is EALA, to put in the necessary and relevant Bills. That way, we will be in a position to improve the way we relate with the partner states of East Africa. We will also improve relationships and open up the borders for better business.

Otherwise, I wish to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we now have Hon. Obara Akinyi.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. I support the Motion. It is a well-documented Report and I am happy to see that we are getting the fruits of the one-stop border post. We have been told very clearly here that there is increased trade amongst our people and that the clearance of cargo handling has been improved. We have also been told that there is increased revenue collection by about 60 per cent. I believe that with improved or increased automation, we should do much more than this.

Those are stories of success but from what has been said by my colleague, there is a problem with regard to employment. As a country, we need to stem this discontent among the locals on issues of employment. The good things that we see here can easily be marred by a small thing like unemployment. This is within the control of the authorities. I urge our people or the Ministry to move with speed to stem the discontent.

Secondly, there is the issue of the unfriendliness of Tanzania. This is not the first time that we are hearing of the issues of Tanzania. As the “big brother”, we can, as a country, make deliberate effort to reach out to Tanzania and see how to deal with the issues that are causing this discomfort. They are definitely a bit uncomfortable with our country.

I have seen that the Committee has come up with a recommendation for public dialogue. This will go a long way in helping our country resolve the matter. Once again, let me congratulate the Committee for doing a good job.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Ong'era Janet.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity so that I may also support this Motion. From the outset, I take this opportunity to congratulate our Vice-Chairlady who moved this Motion, the Member of Parliament for Lamu County, and also the Secunder.

This Report is very timely for us as a Committee to highlight to this distinguished House the problems and challenges that we see in the one-stop-border post. While, this was a very noble task that the Government initiated to have the one-stop-border post, quite a number of issues have arisen or have not been addressed by the Government so that the one-stop-border post becomes a great reality.

I wanted to contribute on one of the issues that we noted in the border post of Isibania in Migori County that the Mover and the Secunder did not highlight which is lack of water. It is a very easy thing. We urge KRA to sink a borehole so that we can have clean water and clean sanitation for the workers around this post.

Secondly, there was the issue of a harmonised legal system. We urge that the partner-states consider having a harmonised legal system. We mentioned this yesterday when we submitted the other report. One of the areas in which we want to have a harmonised legal system for immigration and customs management is in the area of a harmonised tax system so that when Kenya is speaking about taxes, the same language is being spoken in Tanzania, Uganda, Rwanda and the other member-states. Currently, this is not the practice. You saw that our President passed that very noble idea particularly here in Kenya where there is the free movement of trade and persons so that people do not have to come with their passports. You find that this is not the case in other partner-states. We urge that the protocol that was signed in Uganda now becomes a reality in the other partner-states.

There is also the challenge of security particularly at this one-stop-border post. We noted that there was human trafficking in the past and there are still on-going incidents because there are vast areas where there is no manning. You noted that our chairlady ably stated that the distance between the Isibania Border Area of Control and the next border entry of Namanga is 297 kilometres. Those areas are not manned. As a result, there is a lot of proliferation of human trafficking particularly going to Ethiopia and Sudan. We urge that security is tightened and made a reality in this border post so that there is safety of our people in terms of human traffic and safety in trade of goods.

There is another point which the Secunder mentioned and this is the challenge of the local community not being given preferential treatment when it comes to contracts in this one-stop-border post. It is a shame that you find that the locals are not considered particularly in cleaning contracts that have no technical value to them. One of them is cleaning contracts and sale of curios. We found this really wanting and urge the KRA to see how they can involve the local communities so that public-private dialogue becomes a reality between the Government and the local business communities.

Finally, there is need for the Ministry of East African Community and the Northern Corridor Development to fast-track efforts to harmonise policies in order to facilitate cross-border trade within the region.

With that, I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Just to confirm again, Hon. Hassan Rehema, were you to speak to this Motion or the next one? Speak on record. We cannot hear you.

**Hon. (Ms.) Rehema Hassan** (Tana River CWR, MCCC): I will speak to the next one.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Noor Sophia.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance.

From the outset, I want to add my voice to this Motion. I particularly want to congratulate the Mover, Hon. Ruweida, Woman Representative for Lamu County. This is a very important Report. I come from a border point that has not been recognised. My border point is a long stretch along the Kenya-Somalia border. If you go to Garissa, Wajir and Mandera counties there is a very long border point that is closed for now. It is not manned or controlled. There is illegal trading at the border point. As a country, we lose a lot in terms of revenue and security issues.

