

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th July 2019

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF ZIMBABWE

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation of Members of Parliament from the National Assembly of Zimbabwe seated in the Speaker's Row. The delegation comprises of -

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| 1. The Hon. Felix TapiwaMhona | - Chairperson and Leader of Delegation; |
| 2. The Hon. Willias Madzimore | - Deputy Chairperson of 55 Committees and Member. |
| 3. The Hon. Godfrey Dube | - Member. |
| 4. The Hon. Ability Musavaya Gandawa | - Member. |
| 5. The Hon. Annastacia Tatenda Mavetera | - Member. |
| 6. The Hon. Edwin Mushoriwa | - Member. |
| 7. The Hon. Alice Ndlovu | - Member. |
| 8. The Hon. Zhemu Soda | - Member, and |
| 9. The Hon. Toreayi Moyo | - Member. |

The delegation is accompanied by Mr. Precious Sibongile Mtetwa, Senior Research Officer.

Hon. Members, the delegation, which is drawn from the membership of the Portfolio Committee on Budget, Finance and Economic Development, is in the country on a benchmarking visit to our Parliament, specifically to share experiences and learn from our counterpart committees and other offices on matters budgets.

On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the country. I thank you.

Members making their way, please do so quickly.

(Hon. Members walked into the Chamber)

DEMISE OF HON. KEN OKOTH, MEMBER FOR KIBRA CONSTITUENCY
AND HON. (DR.) JOYCE LABOSO, EGH, FORMER MEMBER FOR
SOTIK CONSTITUENCY AND GOVERNOR,
BOMET COUNTY GOVERNMENT

Hon. Speaker: Hon. Members, as you may be aware, on the evening of Friday, 26th July 2019, with great grief and sorrow, we received the sad news of the demise of the Member for Kibra Constituency, the late Hon. Ken Okoth, MP who passed away while undergoing treatment at the Nairobi Hospital.

Hon. Members, the late Hon. Okoth made his debut in national politics in March 2013 when he vied for and successfully clinched the Kibra Constituency seat. His servant-leadership quickly earned him the adoration of his constituents, who re-elected him in the August 2017 General Elections to serve for a second term, a position he held until his passing on last Friday. The Late Hon. Okoth, an alumnus of Starehe Boys Centre, St. Lawrence University, Canton, New York and Georgetown University, Washington DC, was a uniquely gifted and brilliant leader. Immediately upon being sworn in as a first time Member in the Eleventh Parliament, he took up his parliamentary roles with enthusiasm. Those who served alongside him in the eleventh Parliament will agree that, his swift mastery and grasp of parliamentary business ensured that his insightful and tremendously enriching contributions were keenly followed by all, particularly his contributions on legislation and matters relating to the education and human rights sectors.

Hon. Members, the late Hon. Okoth spoke with exceptional articulation. Without a doubt, he was a firm leader who never shied away from defending the rights of his constituents and the people of Kenya in general. In Parliament, he championed for three issues among many others, and would always quote them, “*Uchumi bora, Elimu kwanza na Mazingira bora.*” He was also instrumental in the passage of two key pieces of legislation, namely, the Prevention of Torture Act, 2017 and the National Coroners Service Act, 2017.

Hon. Members, as a vibrant Member of the august House, the late Hon. Okoth served actively and diligently, both in the House and in its committees. In the 11th Parliament (2013-2017), he was a resourceful member of the Departmental Committee on Education, Research and Technology where his contributions and participation were commendable. In this 12th Parliament, he diligently served as a member in the Constitutional Implementation Oversight Committee and the Procedure and House Rules Committee. He will also be remembered as the one of the founders and Chairperson of the Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business.

Many of us who interacted and worked with him will acknowledge that he was a resolute, humble, gentle, pleasant and amicable personality, and we will all miss him. Indeed, his passing on marks a dark moment not only for his family, the 12th Parliament and residents of Kibra Constituency, but for the country at large. Kenya has indeed lost a candid legislator, hard-working leader and a true son of Kenya who endeavoured to give everything for what he believed in with great courage, tenacity and humility. He leaves behind an outstanding track record in the management of the National Government Constituencies Development Fund (NG-CDF), where his constituency was highly rated in the management of the Fund.

Hon. Members, to accord the fallen gallant leader a decent send-off, I have appointed the following Members to an *ad hoc* committee to liaise with the family in the funeral arrangements:

1. Hon. John Mbadi, EGH, MP (Chairperson).
2. Hon. (Dr.) James Nyikal, MP.
3. Hon. Tom J. Kajwang³, MP.
4. Hon. Yussuf Hassan, MP.
5. Hon. Tim Wanyonyi, MP.
6. Hon. Simba Arati, MP.
7. Hon. Esther Passaris, MP, and
8. Hon. Nixon Korir, MP.

I have also requested the Speaker of the Senate to nominate two Senators to join this team.

Secondly, Hon. Members, it is also with a heavy heart that I convey to this House the heart-breaking loss of one of our former Members and Deputy Speaker of this House, Hon. (Dr.) Joyce Laboso, EGH, who passed on yesterday, Monday, 29th July 2019 while undergoing treatment at the Nairobi Hospital. The late Dr. Laboso was a distinguished scholar, who obtained her Masters in Teaching of English as a Foreign Language from the University of Reading in the United Kingdom and a PhD in Gender and Language Education at the University of Hull, United Kingdom. Without doubt, her academic and professional exploits have been matched by very few, and are a source of motivation for women across the continent.

The late Hon. Joyce Laboso began her remarkable career as a teacher at Kipsigis Girls' High School before joining Egerton University as a lecturer and later rising to Assistant Dean of Students and coordinator of various programmes at the university. She joined Parliament in September 2008, following the passing on of the then Member for Sotik, Hon. Lorna Laboso, her sister. Her parliamentary career was decorated with historical milestones. In her maiden term, she was appointed to the House Business Committee and further served in the Departmental Committee on Education, Research and Technology. It is worth noting that the late Hon. Laboso made history by becoming the first woman Deputy Speaker of a House of Parliament of Kenya as well as the first to hold such a position in the National Assembly under the new Constitution.

Hon. Members, the leadership of Dr. Laboso spanned across the continent. She was elected Co-President of the African, Caribbean, Pacific & European Union (ACP-EU) Joint Parliamentary Assembly and ably spearheaded the leadership of Parliaments representing nearly 150 countries from four regions of the world in championing a parliamentary dimension in the ACP-EU partnership. It is on the pedestal of her exemplary leadership that the people of Bomet County elected her in August 2017 as the Governor for Bomet, hence making history as one of the three female governors in the male-dominated elective position of governor. In her passing on, the country and indeed the international community has lost a precious jewel, a distinguished scholar, a courageous leader and a good-hearted and jovial person. The late Hon. (Dr.) Joyce Cheron Laboso Abonyo, EGH, has left a remarkable legacy whose impact has benefited multitudes of people and whose accolades continue to serve as an inspiration to many girls and women across the country and beyond.

Hon. Members, on behalf of Members of the National Assembly and the Parliamentary Service Commission and indeed on my own behalf, I wish to take this opportunity to condole with the families of our late brother, Hon. Ken Okoth, and of Hon. (Dr.) Joyce Cheron Laboso Abonyo for the great loss. As the National Assembly, we assure the families of our support during this period of great sorrow and grief.

In tribute to our departed colleagues, I request that we observe a minute of silence.

(Members observed a minute of silence)

Thank you. May their souls rest in eternal peace.

Let us have the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, let me take this opportunity, on behalf of the people of Garissa Township, myself and my family, to sincerely send my condolences to the families of my former colleagues, Hon. Ken Okoth and Governor Laboso, the people of Kibra and the people of Bomet County following the passing on of our two great colleagues and friends.

Hon. Okoth will be remembered for a very good performance in his constituency and his legislative role in this House. He was a man of few words, very dedicated to the House, made sure that he participated in particular business, whether it was a Bill or a Motion that was of great interest to him. I remember when we were passing the Torture Bill in the 11th Parliament, in the Committee of the whole House and we were not many, but he was one person, the Bill being a private Member's Bill, who could accommodate the concerns of all stakeholders, including amendments from the Government. So, at this very trying moment, we want to tell the people of Kibra that we condole with you and we will stand with you. As the tradition has been in this House, when one of us leaves, the Leader of the Minority Party and myself write to the Clerk so that each and every one of us pays Kshs10,000 towards the funeral expenses of our departed colleague. We did that many times. So, I am making that statement and the Clerk will use the HANSARD to deduct the Kshs10,000. It is a practice and we will ask our colleagues in the Senate to do likewise.

Hon. Speaker, I think we are at a very trying moment. We discuss this disease called cancer only when we lose great leaders. We do not discuss this disease when millions of Kenyans die in our homesteads, villages and constituencies. I am a living example of someone who lost his sister because of cancer, so I know what it means to lose a dear one—a sister, brother, parent, son or daughter. I am sure all of us sitting here, in one way or the other, have lost a relative or a constituent because of cancer. As a House that represents the interests of the people of Kenya, we cannot bury our heads in the sand anymore. We must make deliberate legislative measures and budgetary allocations in order to fight this killer disease that is wiping out the people of Kenya. We must learn. There are Members of this House who have suffered this disease. We have Members who have lost their loved ones and constituents. This House is in charge of the Budget of this country. It is in charge of making the necessary legislation. We must not bury our heads in the sand. We must face it. We must deal with this matter.

Hon. (Dr.) Laboso, for those who do not know, came to Parliament through a by-election after the loss of her sister. Those of us who were in the 10th Parliament such as Hon. Mbadi and Hon. Washiali are aware of that. Her great sister Lorna passed on in a plane crash with our former elder and Minister for Roads then, Hon. Kipkalya Kones. She was elected in the by-election that ensued. We were together with her in the 11th Parliament and she was a dedicated Deputy Speaker. I am not saying Hon. Cheboi is not.

(Laughter)

When we reach there... One day we will talk about his performance, although he is also a dedicated Deputy Speaker. Dr. Laboso was the first woman Deputy Speaker in the history of Kenya. She also became one of the three, first female governors in the history of Kenya. I pray

for her husband, Dr. Edwin, her two sons, sisters and the people of Bomet; may the almighty Allah give them comfort during this trying moment. We will miss and celebrate her leadership.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have the Hon. Deputy Speaker.

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Speaker, let me also join my colleagues and the Leader of the Majority Party in sending my heartfelt condolences to the families of the immediate former Member for Kibra and also the former Deputy Speaker whose office I took after she exited and became a governor. The two were my personal friends. Hon. Ken Okoth was a very polished politician with some of the best English in this House. He was a good man and a very hardworking Hon. Member.

Hon. (Dr.) Joyce Laboso, who occupied the office I occupy now, was also a personal friend. I got to know her immediately she was elected and I had lost a seat myself. Therefore, I had set up shop as a conveyancing lawyer somewhere in town, at Corner House. Immediately she was elected, she gave me a job when I needed it most. I transacted her mortgage facility. So, I can say we have supported each other in different ways. She, together with yourself, Mr. Speaker, trained me in getting to know the House procedures, especially in the Committee of the whole House, when I became a Deputy Speaker.

So, I take this opportunity to send my condolences on my own behalf, that of my family and the people of Kuresoi Constituency whom I represent in this House. I also want to join the Leader of the Majority Party in saying this: It is high time, as a House, we upped our game against cancer. We are suffering as a nation and we need to get into details. We not only need to legislate and come up with a budget, but we also want to know what it is that we are doing wrong. As a country, this is something that has really surged. Now we have many cases of cancer. Every Member of this House has in one way or another been affected by the scourge of cancer. I personally lost my grandmother and many constituents to this scourge. I think it is about time we started thinking about it. We should think of setting up a hospital specifically to deal with cancer.

Hon. Members and other people who are well to do can go to countries outside of Kenya. However, our own constituents cannot afford even a ticket to India because it is expensive. It is about time we set up a hospital to deal with cancer. We want to encourage His Excellency the President to consider this matter in the Big Four Agenda. Indeed, one of the items he holds dear is health. So, other than the universal health that we aim to achieve, we should also consider setting up a cancer hospital in Kenya. It would be a legacy that will not be rivalled by anyone because it is what Kenyans need more than anything else. Many of these Members have been conducting a lot of fundraisings to help their constituents and relatives to go abroad for treatment. I think if we set up a facility here and equipped it, then it would go a long way in helping our constituents.

Lastly, whereas everybody would say she earned accolades as the first Hon. Deputy Speaker and a Member who did very well here, there is something that we sometimes forget and which I was happy you mentioned, Hon. Speaker. Internationally, her name has been engraved particularly in the ACP-EU, where she was a very active Member.

Hon. Speaker, when you sent me to the ACP-EU meeting with the delegation that took over from her, the first thing they asked me is why she quit Parliament to go and become governor. They asked because they really valued her contributions in the ACP-EU meetings. I am sure as we mourn the loss of Hon. Laboso here, even internationally, particularly the members of the ACP-EU, she is being mourned.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. John Mbadi. Sorry, please, give me one minute so that I can introduce these children before they can exit.

I recognise the presence, in our Public Gallery and the Speaker's Gallery, of students from the following institutions: St. Joseph's Boys High Kitale, Saboti Constituency, Trans-Nzoia County; Magumoni Primary School, Maara Constituency, Tharaka Nithi County, Yoder Karwigi Secondary School, Mbeere South Constituency, Embu County; St. Mary's Tabaka Primary School, South Mugirango Constituency, Kisii County; and, Kibii Primary School, Juja Constituency, Kiambu County. They are all welcome to observe the proceedings of the National Assembly this afternoon.

Hon. John Mbadi, please, proceed and sorry for the interruption.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker for giving me this opportunity to also join my colleagues; the Leader of the Majority Party, the Hon. Deputy Speaker and yourself, in condoling and sharing my grief and that of all Kenyans following the demise of these two great leaders.

Hon. Speaker, Kenya is mourning. I know that when leaders depart, people say so many kind words about them even to those who do not deserve the kind words. However, you will agree with me that the leaders we are talking about today deserve the kind of comments we are making about them. My constituency of Suba South, which I represent in this House, my family and myself are saddened by the demise of these great leaders.

Hon. Ken Okoth joined Parliament as a Member of Parliament on Orange Democratic Movement (ODM) ticket which I Chair and of course lead the minority in this House. We will agree he was an individual or MP who cut across and was respected by Members across the aisle. In Ken Okoth we have lost a team player, diligent leader and leader of great focus. One who all will agree took his job so seriously that his constituents are really in mourning because this is a great loss to them.

I accept the assignment you have given me to chair this ad hoc committee. From informal discussion with the family, I heard they would like to give him a sendoff within one week. Therefore, because the family has a meeting at 5.30 p.m., the Members of this ad hoc committee should meet at 4.00 p.m. We are yet to determine where, but I will liaise with the Clerk to know.

On Joyce Laboso, this is was a great leader in this country and this is not an exaggeration but a fact. She joined Parliament when I was already an Hon. Member, but the same year that I came to Parliament. She came on ODM ticket. Again, she was a very strong leader in terms of capacity to understand parliamentary procedures. That is why as a House we went ahead and elected her as Deputy Speaker to deputise the Speaker in a transition Parliament, one that was so unique and one where for the first time we were going to test a bicameral system.

Hon. Joyce Laboso did not hold a grudge when you disagreed with her. Sometimes, I did not agree with some of the decisions she made but after leaving the Chamber we were always friends and always laughing. I want to note something. When we served in the 10th Parliament, Hon. Joyce Laboso and others like Hon. Rachel Shebesh, Hon. Millie Odhiambo, Hon. Ababu Namwamba and I formed, on our own without anybody's idea, what we called then ODM reloaded. This was an organisation within ODM of young parliamentarians who steered or tried to revamp the ODM Party. I can tell you that Hon. Joyce played a very important role.

Finally, before Hon. Joyce moved to the United Republican Party (URP) in 2012 I shared with her because I used to pass through her constituency a lot while going to mine. I told her that

her people talked well about her. The only thing they said is that if she remained in ODM she would not have won her seat again. She had serious difficulty in making a decision on whether to move from ODM to URP or not. But I advised her as a friend that I would have liked to see her again in Parliament and I suggested that she joins URP because politics is local. I think based on my advice and that of others, she joined URP. She then became the Deputy Speaker and finally become one of the first few female politicians to become governors in this country.

It is a great loss to the people of Bomet and Kenya and, indeed, the people of Koru where she was married. Finally, it is also a great loss to the people of Kibra for losing Ken Okoth. We are all in mourning and I pray God to rest their souls in eternal peace. Amen.

Hon. Speaker: I have a special request by an alumnus of Starehe Boys Centre, the Hon. Caleb Amisi.

Hon. Caleb Luyai (Saboti, ODM): Thank you, Hon. Speaker for giving me an opportunity to join my colleagues and the entire nation in sending my message of condolence to the family for the loss of Dr. Laboso as well as our colleague, Kibra MP.

I specifically request to read a tribute to *Mhe*. Ken Okoth having been my very good and close friend and having shared the same school and many other things. I will make it very brief.

Hon. Speaker, it is difficult to pay tribute to any human being but more difficult, to eulogise a man who was the embodiment and beacon of hope to many people in the country and beyond. My brother Ken was a selfless, versatile and diligent man with a remarkable leadership style that has moulded the aspirations of many young people and rekindled the flickering dreams in the informal settlements.

Born and raised in the sprawling slum of Kibra, far from the corridors of power and opulence, the young Ken Okoth had to contend with studying at night in their tin-roofed house using *nyangile*, a smoky paraffin tin lamp. For this effort he had to pay a price for the rest of his life. He once asserted to a local journalist: "My spectacles are not objects of prestige, but emblems of paucity. I would not be wearing them had I grown up in an opulent background." In the midst of very difficult atmosphere that punctuated his earlier life, he chose the harder route even when opting for the short-cut was fashionable.

Driven by the belief that one day he would redeem his family from the shackles of poverty that had made his life miserable at the tender age, he would later meet his hero, the Rt. Hon. Raila Odinga who would rekindle the fire that was burning in him. A fire for something greater, bigger, a vision to be human and a calling to be a brother's keeper. God's grace, commitment and sheer hard work would see him perform well in the national primary school examination and proceed to Starehe Boys Centre where his fire was kept burning by yet another unique figure and tower in education, Dr. Griffin.

This same fire was lit and continues to burn even today in some of us. Instead of whining and blaming the society and his parents for the circumstances, Ken honoured a dream he knew would take an awful lot of determination, dedication, self-discipline and effort to turn it into reality. Perhaps, this laid the foundation for his quest for community service and voluntarism because it is here that his star shone again. He understood that a vision for humanity cannot be contained by lack of funds nor the place you come from.

This is the man we pay tribute to today - A patriot, leader, a son of the people of Kibra and a man who remained steadfast in principle and purpose. A role model that we try to emulate every day in the service to the people. He reached beyond partisanship and beyond our own selves to our very souls. We shared the creed that leadership was more than formulation of

policies and stocking them in shelves of development partners and donors. But it is a question of moral purpose, a moral realm, that which only the truly great, Hon. Ken was capable.

His political instinct of truth conviction, providence and above all, patriotism came long before he was thrust in the political limelight by the people of Kibra through the keys of Kibra Foundation that continue to support needy bright students. When he came to the august House, he never forgot who he was fighting for. He was solid with unwavering conviction that he stood with even when political tides were not in his favour. He brushed off the jibes and jabs of his jealous critics and effortlessly disarmed them with his beaming smile.

He brought a new assurance to Kenyans and the people he represented. He was not only Kibra's important MP, as it is but he was a nation's great leader. In a time of average mean he stood taller than anyone else. In a time of politicians, he proved himself a statesman and tabled Bills that would see the scourge of cancer defeated. He dutifully demonstrated against injustices and held a fair share of teargas which people like me believed things could and should happen differently in our land.

Thanks to such sacrifices and selflessness. Kenya is back and on track towards becoming a model of democracy and prosperity of other African nations. His eloquence and diplomatic style of approaching affairs will forever remain unraveled. Okoth taught us the power of action but also strongly preached the power of ideas, the significance of reason and arguments. The need to study not only those you agree with but also those you do not agree with.

Mhe. taught us not to give up even when things are difficult. It is in the hospital bed in France, where I privately visited him with my family and he would radiate the same conviction through his desires to come and continue doing what he did best, serving his country and the people of Kibra. When things seemed to be getting out of hand, his bravery and patriotism would not allow him to give up. Though his song has ended prematurely and his candle flickered, the melody will continue lingering on. Given the sweep of his life, the scope of his accomplishments, adoration and admiration that he so rightfully earned, it is fair to remember Hon. Kennedy Okoth as an icon smiling and serene detached from the toady affairs of lesser men. Imagine if we emulate just a fraction of what a man he was how different our country would be!