There are some crucial areas that need the Committee's attention. I would like you to take note of my border point of Hulugho. It is just three kilometres away from Kolbio on the other side. If we open up that border point and set up a customs office, we will generate a lot of resources in terms of trade. Right now, there is a lot of illegal trade that goes on. We are losing in a big way. The other side gains a lot because they bring all sorts of stuff be it food, vehicle and anything else you can name. If that border point is opened, recognised by the Government and there is a customs office put in place, we will be able to generate a lot.

Hon. Temporary Deputy Speaker, I agree with the Committee when they talk about the security on border points. We should have a joint committee that will understand and engage in activities that will coordinate security. We should also have a structure that will engage properly with the communities that live along the borders. We should also have proper understanding between the communities that live on both sides. The Committee recommended that we should have coordination and partnership among the communities that live on the border. I will give you an example. When our good Kenya Defence Forces (KDF) were taken to Kulbiyow in Somalia, they painted a very nice image of this country. They went out of their way recently and donated books and treated children in schools. That is the kind of relationship that we need. If KDF can promote our image, support schools and people who are sick, fetch water and distribute it to the people in Somalia which is a war-torn country, then we require the same kind of treatment of our people from all our border points.

When we coordinate and partner with the committees from both countries, it will help to have proper understanding and communities will provide security on both sides. We need to protect ourselves on both sides. We need to see how we can continue building good relationship on both sides. It is very important when we say that we need a structured way of engaging with our partner states. When you have partner states that do not have a uniform understanding and structure of engagement, then there will be a problem. One partner state will be exhausted of being the good one and friendly. The other partner state will take advantage of the kindness of the other. I agree totally with the Committee when they said that we need a structured way of engagement with all partner states in our border points. We want the Executive to engage properly with the Tanzanian Government. We give them work permits, welcome and entertain them. It is very unfortunate because one person who got a high level job in Tanzania was denied a work permit. There is a problem which we can only solve when we have a proper structured

way of engagement with our friends. They are our friends and neighbours. We must talk to them, so that they understand the kind of relationship we want as neighbours.

The other thing that I have a problem with in the Report is when a facility is opened the first people it is supposed to accommodate are the locals. In the Big Four Agenda, job creation is one of the agenda that His Excellency the President of this nation looks forward to do. When we have a border point in Migori County and members of staff who are manning it are brought from Nairobi, that is not job creation because it is not accommodating the locals who are supposed to be the first beneficiaries of the facility. I am happy with the highlight that the Committee gave that the first opportunity when every facility is opened should be given to the local communities. We are in a country that has been talking about inclusivity and devolution. We asked for devolution because some Kenyans felt that they were discriminated because they are not involved in the running of the country. They also felt that the country marginalises some parts. We have devolution today. Every county has its own people who have expertise in certain fields who are managing their work. When we have a place that does not have expertise, then Kenyans are open to go and work everywhere. Honestly, you do not need an expert to cook tea. We can get a girl who can do that in Migori County. We can also get a watchman from there. Whenever a facility is opened, it is important to accommodate the local community.

Finally, I want to talk about my border point where I have a security problem because the place is closed. We do not have any security officers who man the border of my constituency. Boni Forest is in my constituency. You have heard about Boni enclave where the KDF and many people were taken to protect and remove the *Al Shabaab* from Boni forest. If all that line of the border we do not have activities that are going on...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Sophia. You had a shot on that one. What is out of order, Hon. Washiali?

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I am aware that you are about to end this debate but for the same reasons which I had on Order No.12, I want to request that you defer putting the Question to a later date.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That is okay but it is after the Mover of the Motion replies. I will put your point of order in abeyance. Hon. Members, there being no further interest to speak to this particular Motion, I shall call upon the Mover to reply, Hon. Obo Mohamed.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Asante, Mhe. Naibu Spika wa Muda. Mwanzo, ningependa kuchukua nafasi hii kumshukuru Mwenye Kiti wa hii Kamati. Mimi ni naibu wake. Pia, ningependa kuchukua nafasi hii kushukuru Kamati kwa jumla kwa kazi nzuri tuliyoifanya. Pia, ningependa kuwashukuru Waheshimiwa wote waliochangia. Sisi tumesoma kutoka kwa vile wamechangia.