To the people of Kibra, thank you for sharing Kennedy with us. His struggle was your struggle. His triumph was your triumph, your dignity and your hope. Your expression is in life. Now I join in proclaiming that it is well with his soul.

“When peace like a river, attendeth my way,

When sorrows like sea billows roll,

Whatever my lot, thou hast taught me to say

It is well, it is well, with my soul.

It is well brothers. It is well sisters. It is well with my soul. Rest in peace Brother Ken.”

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, in order to allow many of you to have a chance to eulogise our two colleagues, I will ask you to be as brief as possible. You will have one minute each. I will start with the Member for Laikipia North.

Hon. (Ms.) Sara Korere (Laikipia North, JP): Thank you, Hon. Speaker. I also wish to join my colleagues in mourning our departed colleagues and in condoling with the families of Hon. Ken Okoth and Hon. Joyce Laboso.

In the 11th Parliament, I was privileged to work under the Human Right Caucus with Hon. Ken Okoth. I really admired his style of leadership. In August 2015, Hon. Ken Okoth, Hon.

Aghostinho Neto and Hon. Shukran Gure came to my constituency to participate in a marathon that we conduct every year to raise funds to educate underprivileged girls. It is dubbed, “The Amazing Maasai Marathon”. When I was elected, the first place I took my committee for an exchange tour was Kibra Constituency. So, I agree with everybody who has said Ken Okoth was a great leader and so was Hon. Joyce Laboso. As a woman, Hon. Joyce Laboso is a mentor to a lot of us in this Parliament. I know some Members have brought Bills in this Parliament regarding cancer. It should be declared a national disaster in this country. It is snatching lives of very productive Kenyans. If you see such high-profile people losing their lives to cancer, you just wonder what happens to the common *mwananchi*. I join my colleagues in condoling with the family and saying may the good Lord rest their souls in eternal peace.

Hon. Speaker: Member for Mathare.

Hon. Anthony Oluoch (Mathare, ODM): Thank you very much, Hon. Speaker. On behalf of Mathare Constituency, my family and I, I join the rest of my colleagues in the country in condoling with the people of Kibra Constituency and his family for the loss. Like the rest of us have said, Hon. Ken Okoth was not only the Member of Parliament for Kibra or a leader within Kibra Constituency, he was a leader that we looked up to, especially the young leaders of my generation. We looked up to Ken Okoth who was a person not very easy to classify and place in terms of political ideology, the way we have conceived a lot of leaders.

As Members of Parliament, our key role is legislation and budget-making. This Parliament must, therefore, never make motions or pass any resolutions which do not intend to have the force of law. We passed a motion here that was proposed by Hon. Cate Waruguru that we should declare cancer a national disaster. I hope the Government agency took note of that. I also hope that the Hon. Member, my good friend Cate is actively processing this Bill so that we may finally be able to put action to our words that, indeed, cancer is a national disaster.

One of the issues that were very central and dear to Ken Okoth and one that was nevertheless controversial is the issue of the *Marijuana* Bill. I did look at that Bill this morning and in support of Ken Okoth and his legacy, I hope that this Parliament will allow somebody to take up that Bill so that persons suffering from cancer can get relief in terms of the medical use of *marijuana*, taking into account that nearly 33 countries around the world have already endorsed the medical use of *marijuana*.

Thank you very much, Hon. Speaker. I pass my condolences to the family and the rest of the country.

Hon. Speaker: Member for Kipkelion East.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Speaker. I also take this opportunity to join Members of this Parliament to mourn the two honourable Members whom we have lost. We know Hon. Joyce Laboso very well having been our Deputy Speaker in the 11th Parliament. She was both a leader and a very good mentor especially for our girls and women in general in this country. Her work is very clear, especially when she fought and won the Bomet County Governor’s seat. She was focussed and knew what it takes to really become a leader in this country.

I remember the 11th Parliament very well. I can say that Parliament is totally different from the 12th Parliament. This 12th Parliament is very friendly unlike the 11th Parliament. So, we really join and mourn. I also mourn Hon. Ken Okoth, who was my friend. We co-founded the Parliamentary Caucus Sustainable Development Goals (SDGs). He was a leader. When he became sick, we missed him a lot in the Caucus. I take this opportunity to say to the people of Kibra that God be with them and we say sorry.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I stand here today to mourn a person I would call my young brother, Hon. Ken Okoth. He joined Starehe Boys' Centre when I had just left about three years earlier but through the Old Starehe and Society, we came to interact and I came to know him as a vibrant young man who was indeed cut for higher stations in life.

On behalf of Funyula Constituency and my own behalf, I also join the entire nation to condole the two senior leaders of this country, Hon. Ken Okoth and Governor Dr. Joyce Laboso. Indeed, Hon. Ken Okoth exemplified the true spirit of Starehe, coming from nothing and struggling through life amid all challenges to really cut it in life and become exactly what he did. We wish the family great hope at this moment and the grace of God to accept the will of God. We will sincerely miss him and we hope God will rest his soul in eternal peace. Thank you.

Hon. Speaker: Next is nominee 001.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. From the beginning, on behalf of myself, my family and my constituency of 6.5 million persons with disability, I pass my condolences to the family of Hon. Ken Okoth and Hon. Joyce Laboso. I also join my colleagues in saying that we have to up our game in terms of dealing with this scourge of cancer. Keeping in mind that the mortality rate of cancer is more than 90 per cent, we have to think of a legislative framework that is more preventive than curative. We need to approach it like we did with HIV/AIDS in the early 1990s. It was declared a national disaster and instead of concentrating on the curative part of it, we concentrated on prevention. I am sure that if we concentrate on preventing cancer, we will eliminate this scourge.

I send my sincere condolences to the families of Hon. Ken Okoth and Hon. Joyce Laboso. We are with you during this trying moment.

Hon. Speaker: Let us have the Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker for this chance. I join my colleagues in sending my condolences to the families of the late Hon. Ken Okoth – who I knew very well – and Governor Laboso. Hon. Ken Okoth was a strong human rights fighter. He was very articulate and an educationist. He was very loyal to his party. The ODM Party has lost a very loyal person. He loved his party and was loyal to it while at the same time respecting everybody and other political parties. He articulated his issues in such a manner that he gave a lot of respect to the other colleagues.

I first met Hon. Ken Okoth when I was a trade unionist on the streets. I found him in the same way that Samuel Baker met John Speke while they were both trying to discover the River Nile. We met when he was articulating the rights of workers from the platform of Parliament and human rights while I was doing so from the platform of trade union. I found him a very good colleague and a fighter for human rights.

On behalf of my family, the people of Emuhaya and the teachers of Kenya, I pass my sincere condolences to the families of the late Hon. Ken Okoth and Governor Laboso, who was my mentor. When she became the Deputy Speaker in Parliament, there were a lot of accolades seeing the first woman acting as Speaker in Parliament.

Without much ado, I pass...

Hon. Speaker: Hon. Members, I am trying to look at the geography of Kenya. We are mourning great colleagues and leaders. We cannot afford to turn it into a village issue. That is why I want to hear voices from across the country. I have heard some voices from Trans Nzoia and Vihiga counties. That is what I am doing.

Let us have the Member for South Imenti. I will then hear a voice from Makueni.

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Speaker. I also join my colleagues, Hon. Members, and Kenyans at large, to mourn these two great leaders. I served with Dr. Joyce Laboso in the 11th Parliament and with Hon. Ken Okoth in the current Parliament. Without much ado, everybody in this House knows the caliber of Hon. Okoth. His passion was in education, human rights and fighting corruption. It is very unfortunate that this afternoon we are where we are because of this demon called cancer. Today I saw a tweet where somebody said, “Oh my God, how can cancer come and kill cancer?” This is a big problem.

We also lost Governor Joyce Laboso. I am really privileged because she taught me communication skills at Egerton University in my first year. When we met in Parliament, she mentored me in so many things, including advising me on how to mobilise women and the youth in the constituencies. Through her advice, truth be told, I came back to Parliament. Right now, I am doing better than when she taught me. I join other Kenyans in condoling with the families of these two great leaders.

Hon. Speaker: Let us have the Member for Kibwezi East.

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Thank you, Hon. Speaker. I take this opportunity to join my friends and colleagues in passing my message of condolence on behalf of myself, my family, the people of Kibwezi East and the people of Makueni to the families of the Hon. Member for Kibra and my boss in the 11th Parliament, Hon. Governor (Dr.) Laboso.

Those who were in the 11th Parliament will recall the good work of the Deputy Speaker, whom I had the chance to work under in the Speaker’s Panel. What came out in public to the MPs is how forgiving Hon. Joyce Laboso was. You may recall at one particular time when the House was very “hot”, we poured water on her while she was presiding over the House. Madam Laboso said that she forgave those who poured water on her. That was very forgiving of her. We remember her for that.

Cancer is killing a lot of Kenyans. Most Members have told me about a clip going around of a Baby Faith who comes from my constituency. I am very happy because Baby Faith is at Nairobi Hospital being treated for cancer, courtesy of the First Lady, Mrs. Margaret Kenyatta.

I also pass my condolence message to the family, relatives and friends of Hon. Okoth, the MP for Kibra. I served with the Member for...

Hon. Speaker: Let us have the Member for Tinderet.

Before you pass your condolences, allow me to recognise the presence of more students and pupils from the following institutions in the Speaker’s Gallery: Moi Kapcherop Secondary School from Marakwet West Constituency, Elgeyo Marakwet County; Kenya Muslim Academy from Mathare Constituency, Nairobi County; ABC Mungu-ini Secondary School from Mwingi Central Constituency, Kitui County; Lake Breeze Academy from Budalangi Constituency, Busia County; Kimnai Primary School from Marakwet West Constituency, Elgeyo Marakwet County; Nyondia Primary School from Gilgil Constituency, Nakuru County; and St. Martin’s Primary School from Mathare Constituency, Nairobi County.

You are welcome to observe the proceedings of the National Assembly.

Let us have the Member for Tinderet.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Speaker. I rise to join my colleagues in mourning our departed colleagues, Hon. Ken Okoth and Dr. Joyce Laboso, our Governor.

I was privileged to serve with Hon. Okoth as a Member of the Departmental Committee on Education and Research in the 11th Parliament, where he displayed his skills, knowledge and understanding of education matters through debates, various Motions and through a number of

Bills that he brought to this House. Hon. Ken Okoth was an astute leader and an articulate person in matters education. In fact, in the last Parliament we went on a benchmarking trip to the United States of America where we came up with ideas on having money to follow the child or what we call the National Education Management Information System (NEMIS) that the Ministry of Education has come up with.

Hon. Joyce Laboso was our Deputy Speaker and she served with a lot of dedication and humility. Through her, this House gained a lot of knowledge in parliamentary practices even in the European Parliament and African Pacific Region.

Hon. Speaker, on my own behalf and that of the people of Tinderet and Nandi County at large, I convey our condolences to the two families of Hon. Okoth and Hon. (Dr.) Joyce Laboso. *Poleni sana.*

Hon. Speaker: Member for Borabu.

Hon. Ben Momanyi (Borabu, WDM – K): Thank you, Hon. Speaker for giving me this chance to send my condolences and those of the people of Borabu for the demise of our colleagues, Hon. Ken Okoth and Hon. (Dr.) Joyce Laboso. I worked with the two. They were my personal friends. We were together in this House in the last Parliament. I was also with Hon. Ken in this Parliament.

As a House, we have lost very great leaders in the country. Some of the leaders have said that cancer has become a menace in this country. It is important for the nation and the National Assembly to address this issue so that money can be set aside so that we save lives that are lost on a daily basis from this deadly disease.

On behalf of the people of Borabu and my family, I send my condolences to the people of Bomet County and Kibra.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you very much, Hon. Speaker, for giving me the opportunity to send my condolences, on behalf of persons with disabilities, to the family of Hon. Ken Okoth who was my friend and member of my party and the late Hon. (Dr.) Joyce Laboso who was the Deputy Speaker in the last Parliament.

I knew Hon. Ken Okoth in the Non-Governmental Organisation (NGO) sector before we came to Parliament. He was basically a friendly person. It is so sad that at this time in the history of this 12th Parliament, we have two bodies of our Members lying in the mortuary right now because of cancer. Hon. Laboso was our friend in this House. By becoming the first ever woman Deputy Speaker, she set the ceiling very high for women and girls in this country.

On my own behalf and that of persons with disabilities whom I represent from Migori to Turkana, I send my condolences. It is high time we, as Members of Parliament, spoke and sat down openly to discuss cancer. We cannot continue to bury our heads in the sand. We need to seriously look at the issue of healthcare and cancer in this country to save our people who spend a lot of money on its treatment.

Hon. Speaker: Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Thank you, Hon. Speaker. On behalf of my family, the people of Kiminini and the great county of Trans Nzoia, I pass our message of condolences to the two families of the late Hon. (Dr.) Joyce Laboso and Hon. Ken who was the Member for Kibra. I worked with both leaders in the last Parliament and they had something in common. Both of them were humble, focussed and committed to their work. It is my prayer to the Almighty God to give their families strength and comfort at this difficult time. I

also request the Government to move with speed and declare cancer a national disaster so that we can put a legislative proposal in place which will guide us on how we will manage this cancer menace.

I thank you.

Hon. Speaker: Member for Endebess. He left. Member for Mosop.

Hon. Vincent Tuwei (Mosop, JP): Asante sana, Mhe. Spika kwa kunipatia nafasi hii. Kwa niaba ya wananchi wa Eneo Bunge la Mosop na Kaunti ya Nandi kwa jumla, napeana risala za rambirambi kwa familia za Mbunge Ken Okoth na Gavana wetu, Daktari Laboso.

Wiki moja iliyopita, mimi, Mhe. Serem na Mhe. Keter tulipata nafasi ya kuwazuru wakiwa hospitalini hapa Nairobi. Tulipata Mhe. Okoth na mke wake hospitalini. Tulijumuika pamoja tukiona hali ambayo alikuwa akipitia kwa uchungu wote kupitia ugonjwa huu wa saratani. Baada ya hapo, tulipata nafasi ya kumuona Gavana ambaye ametuwacha, Dr. Laboso. Sisi sote tulishtuka kusia kwamba ametuwacha na alikuwa na imani ya kupata dawa na kupona ili arudi kufanya kazi yake ya ugavana katika kaunti ya Bomet. Lakini ya Mungu ni mengi, tumewapoteza hawa wote. Jambo la dharura ni kwamba sisi wote kama viongozi na Serikali tuchukulie saratani kama janga la kitaifa na tuweke pesa na mikakati na kutafuta mbinu na maarifa ambayo tunaweza kutumia kusaidia watu wetu.

Kwa hayo machache, natoa rambirambi zangu kwa niaba yangu, familia yangu na wananchi wa Eneo Bunge la Mosop. Poleni sana.

Hon. Speaker: Hon. Members, at some point, I have to bring this discussion to a close. I know how all of us feel about our two departed good friends. If it were possible, I am sure every one of us would have something to say. However, it is not humanly possible to do that because of the available time. If everyone was to have an opportunity to say something, we would have to extend the Sitting to around 9.00 p.m. Because we also have the condolence books that were brought to us, we will just accept that what has been said is sufficiently representative so that I can hear only two more Members. Let me begin with an elder, Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. On behalf of the people of Seme and on my own behalf and my family, I pass my deep condolences to the families of the two leaders who have departed. These are two leaders who have shown that you can defy the *status quo* through determination. They succeeded to show that determination can make a difference.

There are two kinds of people in this world: Those who accept the world as it is; adjust to it and accept it and those who say that they must change this world whom we owe progress. These two leaders belong to that group.

On the issue of cancer, the death of our two colleagues and the death of a prominent businessman before them brings the issue of cancer to the fore. It also brings one thing that we must be aware of. Expensive treatment may not be the answer. These people got the best treatment and the direction to go is to look for prevention and promotion. I start by telling the Members of this House to go for screening every year because their insurance cover can afford it so that it is picked early. We can pass the message to all our voters.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Uasin Gishu County.

Hon. (Ms.) Gladys Boss Shollei (Uasin Gishu CWR, JP): Thank you, Hon. Speaker for giving me the opportunity to join my colleagues in passing my condolences to the families of Hon. Ken Okoth and Governor, Dr. Joyce Laboso and the entire people of Kibra and Bomet County. We reach out to them and tell them that they were blessed to have a phenomenal

woman, an excellent professional and politician. I remember Hon. Ken Okoth as a person who was committed to human rights for all through his programme of SDGs which he had put in place in Kibra Constituency. I also remember both of them in their talk and the cases they put forth before those of us who had occasion to meet them. They always urged us to do something about cancer. I hope the country will focus on it. If we were able to kick out small pox, polio and measles, we should be able to kick out cancer too.

I call upon this House to ensure that we begin to look at food safety issues and early screening programmes at a primary health level so that we reach everyone. Today, I look at the story of Hon. Ken Okoth, Hon. Joyce Laboso, and others who have fallen before them to the scourge of cancer and I realise that they are the voices of those in the countryside who are unable to get cancer screening. Those of us who have medical insurance are fine because we have a choice to be screened or not. But there are those people who go to local dispensaries and get misdiagnosed because there is no primary caregiver who even understands the symptoms of cancer.

Hon. Speaker: Finally, let us have the Member for Jomvu.

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mhe. Spika kwa kunipatia fursa hii niungane na wenzangu. Kwa niaba yangu na kwa niaba ya wananchi wote wa Jomvu, ningependa kutoa rambirambi zangu kwa wakaazi wa Kibra na Kaunti ya Bomet kwa kuwapoteza viongozi wao.

Nataka kuzungumza juu ya Mhe. Ken Okoth ambaye alikuwa mtu mzuri sana. Binafsi, nilifanya kazi naye katika Bunge la 11. Mhe. Ken Okoth alikuja Jomvu kufungua madarasa huko Bangladesh, Mikindani. Kwa hivyo, alikuwa rafiki mzuri.

Mimi ni mwanakamati wa Bajeti. Miezi miwili iliyopita tulienda kushirikisha umma katika masuala ya Bajeti kule Bomet. Nilikuwa na mwenzangu, Mhe. Nyamita. Marehemu Mhe. Laboso alikuwa amekwenda hospitali. Tuliomba Mungu tukijua atampa uhai. Ingawa haya yametukia, tunasema ni kazi ya Mungu ambayo haina makosa.

Kwa niaba yangu, familia yangu na wananchi wa Jomvu natoa rambirambi kwa wananchi wa Bomet na Kibra. Naomba Serikali ya Kenya itangaze saratani kuwa janga la kitaifa. Aidha, ni muhimu tuwe na hospitali za kupima saratani katika kila kaunti nchini.

Nachukua nafasi hii kukushukuru Mhe. Spika kwa kunipatia nafasi hii kutoa rambimbi zangu kwa familia za ndugu zetu ambao wametuaacha. Asante na Mwenyezi Mungu atubariki.

Hon. Speaker: Finally, let us have Member for Kitutu Chache North.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Hon. Speaker for giving me a chance to mourn my good friends who have gone to their final destination.

Hon. Ken Okoth was an upcoming leader in the country. He has suffered for the last two or three years but was able to persevere even as he served his people.

Her Excellency Hon. Laboso is a neighbour. She performed so well as Member of Parliament that she was elected by a landslide majority to be Governor of Bomet. It is unfortunate she has departed. We should task the Departmental Committee on Health to come up with a Bill to establish cancer centres in every region so that our people back at home, who do not have medical insurance cover, can be tested early and be treated. We should also encourage our people not to give up, but to continue seeking treatment. God will allow them to live.

With those few remarks, I beg to mourn my colleagues.

Hon. Speaker: Hon. Members, I know every one of us has something to say about our two colleagues who have left us. Let us agree that those who have spoken have done so on behalf of all of us. Indeed, as we talk about policy as a national Government function within the health

sector, we must address not just what we have suggested as centres, but also what Hon. Gladys Shollei referred to as the infrastructure necessary to ensure that early screening is done properly, carefully, professionally and with qualified personnel. We still know that there exist possibilities of misdiagnosis. As you have all pointed out, you may be in a position to go for screening but how about the people you represent? Many of them may not afford even the basic screening. So, let us just pray that the Almighty rests their souls in eternal peace. Thank you very much Members. Let us stop at that point. There are plans by burial committees for our two colleagues and information will be coming as we go into the week. I am aware of preliminary arrangements which are being made but you will be informed by tomorrow or the day after. Thank you very much.