Katika upande wa wafanyikazi, ni kweli tuliona kulikuwa na hiyo changamoto Isibania. Wenyeji hawajapewa hizo nafasi. Tuliita shirika ambalo linahusika na tukapeana mwelekeo wetu kwamba njia ambayo wanatumia wakiweka matangazo haifiki kule mashinani. Kwa hivyo, tukasema ni vizuri waweke hayo matangazo hata pale kwa *border*. Pia, ni vizuri katika zile kandarasi zao wakipeana, waweke kama maagizo kwamba ni vizuri wawapatie wale wenyeji hizo nafasi.

Pia, Waheshimiwa wamezungumza kuhusu zile *border post* zingine ambazo hatujazifikia au hazijafungulia. Kama Kamati tutakaa tuziangazie zaidi.

Lamu, tuna changamoto kule Kiunga. Tulijaribu kwenda huko lakini hatukuruhusiwa kufika. Tulifika Lamu na ikabidi tufanyie mikutano yetu huko.

Naomba na nasisitiza kwa Waheshimiwa Wabunge tuwe na moyo wa kuleta majirani wetu pamoja. Hiyo haimaanishi tuwe wakarimu sana. Lakini nawahakikishia kuwa ukarimu wetu unatufaidi. Wenzetu wataendelea kuona ukarimu wetu na faida tunayopata na wao watakuwa wakarimu kama sisi. Lau kama hawatakuwa wakarimu, hawatafaidika.

Asante sana. Shukrani.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): In light of Hon. Washiali's intervention of Standing Order No.53, I shall defer putting the Question on that Motion.

Next Order.

REPORT OF THE SIXTH ORDINARY SESSION  
OF THE FOURTH PAN AFRICAN PARLIAMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Member of the Pan-African Parliament, Hon. Janet Ong'era.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan-African Parliament, held in Gallagher Convention Centre, Midrand, South Africa on 7<sup>th</sup> to 18<sup>th</sup> May 2018, laid on the Table of the House on Tuesday, 31<sup>st</sup> July 2018.

I take this opportunity to present this Report on behalf of my delegation. The Sixth Ordinary Session of the Pan-African Parliament was attended by the delegation that was elected by this august House. It was composed of Hon. Beartice Kones, Hon. Jude Njomo, Hon. Janet Ong'era, Sen. Stewart Madzayo and Sen. Abudullahi Ali Ibrahim. We were accompanied by members of the secretariat led by Mr. Zakayo Mogere, Deputy Director of Liaison in the Senate, Ms. Caroline Kinyua, Senior Clerk Assistant, Senate, and Ms. Wanjiru Ndindiri, Senior Clerk Assistant, National Assembly.

This delegation is grateful to this august House for electing them to represent them in the Pan-African Parliament. We are grateful that we were accorded this opportunity.

During this Session, the delegation was sworn in May. For the first time, we had over 72 Members that were sworn in among them were Morocco and Comoros as new members to the Pan-African Parliament.

Pan-African Parliament was established in the Protocol to the treaty establishing the African Economic Community. Article 2 of that Protocol established this Parliament and laid down its functions. The purpose of the Pan-African Parliament is clearly set out in Article 17 of the African Union (AU) Constitutive Act, 2000. One of it is to ensure full participation of African people in the development and economic integration of the Continent.

In 2004, another constitutive amendment to this Act was made and many countries are yet to ratify this Protocol, including Kenya. This Protocol requires that members would now be residing fully in Johannesburg so that they are no longer elected by their parliaments. The

objectives of the Pan-African Parliament are: one, to facilitate effective implementation of the policies and objectives of the African Union (AU) ultimately.

The second one is to promote the principles of human rights and democracy in Africa, encourage good governance, transparency and accountability in member states among others. The Pan-African Parliament is drawn up of 250 members from the 50 AU countries that have ratified the Pan-African Parliament Protocol. Each country is represented by a delegation of five members of the national parliaments.