Next Order.

PAPERS LAID

Hon. Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House 30th July 2019:

The Report of the Auditor-General and the Financial Statements in respect to the Kenya Forest Service for the year ended 30th June 2017.

The Report of the Auditor-General and the Revenue Statements of the State Department of Mining for the year ended 30th June 2018.

The Report of the Auditor-General of the Financial Statements in respect of the following institutions for the year ended 30th June 2018 and the certificates therein:

- i. Government Clearing Agency.
- ii. National Communications Secretariat.
- iii. Nyeri National Polytechnic.
- iv. National Youth Service Mechanical and Transport Fund (MTF).
- v. Kenyatta International Convention Centre.
- vi. Female Genital Mutilation Board.
- vii. Relief and Rehabilitation Cash Transfers Fund.
- viii. Uwezo Fund.
- ix. Chemelil Sugar Company Limited.
- x. Kibo Seed Company Limited.
- xi. Moi Teaching and Referral Hospital.
- xii. Kenya Institute of Mass Communication.
- xiii. Simlaw Seeds Company (U) Limited, and
- xiv. Tourism Finance Corporation.

The Reports of the Auditor-General and the Financial Statements in respect of the following constituencies for the year ended 30th June 2018 and the certificate therein:

- i. Kigumo Constituency.
- ii. Mwea Constituency.
- iii. Kandara Constituency, and
- iv. Limuru Constituency.

Hon. Speaker: The Chairperson, Committee on Delegated Legislation.

Hon. (Ms.) Gladys Boss Shollei (Uasin Gishu CWR, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Committee on Delegated Legislation on its consideration of:

1. The Public Finance Management (Biashara Kenya Fund) Regulations, 2019 (Legal Notice No. 78 of 2019).
2. The Public Finance Management (Uwezo Fund) (Revocation) Regulations, 2010 (Legal Notice No. 79 of 2019).
3. The Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019 (Legal Notice No. 80 of 2019), and
4. The Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations, 2019 (Legal Notice No. 81 of 2019).

Hon. Speaker: The Chairman, Departmental Committee on Finance and National Planning.

Hon. Joseph Limo (Kipkelion East, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Finance and National Planning on its Consideration of the Statistics (Amendment) Bill, 2019.

Hon. Speaker: Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON ANNULMENT OF REGULATIONS

Hon. (Ms.) Gladys Boss Shollei (Uasin Gishu CWR, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019 (Legal Notice No. 78 of 2019); The Public Finance Management (Uwezo Fund)(Revocation) Regulations, 2010 (Legal Notice No. 79 of 2019); The Public Finance Management (Women Enterprise Fund)(Revocation) Regulations, 2019 (Legal Notice No. 80 of 20); and the Public Finance Management (Youth Enterprise Development Fund)(Revocation) Regulations, 2019 (Legal Notice No. 81 of 2019), laid on the Table of the House on Tuesday , 30th July 2019 and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b), annuls in its entirety the said regulations.

Hon. Speaker: Hon. Mohammed Lokiru Ali.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER 33(1)

INSECURITY OCCASIONED BY CATTLE RUSTLING

Hon. Lokiru Ali (Turkana East, ODM): Hon. Speaker, pursuant to Standing Order No. 33 (1), I seek leave of the House for the adjournment to discuss the matter of insecurity caused by cattle rustling in the country.

The Kenya Police Reservists have in the past been instrumental in helping the Government mitigate against the menace of insecurity in the region but the situation has been

worsened by the recent decision to disarm the Kenya Police Reservists by the National Police Service. While appreciating the efforts by the Government to contain the menace, I invoke this House to deliberate on how to end this menace once for all. It is against this backdrop that I seek leave of the House for adjournment so as to discuss this matter of insecurity which is of great national concern and explore a lasting solution.

Thank you.

(Several Members stood up in their places)

Hon. Speaker: Very well. You have the numbers but I wanted to beseech Members. Last week, Hon. Nangabo moved the House to debate a matter and only two or three Members were present to contribute. Because all of you standing show interest in debating this Motion, then I direct and order that the House will adjourn at the hour of 6.00 p.m. this evening to discuss this Motion. I hope as many of you as have been upstanding would be present so that you do not have one full hour when only three of you are going to contribute.

(An Hon. Member spoke off record)

The Member who is speaking, please do not make it your habit to address the Chair when you are seated at your place. Otherwise, you will find yourself exiting the Chamber because it is out of order to do so. If you have something, you have an intervention box, please indicate that you have an intervention, not to start speaking when you are seated at your place.

Next Order.

ORDINARY QUESTIONS

Question No.192/2019

FAILURE OF GOVERNMENT TO REMIT HEALTHCARE FUNDS FOR THE ELDERLY PERSONS TO NHIF

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. As I ask my Question, I want to pass my condolences to the families of Hon. Ken Okoth and Hon. Joyce Laboso. I take this opportunity to ask the Cabinet Secretary for Health the following Question:

(i) Could the Cabinet Secretary explain why the Government has failed to remit healthcare funds for the elderly persons to the National Hospital Insurance Fund (NHIF) even after issuing them NHIF Cards?

(ii) What steps is the Ministry taking to address the said problem so as to ensure that elderly persons have access to healthcare services?

(iii) What measures has the Ministry put in place to ensure that data of all elderly citizens is continually acquired by the Government so as to guarantee that no one is left out of the system?

Hon. Speaker: The Question is referred to the Departmental Committee on Health for the Cabinet Secretary to appear and respond.

Hon. Members, before we proceed, allow me again to recognise the presence in both the Speaker's Gallery and the Public Gallery of students and pupils from the following institutions:

Hilltop Academy, Kwanza Constituency, Trans Nzoia County; Peak Academy, Thika Town, Kiambu County; St. Erastus Preparatory, Tongaren Constituency, Bungoma County; and those from Chebonei Girls, Tenwek, Bomet Central Constituency, Bomet County. They are all welcome to observe the proceedings of the National Assembly.

The next Question is by Hon. Sankok, nominee 001.

Question No.325/ 2019

REQUIREMENTS FOR ISSUANCE OF ROAD SERVICE
LICENSE TO A LIMITED LIABILITY COMPANY

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and Co-ordination of National Government the following Question:

(i) Could the Cabinet Secretary explain the requirements for issuance of a Road Service License (RSL) (formerly known as TLB) to a limited liability company?

(ii) Could the Cabinet Secretary further confirm whether M/s. Narok Line Services which has been in operation in Narok County since 2014 holds a Road Service License and that it meets all the requirements for operation?

(iii) What action has the Ministry taken against companies operating without the said license?

Hon. Speaker: The Question referred to the Departmental Committee on Administration and National Security. The next Question is by Hon. Edith Nyenze, Member for Kitui West.

Question No.346/ 2019

ELECTRIFICATION PROJECTS UNDERTAKEN BY REA IN KITUI WEST CONSTITUENCY

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Speaker. Let me first take this opportunity to pass my condolences to the constituents of our departed colleagues and go forward to ask my Question.

I beg to ask the Cabinet Secretary for Energy:

(i) Could the Cabinet Secretary provide details including locations of all electrification projects undertaken by Rural Electrification Authority (REA) in Kitui West Constituency since 2014?

(ii) What plans the Ministry has to ensure that all stalled projects undertaken by REA in Kitui West Constituency that have since been surveyed, approved and awaiting implementation are completed?

(iii) Which projects are planned for by REA in Kitui West Constituency in the current financial year?

Hon. Speaker: Well. It sounds as if you are asking a further Question about which projects are planned for by REA in Kitui West Constituency in the current financial year. That is

what I have in my records. Nevertheless, the Question is referred to the Departmental Committee on Energy to invite the Cabinet Secretary to come and respond.

The next Question is by the Member for Nyaribari Masaba, the Hon. Ombaki.

Question No.347/2019

STATUS OF CONSTRUCTION OF KEROKA TECHNICAL INSTITUTE

Hon. Ezekiel Ombaki (Nyaribari Masaba, NAPK): Thank you, Hon. Speaker. My Question is directed to the Cabinet Secretary for Education:

(i) What is the status of the construction of Keroka Technical Institute-Riatirimba Campus, which was initially planned to be funded under a Kenya-China bilateral arrangement?

(ii) What plans are there by the Ministry to ensure that funds are allocated and availed to complete the facility and ensure that it is fully operational?

Hon. Speaker: The Question is referred to the Departmental Committee on Education and Research to invite the Cabinet Secretary.

The last Question is by the Member for Laikipia North, Hon. Sara Korere.

Question No. 348/2019

STATUS OF CONSTRUCTION/REHABILITATION
OF DOLDOL-NANYUKI ROAD

Hon. (Ms.) Sara Korere (Laikipia North, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

(i) Could the Cabinet Secretary provide details of the status of construction and rehabilitation of the Doldol–Nanyuki Road (C51) whose contract was awarded in 2017?

(ii) Which firm or firms was awarded the contract and what was the estimated cost for the said road?

(iii) What measures has the Ministry put in place to ensure that funds are allocated and construction of the said road is undertaken?

Hon. Speaker: The Question is referred to the Departmental Committee on Transport, Public Works and Housing to invite the Cabinet Secretary to come and respond.

Before we go to the next Order, allow me to recognise the presence in the Speaker's Gallery of pupils from Besiebor Primary School from Turbo Constituency, Uasin Gishu County. They are represented in the House by Hon. Janet Sitienei. They are welcome to observe the proceedings in the National Assembly.

Next Order.

MOTIONS

RATIFICATION OF AGREEMENT FOR ESTABLISHMENT OF
REGIONAL MARITIME INFORMATION EXCHANGE

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of Operations at Sea in the Western Indian Ocean, laid on the Table of the House on Wednesday, 26th June 2019, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012 approves the ratification of the Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of Operations at Sea in the Western Indian Ocean.

(Hon. Ali Rasso on 24.7.2019)

(Debate concluded on 25.7.2019)

(Question put and agreed to)

ADOPTION OF SESSIONAL PAPER No.2 OF 2018 ON THE
NATIONAL ETHICS AND ANTI-CORRUPTION POLICY

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on Sessional Paper No.2 of 2018 on the National Ethics and Anti-Corruption Policy, laid on the Table of the House on Wednesday, 26th June 2019, and further adopts the Sessional Paper No.2 of 2018 on the National Ethics and Anti-Corruption Policy.

(Hon. William Cheptumo on 25.7.2019)

(Debate concluded on 25.7.2019)

(Question put and agreed to)

BILLS

First Readings

THE COUNTY ROADS, WALKWAYS AND PARKING BAYS BILL

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL

THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL

THE DIVISION OF REVENUE BILL

(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Departmental Committees)

MOTIONREPORT ON PROCUREMENT OF EXTERNAL AUDIT SERVICES FOR
OFFICE OF AUDITOR-GENERAL

Hon. Speaker: The Chairman of the Public Accounts Committee, Hon. Opiyo Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor-General, laid on the Table of the House on Thursday, 25th July 2019, and pursuant to the provisions of Article 226(4) of the Constitution and Section 43 of the Public Audit Act (No.35 of 2015), appoints M/s PKF Kenya to audit the accounts of the Office of the Auditor-General for the Financial Years 2014/15, 2015/16, 2016/17 and 2017/18.

Hon. Speaker, as I move this Motion, I want to start by taking Members to Article 226(4) the Constitution which states as follows:

“The accounts of the office of the Auditor-General shall be audited and reported on by a professionally qualified accountant appointed by the National Assembly.”

The operating words here are “appointed by the National Assembly”. This is one instance where the Constitution expressly gives the National Assembly the mandate to perform a function exclusively. It should be noted that, at the advent of the new Constitution in 2010, this provision of the Constitution was activated. In the Financial Years 2012/2013 and 2013/2014, the accounts of the Office of the Auditor-General were duly audited by a firm that goes by the name Baker Tilly Merali’s. It should also be noted that in the Financial Year 2014/2015, the audit was not undertaken because the contract of this firm had lapsed. Attempts were made by the Parliamentary Service Commission (PSC) to procure the services of the same firm to undertake the requisite audit for the Financial Year 2014/2015 and subsequent financial years, but it did not succeed.

I remember vividly at that time, in the 11th Parliament, when I was in this House, in its wisdom, it disagreed with the recommendations of the PSC to procure the services of this particular firm for reasons – I do not want to delve into them now – that were elaborated clearly then. The upshot of this was that the Office of the Auditor-General went through Financial Years 2014/2015, 2015/2016, 2016/2017 and 2017/2018 without being subjected to the requisite audit as it is required by Article 226(4) of the Constitution.

It is against this backdrop that the National Assembly reopened the matter of procurement of the audit firm to undertake this constitutional task - if I am not wrong - sometime in the year 2018. This new attempt also faced serious challenges. As a matter of fact, the National Assembly advertised the tender for provision of external audit services for the Office of Auditor-General

thrice and in all instances, the tenders were non-responsive. It is for this reason that the Clerk of the National Assembly and the Auditor-General approached the Public Accounts Committee early this year for advice on which way to proceed, given the hurdles that had become too apparent. It was, indeed, the view of the PAC that the National Assembly should make another attempt of advertising this tender. Following that advice, the National Assembly advertised afresh for the tender. This time round, the National Assembly succeeded in identifying a firm that was competent and capable of undertaking this constitutional task.

When the Report of the procurement process was tabled before the PAC by the Clerk of the National Assembly, the Committee, after careful deliberations and analysis of the same, was satisfied that due process was followed and the firm that was eventually settled on had the capacity to undertake this task. It is, therefore, my pleasant duty – without going through the details of how the procurement was undertaken because it is in the Report – to summarise. A total of seven firms bid and after due process of technical and financial evaluation, the tendering committee settled on the M/s PKF Kenya. That was the recommendation that the Clerk of the National Assembly presented to the PAC.

It is important to reiterate the fact that this particular procurement, being a unique process underpinned by Article 226(4) of the Constitution, could not be deemed to be complete until the approval of the National Assembly was sought and obtained. That is the import of my Motion this afternoon. Therefore, as I move this Motion, I want to plead with this House to find it fit and desirable to approve this Report and give ago ahead to this firm, M/s PKF Kenya, to be contracted by the National Assembly to undertake the audit of the accounts of the Office of the Auditor-General for the Financial Years 2014/2015, 2015/2016, 2016/2017 and 2017/2018.

As I conclude, it is important for the House to take notice of the fact that the current holder of the Office of the Auditor-General will be due for retirement in less than one month having completed his non-renewable eight years term of office. It is also important to underscore the fact that it is this House that has continued to appropriate funds for utilisation by the Office of the Auditor-General. Just like any other State Department, Ministry or agency to which public funds are appropriated by this House, it is in the public interest that this House and by extension the public, gets to know how those funds are applied. It is not possible to determine how those funds are applied, if a proper audit is not undertaken by a competent audit firm as envisaged by the Constitution, under Article 226(4). Therefore, this raises a matter of urgency. The issue of urgency arises because even though we are too late in the day in terms of coming up with this firm to do this audit, it is important that we do not lose any extra day in ensuring that this process gets underway. Therefore, I beg to move and I am requesting my very able Deputy Chairperson, Hon. Jessica Mbalu, Member for Kibwezi East, to second.

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Thank you, Hon. Speaker, I rise to second the Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor-General for the Financial Years, 2014/2015, 2015/2016, 2016/2017 and 2017/2018 as moved by my Chair, Hon. Opiyo Wandayi.

The objective of this Report is to inform the House on the process that was followed in identifying a professionally qualified auditor, who will provide external audit services to the Office of the Auditor General for the four years I have mentioned above. Auditing is the cornerstone of good governance of the public sector. It helps in providing unbiased objective assessment of whether the public resources are managed responsibly and effectively to achieve the intended results. Auditors help the public sector organisations to achieve accountability and integrity to improve operations and instill confidence among citizens and stakeholders. This

Report as presented by the PAC is in line with Article 226(4) of the Constitution as articulated by Hon. Chair and it ensures that the accounts of the Office of the Auditor-General shall be audited and reported by the professionally qualified auditor, as appointed by the National Assembly. That is why the Report is before this House.

As part of the recommendations we are asking the National Assembly to note the contents of the Report. The contents of the Report as presented to us by the Clerk of the National Assembly included the procurement process of the auditor. We noted that the procurement process that included advertising was followed to the letter. This bid was advertised in the newspapers. There were 11 bidders who attended the pre-bidding exercise. In the bid response, there were seven firms that responded.

In our observation of all the paperwork that was presented to us by the Clerk of the National Assembly, we confirmed that the procurement process was followed. The Committee did evaluation on the technical aspect and we had a separate sub-committee dealing with financial evaluation. This is per the criterion that has been outlined in the bid. After that, they recommended the award of the tender. As stated in the Report before the House, M/s PFK Kenya were awarded the tender given that they scored 87.36 per cent in both technical and financial evaluation.

In the bid, the responsibilities of the audit firm were articulated very well and from the observations of PAC, as presented in our meeting of 24th July 2019, the Committee observed that the process was satisfactory. We also observed that M/s PKF Kenya was subjected to the National Assembly pursuant to Article 226(4) of the Constitution for approval. So, the Committee recommends that we approve the award of hiring external audit services for the Office of the Auditor-General for the financial years mentioned above to M/s PKF Kenya pursuant to the provisions of the Article 226(4) of the Constitution. As a Committee we were satisfied with the process of procurement and we were also cognisant of how the audit will be reported as well as the requirement of the auditors.

I, therefore, call upon Hon. Members to note the contents of the Report and adopt it.

I second and I thank you.

(Question proposed)

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Speaker. I rise to contribute to this Motion. I like what the Chairman outlined in terms of the fact that they have now succeeded in getting a firm to audit the Auditor-General. But I think it would have been instructive if he had outlined why it is that several times firms were unresponsive. Is there something that you may know as PAC that, perhaps, we do not know? It is worrisome if firms are unwilling to undertake such a major task, which I am sure they can successfully bid profitably. Remember we are going back all the way to 2014. That is really far back. It really says a lot about how we manage our affairs. I am glad that you have finally got an audit firm to do this.

Two, I wish that the years that are to be covered had a natural cycle in them. We have a natural cycle before us. The Auditor-General's term is due to end, as you said, within a month, certainly during the period in which the 2018/2019 accounts are also being put together. If they follow the practice that we have, then by end of September those accounts should be ready to be looked at. I wish it could be amended although because of procurement issues it may be difficult. If it could, it would be a good way of closing up the total period remaining under this Auditor-

General because he is not going to come back again to do this work. Somebody new coming in should start on a clean slate.

Three, I do not know if it is the practice - the accountants in the House will advise - to give a certain timeline for the results of this audit. I do not know if they are free to take another two years doing this auditing or whether they are expected to provide the audit report by a certain time. If that is the case, the Committee should next time start the process in advance to bring in an auditor to audit the last year of this Auditor-General and give the new Auditor-General a basis on which to begin audit.

We rely extensively on the findings of the Auditor-General. We know that as much as the Auditor-General's office has worked, what they do is usually just a sample, which is statistically representative, but that does not mean that what is left out is not of concern. There is a lot that seems to go on. So I would hope that in looking at the accounts of the Auditor-General, we will find good examples that need to be followed by their clients that they audit, so that the good practice there would give comfort certainly to Parliament but also to the clients of the Auditor-General that there is a way in which these things ought to be done. By so doing, hopefully, the message will get across that things should be done well. It should be possible also to internationalise the auditing of the Auditor-General. I see no reason why the audit firms need to be regional or national. They could be international. That might be a good thing, so that it can compare itself to the best practice in other areas.

As I conclude, in anticipation of the fact that the current Auditor-General will be retiring, which he has to, after eight years of service, I would like to thank him personally, because I know him professionally; Kenya has been lucky to get the services of the current Auditor-General, Dr. Edward Ouko, given the exposure he has. It is difficult to find other citizens who have been as lucky as he has been in getting the opportunity to be at the helm of the Office of the Auditor-General. Dr. Ouko has worked in various international institutions. He has been exposed internationally to public and private corporates and he has done auditing under the most strenuous circumstances in terms of standards that are followed. So, I consider Kenya lucky to have had someone of that stature to head the Office of the Auditor-General and the fact that he is Kenyan, which I think was a great service.

Hon. Speaker, I cannot say more than that for now. I support the proposal that has been put forward. I hope that the Chair will keep an eye on whether it is possible to include just this one year so that we get the total period of the remaining five years of the Auditor-General done, so that we can put a closure to that and start with a new person on a new footing.