The Parliament is run under the following organs: the plenary and the bureau which comprises of the leadership of the Pan-African Parliament and which is composed of the president and four vice-presidents, the secretariat led by the clerk, the committees of the Pan-African Parliament and regional caucuses. The regional caucuses are divided into five: East Africa, Central Africa, South Africa, North Africa and West Africa. During this plenary, a number of issues were discussed. Elections were also held. Elections of the president were held and I am pleased to report that Hon. Roger Nkodo from the Central Region was elected as the president of the Parliament. I am also pleased to report that Hon. Stephen Masele from the East Africa region was elected as the first vice-president of the Parliament. From the northern Africa region, Hon. Bouras Djamel was elected as the third vice-president and, finally, Hon. Haïdara Aichata was elected as the second vice-president from the Central Africa region.

During this period, the regional caucuses also held their elections. I am pleased to report that for the East Africa regional caucus, Hon. Janet Ong'era was elected as the chairperson of the East Africa region caucus, Hon. Fidele Rwigamba from Rwanda was elected as the vice chairperson and Hon. Bobby Sherman Ram was elected the rapporteur of the East Africa region.

In this session, we also had several committee sessions. I want to note that the Members of the Kenyan delegation were nominated to various committees of the permanent committees. I want to start with Senator Abdullahi Ali who I am pleased to report was nominated to the Co-operation, International Relations and Conflict Resolution Committee, and he was also elected as the rapporteur of that Committee. Senator Stewart Madzayo was nominated to the Audit and Public Accounts Committee. Hon. Janet Ong'era was nominated to the Rural Economy, Agriculture, Environment and Natural Resources Committee. Hon. Jude Njomo was nominated to the Trade, Customs and Immigration Committee while Hon. Beatrice Kones was nominated to Transport, Industry, Communication, Energy, Science and Technology Committee.

I am very happy to note and state that these are very important committees of the PAP and I am very happy that the Kenyan delegation managed to sit in these committees. During this session, a number of resolutions were passed by the PAP. In summary, I want to mention a few of these resolutions. I want to start with a resolution that was passed on the management and provision of framework to end Human immunodeficiency Virus (HIV) tuberculosis and eliminate malaria in Africa by 2030.

On this resolution, the plenary resolved to advocate for the fulfilment of the Abuja Declaration and sustained investments in the health sector to achieve the AU catalytic framework, the Sustainable Development Goals (SDGs), AU Agenda 2063, the fast-track targets and the elimination of mother to child transmission of HIV. The second resolution on this was to

advocate training needs and sensitisation of health professionals in addressing stigma and discrimination in health facilities towards people living with HIV, tuberculosis and malaria.

The third resolution I would like to bring to the plenary of our august House was on malnutrition and food systems in Africa. The plenary resolved that there is need to collaborate more with the AU, the New Partnership for Africa's Development (NEPAD) agencies and also the member states for the development and implementation of a legal policy on instruments related to nutrition and food system. It was further resolved that there was need to encourage all AU member states to take effective measures to strengthen nutrition programmes, policies and initiatives in Africa.

The fourth resolution was on the African Continental Free Trade Area (ACFTA) and the free movement of persons, rights of residence and rights of establishment. The plenary of the Pan-African Parliament noted with great acclamation that the presidents of the AU countries, in March 2018 in Kigali Rwanda, passed the agreement establishing the ACFTA. It should be noted in our House here that the plenary passed great gratitude to the President of Kenya, our very own His Excellency President Uhuru Kenyatta for having been one of the greatest people who steered this Protocol. The plenary resolved to initiate advocacy activities to expand the signature ratification, domestication and implementation of the agreement establishing ACFTA and the Protocol to the treaty establishing the African Economic Community relating to free movement of persons, rights of residence and rights of establishment.

Secondly, the plenary also resolved to urge the members of the Pan-African Parliament to popularise this treaty to members of their respective national parliaments and communities in order to promote national ownership of benefits and the Protocol on Free Trade of Persons in the Socio-Economic Development of Africa. This is a very important protocol. We urge our House, including the Departmental Committee on Justice and Legal Affairs to look at how this protocol can be ratified in our House. I think Kenya has already ratified but we have not done enough sensitisation of this protocol to our citizens.

The fifth resolution passed during this session was on winning the rights against corruption. It said that there was need to have a sustainable path to Africa's transformation. In this resolution, the Pan-African Parliament encouraged the AU member states to amend the protocol into a living document whose relevance is felt by the citizenry.