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

Hon. Speaker: The Chair of APNAC.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Speaker. Firstly, I stand to confirm that I am in agreement with the Motion to appoint an auditor for the Auditor-General. The Auditor-General is the one who audits all other institutions of the Government yet we need the Auditor-General audited. The Office of the Auditor-General must be beyond reproach like Caesar's wife. There should be nothing left unturned. We feel that the office must be audited. The fact of the issue is, the cleaner the audit report on the Auditor-General is the better because it gives him the authority, moral and otherwise, to be able to audit others.

The Office of the Auditor-General has come across a lot of complaints but today we would like the Auditor-General to be audited so that we can show to the world that the Office of the Auditor-General is beyond reproach, like Caesar's wife. It is only then that they will be able to have the confidence and authority to audit others. PKF is a firm that I know well. I am an

accountant myself, and I feel convinced that if they do the right audit cycles, they will be able to cover not only 2017/2018, but as my brother says, 2018/2019. The Office of the Auditor-General is our top office in respect of audit and accounts. So, I expect that the draft accounts for the last Financial Year 2018/2019 must already have been done and should be available for audit. They are the top office in this country and they expect other offices to have their accounts ready for timely audit. I feel that they should also now step out and be able to provide the auditors with the final accounts for the Financial Year 2018/2019. We would like to tell PKF that the spotlight is on them. We want a very professional audit done. You will be seen and assessed by your peers.

As the Chairman of the African Parliamentarians' Network Against Corruption (APNAC), we demand transparency, accountability and good governance. The Office of the Auditor-General is the first of such offices of which we demand these requirements. I am sure they will provide those. I am sure that the questions that will be raised will be answered very quickly and efficiently. This is an important day for us because, as I said, the issue of auditing the Auditor-General has been very topical. Parliament has been questioned why it has not been able to agree on this.

I do not want to speak any more, but as far as APNAC is concerned, this is truly a momentous day. We plead with Members to kindly approve this Motion and this particular appointment.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Members, there are some names which I can see here, but I cannot see the owners. They are certainly not in the House, but I can see the Member seated very close to the Member for West Mugirango. Prof Oduol, I can see you. Had you placed a request?

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Yes, I had.

Hon. Speaker: Please proceed.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker. At the outset, I would like to support the Motion on the Report as proposed. I do this because it is clear from the Report that the Public Accounts Committee has indeed met the objective that they set to achieve, that is to inform the House of the process that they followed in identifying a professional qualified accountant.

Hon. Speaker, it is extremely important, given the role of the Office of the Auditor-General, to audit the auditor. We are aware that the Auditor-General serves the extremely important role of ensuring that public resources are indeed utilised in a way that is appropriate. The public should get value for money that is assigned to the Ministries, departments and agencies. When we look at internal audits which would be what the Auditor-General was undertaking, they can sometimes face many challenges in a context such as the manner in which the resources are used in our country. Indeed, it is extremely important and proper to get the procurement of an external auditing firm and get it in a timely manner. We are aware, as has been indicated before, that we are looking at auditing the Reports of 2014/2015, 2015/2016, 2016/2017 and 2017/2018.

Hon. Speaker, as we look at the Report, we see that the Committee followed procedures. There was advertising, pre-bidding meetings and bid-responses. We can see that even where there was disqualification of those who had bid to participate, we have very clear submissions about it in the Report. The external audit, such as the one that as a House we will approve and receive, will provide impartial and very clear information because external audits do not have to fear repercussions that would come from an internal auditor. We are aware, as has been

indicated, that the Office of the Auditor-General has experienced, in our context, in terms of looking at the use of public funds, tremendous challenges.

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

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

Hon. Temporary Deputy Speaker, the Auditor-General who had the very critical role of ensuring that public funds were used in a proper way, among other challenges, will be faced with challenges through the findings. He faulted the National Treasury for the delay in remitting county funds. We are aware that this is an issue that has not only been controversial and thorny, but one that needed to be addressed.

Secondly, the Office of the Auditor-General has sought to provide the necessary audit reports and to fulfil the mandate that was given to his office. We should remember that he got challenges because he suggested seizure of ill-gotten wealth.

So, as I support this Motion, I would agree that, as indicated by the Chair in the Report and in keeping with the requirement, we would need to approve the Report. We are aware that the Auditor-General's eight-year term is coming to an end. It would be extremely important that given the backlog that we have and given the need to play oversight role, we need to have the Office of the Auditor-General audited by an external auditor. If we do that, we would be in a position to see that what the Auditor-General has been indicating is something worth noting.

As I conclude, we have seen as a House that a number of times there have been recommendations that have come through the Auditor-General's reports. That has come through the committees where they have recommended action to be taken. An outstanding one that I recall is that of the pending bills and the kind of repercussion that this has. By approving the award of this tender, it will go a long way in helping us. It would not only add momentum and energy, but truly get to see public funds that are used and that are assigned to Ministries, departments and agencies appropriately used.

Finally, I pass my condolences to the family and constituents of the late Hon. Ken Okoth and Her Excellency Hon. (Dr.) Joyce Laboso. These were outstanding leaders and we are humbled. We are challenged to see the extent to which we can follow their mantle. We would like to express our greatest condolences. Since we already have a national cancer centre which seems to be facing the challenge of limited funding, we as Parliament - as a commitment and a legacy - could commit to try and follow up this issue and provide necessary resources.

I thank you and support the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Well said. Is Hon. Mutua Barasa, Member for Kimilili, in the House? Let us have Hon. Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker.

At the outset, I support this Report. The Auditor-General audits most of our accounts including the National Government Constituencies Development Fund (NG-CDF) and county governments among other institutions but we also allocate funds to that particular office and we do not know who audits that office. They audit themselves. Of course, it is common sense and human nature that if I was to audit myself, I would definitely give myself a clean bill of health but while I audit other institutions, I would give them negative reports.

So, the Report which seeks to have an external auditor for the Auditor-General is an idea whose time has come and we support it 100 per cent. I urge Members of this House to support so that every coin that Kenyans sweat to give as taxes is used properly, prudently and for the intended purpose.

If you see some audit reports and queries from counties or the budget allocated to State House, they have such big mistakes and we doubt their prudent use of finances. Therefore, it is in good taste for us to have an external auditor auditing the Auditor-General so that we can be assured of prudent use of resources.

As I conclude many Members have passed their condolences to the families of the late Hon. (Dr.) Joyce Laboso and the Late Hon. Ken Okoth. I want to urge this House to allocate funds because it makes the budget of this country. We should not just allocate funds towards cancer treatment because the mortality rate is almost 90 per cent. If we allocate more funds towards cancer treatment we will not be solving this issue. Instead we should allocate funds towards cancer research so as to find out what causes it and where the rains have started beating us. This is because the rate of cancer in this country is just too high and especially in this Hon. House.

We may think it is found among the rich but it is because they access diagnosis. There are those in the villages who are dying in silence. We need research done so that we can advise our people on how to avoid getting cancer. This is because the moment you get cancer, it is like a death sentence. The mortality rate is just too high, and we should approach it like we did with HIV/AIDS by preventing it. Prevention is better than cure. We will end up losing if we allocate a lot of money to cancer centres for treatment and diagnosis.

We should look into ways of finding out what causes cancer and advise our people on what to do and what to avoid. It could be the chemicals sprayed in our farms or drugs injected to our livestock which end up in the meat we consume in our day to day life. We must know the cause of cancer and what accelerates it in our country so that we can have proper advice for our people. In the social media people are being told to avoid red meat, sukuma wiki, milk and soya beans. Literally, we are being told to remain hungry and not to eat anything including sugar. We need a research centre so as not to depend on social media but have concrete information on what to avoid. I am sure if we tell Kenyans this is what causes cancer, we will have solved this issue because Kenyan citizens are ready to avoid anything that causes cancer. For now, everything we eat causes cancer

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Funyula, Hon. Oundo, you have the Floor.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Motion. On the onset, I support it because it is recommending the appointment of an independent auditor to audit the Auditor-General.

As you are aware, the Office of the Auditor-General is established under Article 229 of the Constitution of Kenya 2010. Likewise, under Article 226 of the Constitution, the National Assembly is bestowed with the duty or power to appoint an external auditor to audit the books of the Auditor-General. Indeed, the watchdog must also have a watchdog. Many of us know that

auditing is part of the control measures used in management science to ensure that planned activities are executed as intended.

I take this opportunity to hope that the lapse of time since 2014 will not be a problem to the appointed auditor because over time data and information is lost, memory lapses and indeed the accuracy and veracity of the information is doubtful. I know the accounting profession requires that all auditing materials or books of account must be preserved for seven years. But, obviously, with time even pertinent and simple straight forward questions have become difficult to answer because a human mind can only remember so much. I urge Parliament that in the past it has taken long to procure an audit firm to undertake the audit of the office of the Auditor-General. Going forward we should not have this lapse. We should timelessly and as soon as practically possible, within the shortest time possible at the end of the financial year, audit the accounts of the Auditor-General. This will enable us to have up to date information concerning the utilisation of funds which the National Assembly appropriates to that Office.

As you are aware, the term of the current Auditor-General, Dr. Ouko comes to an end probably by the end of August. It would have been good if as he exits the audited accounts for the Financial Year 2017/18 are also undertaken. This will ensure that as we discharge, praise and congratulate him for the good work he has done we do so without any further audit queries and reference to him. But be it as it may, I want to take this opportunity to congratulate him and wish that whoever takes over from him will have the courage and temerity to withstand the pressure and generally offer sound and professional opinion on the utilisation of public funds.

I think this country has been bedeviled with high cases of misuse of public funds. The delay in auditing the books for various Government ministries generally gives a chance to the so-called corrupt people and those without good manners to manipulate books of account and probably conceal evidence of corruption. I urge the Office of the Auditor-General to undertake audits as soon as it is practically possible so that the culprits or those involved in corrupt dealings are brought to book as soon as possible.

We are aware that the amount of funds lost through corrupt means both at the national and county levels is very tremendous such that even if we were able to seal the loopholes by mere 50 per cent, we could raise enough funds to undertake more urgent and pressing needs of this nation, for example, cancer treatment, diagnosis and research or issues of infrastructure, education, security and the rest. I urge the Office of the Auditor-General to do its work professionally and flag out misuse of public funds. But as it does that, it should give us information or evidence that is prosecutable.