The second resolution was to deploy the mandate of the Pan-African Parliament to ensure there is universal ratification of the following AU legal instruments: The first one is the AU Convention on Preventing and Combating Corruption, 2003. I am pleased to say that our national Parliament has ratified this convention. The second one is the African Charter on Democracy, Elections and Governance that was passed in Addis Ababa in 2007. The third is the Protocol to the Constitutive Act of the AU relating to the Pan African Parliament that was passed in 2014. This protocol has not yet been ratified. I know it is with the relevant Committee of this House. The last one is the Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights – Malabo 2014. This protocol is yet to be ratified and I know it is before the relevant committee of this House.

Finally, the last resolution was on persons with albinism in Africa. On this one, the plenary noted that there is an increasing number of albinism in Africa and there was need for this to be taken as a great concern, particularly in consideration of the agony that people who are suffering from this disability go through. The resolution was to first strongly condemn the continuing incidence of attacks and other human rights violations including killings, mutilation, ritual, rape and grave robberies against persons with albinism in Africa.



Secondly the plenary endorsed the regional action plan on albinism in Africa 2017 to 2021 which lays out specific measures for addressing attacks and discrimination against persons with albinism through prevention, protection and accountability.

Finally, the Pan-African Parliament during that session established a Pan-African desk on climate change noting that climate change issues have not been very well noted. Many African countries had not taken a step. The Pan-African Parliament established a desk which can help many countries on issues of climate change, particularly desks are to be established for all the five regions of the Pan-African Parliament so that issues of climate change can be properly articulated.

In conclusion, I want to thank our Hon. Speaker through you. I would also like to thank the leadership of our Parliament, the Clerk and all the Members who have enabled us to represent them in Pan-African Parliament. I would like to thank the Speaker and the Clerk for facilitating us to travel to South Africa and ensuring that our accommodation was well taken care of. I also want to thank the Kenya High Commission in South Africa led by Ambassador, Ms. Jean Kamau for taking good care of our delegation in Midrand.

I thank you, Hon. Temporary Deputy Speaker. I beg to move and request Hon. Eve Obara to second the Motion.

**Hon. Temporary Deputy Speaker (Hon. Patrick Mariru):** Hon. Obara Akinyi.

**Hon. (Ms.) Eve Obara (Kasipul Kabondo, ODM):** Thank you, Hon. Temporary Deputy Speaker. I rise to second the Motion. At the outset, let me appreciate the team that is in Pan-African Parliament. I want to appreciate the whole team because they are excellent ambassadors of our country. I had an opportunity to visit the Pan-African Parliament with the Regional Integration Committee and I want to say that we have a strong team.

As we have been told, the purpose of Pan-African Parliament is cooperation and unity among member states which ensures full participation of the African people. There is economic and regional integration in the continent. We noted that the outstanding protocols that have not been ratified as stated by Hon. Janet, will be ratified because there is goodwill.

There are few observations that we made when we visited Pan-African Parliament. One, in every organisation, it is critical that you have a representative in the leadership. I appreciate that for the East African caucus because we have Hon. Janet Ong'era as the Chairperson. We also have Dr. Abdullahi in the International Relations and Conflict Resolution Committee as a rapporteur. But as you have clearly heard Hon. Ong'era state, the leadership of the Bureau has absolutely no person from Kenya. We noted that in the secretariat of Pan-African Parliament, there is only one single Kenyan, a lady. We need to do more as a country given our strength. We noted that as a country we need to strategise to be able to take some of these positions: the president, four deputy presidents. We can as a country clinch some of these positions. But we need to be strategic and plan properly to be able to get these positions.

We have realised that those who are in these positions of leadership are Members of Parliament in their second or third terms. So, as a Parliament, this is something that we need to look at. Do we need to keep changing leaders? Or, if we identify strong Members within those committees, can they be supported so that they can also clinch the positions of leadership? We know the opportunities that come with being in leadership; one of them is employment. In the whole Pan-African Parliament Secretariat, there is just one Kenyan in a position and yet we have many Kenyans who are qualified and able to take these positions.

Thank you once again, Madam Janet Ong'era and your team for a good report and for being good ambassadors for the country at Pan-African Parliament. I beg to second.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I congratulate Hon. Janet Ong'era. If I got it correctly from the Report, she was elected as the Chair of the East African Caucus. It is good to congratulate her on that development.

*(Question proposed)*

Yes, Hon. Benjamin Washiali, what is out of order?

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I rise under Standing Order 96(1) which reads:

“A Member who wishes to postpone to some future occasion further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned,” or, in the Committee of the whole House “That, the Chairperson do report progress.”

I have been listening to the Mover and the Seconder and I have also had opportunity to look at the Report, it is a very important report. From the earlier reasons I alluded to as to why we may have an issue with Members' participation, I want to request that we postpone debate on this Report so that it can appear on the following day, say Tuesday, so that many Members can have their opinions registered. I am sure that will really help members of the Pan-African Parliament and enrich the report that is currently before the House. I request you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, let me establish whether that is the mood of the House.

*(Question, that the debate be now adjourned, put and agreed to)*

*(Debate on the Motion adjourned)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That debate stands adjourned. The House Business Committee will be slotting it in subsequent time.

Next Order.

#### REPORT ON ENVIRONMENTAL POLLUTION BY LONDON DISTILLERS KENYA LIMITED

**Hon. Kareke Mbiuki** (Maara, JP): Thank you, Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on an inquiry into complaints of environmental pollution by London Distillers Kenya Limited, laid on the Table of the House on Wednesday, 29<sup>th</sup> August 2018.

Hon. Temporary Deputy Speaker, industrial pollution is directly linked with industry. In contrast to other pollution sources, this form of pollution is one of the leading worldwide.

Because of its size and scope, industrial pollution is a serious problem for the entire planet especially nations which are rapidly industrialising. This form of pollution dates back to the ancient days but widespread industrial pollution accelerated rapidly in the 18<sup>th</sup> Century with the start of the industrial revolution. Prominent forms of industrial pollution include water and air pollution. The two forms are at the centre of this inquiry.

The true effect of industrial water pollution is yet to be measured while individual toxins and pollutants have been measured and laws regulating individual toxins and pollutant exist. The cumulative effect of the whole picture is yet to be well measured. The potential effect of the industrial water pollution could grow to catastrophic levels. Not only does the potential for the distraction of fish and other water dwelling creatures exist but the potential for serious human illness also exist.

Additional studies on toxicity and hazardous waste need to be done in order to determine whether most recent regulations are necessary in order to save the planet's natural water ways. Manufacturing industries, as we have quite a number of them in this particular country, also release large amounts of carbon monoxide, hydrocarbons, organ compounds and chemicals into air thereby depleting the quality of air. Industrial air pollution has adverse effects including causing respiratory and heart problems and contributing to global warming. The acid rain which has harmful gases such as nitrogen oxide and sulphur oxide is released into the atmosphere during the burning of fossil fuel.

When it rains, the water droplets combine with these air pollutants and become acidic and fall on the ground in form of acid rain. We also have serious effects on our wildlife. Just like human beings, animals also face some devastating effects of air pollution, toxic chemicals present in the air can force wildlife species to move to new places and change the habitat.

The Departmental Committee on Environment and Natural Resources got seized of the complaint by the residents of Great Wall Estate in Athi River through their representative, Erdemann Properties Limited through a letter dated 22<sup>nd</sup> January 2018 to the National Environment Management Authority (NEMA) and other various stakeholders including the National Assembly requesting for intervention on the pollution by London Distillers Kenya Limited in Athi River.

The residents were requesting NEMA to thoroughly investigate the company and firmly ask them to adhere to all measures regarding air quality and effluent discharge as stipulated in the Air and Water Quality Regulations.

Hon. Temporary Deputy Speaker, NEMA, in a letter dated 6<sup>th</sup> February 2017 written to London Distillers Kenya Limited, ordered the closure of the factory pursuant to the Environmental Management and Co-ordination Act, Cap.387 Part II Section 3. This was after the company failed to comply with the three improvement orders issued to them on dates 6<sup>th</sup> March 2016, 21<sup>st</sup> July 2016 and 8<sup>th</sup> September 2016.

Hon. Temporary Deputy Speaker, despite the orders issued by NEMA, London Distillers Kenya Limited has yet to reduce the environmental pollution, a year later according to Erdemann Property Limited. Therefore, the National Assembly Departmental Committee on Environment and Natural Resources seized the matter.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mbiuki Kareke. I hate to interrupt you, but it is now 7.00 p.m. You have 54 minutes remaining because you have

60 minutes allocated to you. Because the House must rise, the next time the Report is scheduled to be debated, you will have 54 minutes to continue moving.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 7.00 p.m. this House stands adjourned until Tuesday, 9<sup>th</sup> October 2018, at 2.30 p.m.

The House rose at 7.00 p.m.