Many a times the Auditor-General makes sweeping statements merely because they were not given some documents. They make adverse comments on audits and it becomes difficult to prosecute. As I conclude, in as much as we are focusing more in the national Government, most corruption is at the county level. So, I urge the Auditor-General to devolve the auditing function to as many counties as possible and keep watch together with the office of the Controller of Budget so that we prevent further theft of Government funds.

With those few remarks, I support the Motion for appointment of PKF Kenya to audit the office of the Auditor-General. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Well said. Hon. Kathuri! I wish Members could take their cards out when they walk out because it brings confusions. On this side we have Hon. Akai.

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. As I support this Motion, I want to take a second on behalf of the great people of Turkana County to send condolences to the families, friends and constituents of our departed colleagues Hon. Ken Okoth and Hon. Joyce Laboso.

Hon. Temporary Deputy Speaker, I wish to support this Motion on the proposal that an accountant be appointed to audit the Office of the Auditor-General. It is always fair that those who watch are also watched. People keep asking who watches the watcher, who audits the auditor, who examines the examiner and who oversees those who oversee Government Ministries and agencies, like we do in the National Assembly. So, this is a good practice. This is a requirement, pursuant to Article 226(4) of the Constitution. For fairness and avoidance of conflict of interest, it is ideal that audit services are outsourced. It is also important that a qualified professional who will conduct the business in line with international standards is identified.

We commend the Chair of the PAC and his Committee for taking time to scrutinise the procurement process. I trust that the observations that this is satisfactory are okay although I keep wondering why the first trial of tendering was nonresponsive. All the same, we wish that this independent auditor will do his work as expected knowing that we have had concerns of selective audits in the past in some instances. Corruption and theft of public resources were happening in the last regime even before devolution. We are only surprised that things are now coming to the public domain. We are wondering what the Office of the Auditor-General was doing in the past.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): It is your chance the Member for Kwanza, Hon. Kevin Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for the opportunity.

At the outset, I take this opportunity to thank the PAC Chairman for giving us a very elaborate Report on the procurement of the auditor to audit the Auditor-General. I think it is procedural. I believe that this is the way to go. We should not take things for granted that whatever has been done is above Caesar's wife. All I am saying is that it is good because we have had many reports from the Auditor-General but we should not take it that whatever has been reported by the Auditor-General is above board. So, the appointment of M/s PKF Kenya as an external auditor to audit the auditor is the best way forward.

Looking at the explanation given, I think it has properly been identified. From what I see in the Report that has been tabled in this House, this is a professional accountant. Therefore, we

have to give a hand on that. Given that there are many corruption cases in this country every hour, every day and every week, month in and month out, we have a problem in this country. As the Legislature, we may have to go a step further. Misusing funds and resources that are very meagre in this country is not acceptable. Apart from locking people at Kamiti because of misuse of funds, we should go further to think of how to bring a motion to provide for those who have misused public funds to firing squads, like what happens in China. That information comes from the auditor's report and other reports we get every day. We cannot stop corruption in this country if we will not be very stern on whatever outcome. I believe that the report we are going to get from the external auditor will be above board. I hope and pray that Dr. Ouko, who has worked very well for the last eight years, has done a good job. I think on service, he has done a good job. However, let us see how far he has done in the last five years.

The only thing that the Chair of PAC did not tell us is the timeframe. We need to know. This must be given a timeframe. We should not leave it open-ended. The auditor that has been appointed competitively should come up with a timeframe to know exactly what they are auditing so that we can be rest assured that everything is above board. More importantly, for those who have been found culpable, apart from locking them up and recovering the assets they have bought using resources they stole from public coffers, we should come up with the alternative of them facing firing squads, like what happens in China. That is the only way we will deter people from stealing our meagre resources. Some of us work very hard and others take the easier way out. That is the only way.

With those few remarks, I support the appointment of this professional accountant, hoping that he will work within the limited time given to them so that we can see whether we are doing the right thing or not.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us now hear the Member for Laikipia North, Hon. Korere Paulata.

Hon. (Ms.) Sara Korere (Laikipia North, JP): Hon. Temporary Deputy Speaker, I also support the Report of the Committee that has appointed an independent professional body to audit the Office of the Auditor-General. I want to note from the word go that the Office of the Auditor-General in the recent past has done a commendable job. We have all seen the audit reports that have flagged out major concerns on the misappropriation of funds by various Government Ministries and agencies. It is an institution that is financed by public coffers. It must also be taken to task and brought to account on how it has expended the allocations that have been appropriated to it.

I remember just recently seeing in a report about the Office of the Auditor-General. From that report, I saw that that office is occupied by members of one community – almost 70 per cent. I do not know whether it is a coincidence that the said members of that community happen to come from the same community as the Auditor-General himself. Those are some of the issues that really make one raise eyebrows. What is it that a certain person is heading a certain institution and then the Kenyans who work under that person come from his community? I

would also like, on that note, to ask the Committee on National Cohesion and Integration to take cue from what this other committee has done to audit all the other Government institutions, parastatals and Ministries to ascertain how the Government of Kenya is allocating employment opportunities to all Kenyans. I say this, noting that it is an open secret that in this country, there are certain communities that occupy the lion's share of public employment to the detriment of the minority and marginalised communities. So, just like the Auditor-General's Office is being audited, we also need another body to audit all Government institutions, and even non-governmental institutions, to make sure that there are no Kenyans who are marginalised or taking advantage of others because of their numbers or because they do not have people in certain places. As others share out the national cake, others are just watching and swallowing saliva.

Hon. Temporary Deputy Speaker, I commend the work of the Committee. I also support this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, let us take time to recognise our girls from Aldai Girls High School. They are in the Speaker's Gallery. They are from Aldai Constituency in Nandi County. They are welcome to observe the proceedings of the National Assembly.

Hon. David Ochieng', you can continue. He is even oblivious to the Speaker's attention. Let us have Hon. Martin Owino, the Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. From the outset, allow me to pass my condolences to the families of the two heroes who have departed. It is very sad. In a spell of nine months, we have lost leaders with a wealth of experience to cancer. I hope this House will take up the Motion which was moved by the Laikipia County Women Representative on declaring cancer a national disaster. That Motion should be scaled up to become a Bill to deal with this disease.

It was wisdom to put in the Constitution that the Auditor-General should also be audited. The Public Accounts Committee has done a good job in picking up the PKF Kenya. It should be realised that auditing is not a witch-hunt. It is also looking into factors that can make an office more effective and do things more professionally. You remember how it is when we get audit reports. It usually takes a long time, maybe a year or so. Usually, memories have lapsed and we do not know what has been done with the audit queries. I hope that when they conduct the audit, they also indicate whether funds are used lawfully and effectively and if the Office of the Auditor-General is equipped or staffed to do the work effectively. That is the positive side of auditing. I hope this able firm, according to the PAC, will come up with that.

As far as diversity and staffing is concerned, the National Cohesion and Equal Opportunity Committee is already dealing with that. Members should refrain from making unsubstantiated statements until they get reports from people who are doing it. Obviously, auditing is a very unique profession so you may end up finding people of one tribe engaged in it but scrutinising them and qualifying them to do the job would be my concern because every Kenyan has a right if he qualifies to do the job.

The other thing is that we should ensure that we have an empowered and effective Office of the Auditor-General which can instigate preventive strikes so to speak or raise red flags if something is going wrong in Government departments so that it can be dealt with, and there can be a timely intervention to save money. Speaking about cancer, we lose a third of our revenue,

budget and national GDP to corruption which we could use to set up various institutions to promote, screen, prevent and manage cancer.

All said and done, we would like to see this Report and recommend the scale-up of the performance of this office as far as getting a report earlier is concerned. I urge all Members to do this as quickly as possible, acknowledging that there was a mishap in the last funding and there was no auditor appointed to do this.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya: Let us have Hon. Jennifer Shamalla.

Hon. (Ms.) Shamalla Jennifer (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this very important and crucial Motion. I do not want to stress or belabour the point. It is extremely important that in as much as the Auditor-General audits all State agencies, ministries, National – Government Constituencies Development Fund (NG-CDF) offices, et cetera, time has come for him to be audited.

I commend the Committee's work. The way they went about sourcing for the particular organisation that will audit the Auditor-General was laudable. In the spirit of access to information, once the Auditor-General has been audited, we have to take it one step further and interrogate where the loopholes may be. I am not suggesting or casting aspersions of any sort on the Auditor-General but doing so improves these constitutional offices and gives us the opportunity to critique them positively in order to ensure that there are no loopholes where the corrupt might take advantage of the situation or where the greedy or lazy may simply not be utilising resources as they should be. This will assist us in looking at matters and reports with regard to that audit in a more open and professional manner.

With those few remarks, I wish to support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya: Let us have the Member for West Mugirango.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Motion.

Article 226(4) of the Constitution gives the National Assembly power to appoint professionally qualified accountants to audit the books of accounts for the Office of the Auditor-General. The same Constitution has also mandated the office of the Auditor-General to carry out audits and file reports on the books of accounts of various Government ministries, departments, parastatals, constitutional commissions, the NG-CDF offices and other public entities, in ensuring that public funds are well utilised.

I also wish to commend the Committee for the good work it has done in ensuring that the Office of the Auditor-General has an accountant who is professionally qualified to carry out the audit and file the reports of the 2014/2015, 2015/2016 and 2016/2017 Financial Years for the three-year period for which reports have not been filed. Since we are now in 2019, I also wish that the same is extended so that the accountant who has been appointed is able to file the reports of the remaining period. By doing so, we will be sure that the office of the Auditor-General, which has the mandate of carrying out audits of other Government ministries and departments, is also audited so that we can be very sure that they also spend public funds as is required.

The Committee has also done a commendable job since the past three years; they have not been able to appoint an independent and professionally qualified accountant simply because there was an issue of conflict of interest and unresponsiveness of the bids they had earlier advertised. Hon. Temporary Deputy Speaker, we now have a professionally qualified accountant,

PKF Kenya, to do this work. The absence of the said accountant to audit the accounts of the Office of the Auditor-General has also impacted it negatively simply because they do not receive donors to support their work. The donors have been insisting that they should also hand over the audited books of accounts which have not been available for the last three years. Since this will be done, we will be assured that the Office of the Auditor-General will also receive donors.

As they do that, it is also necessary for the Office of the Auditor-General to up its game since we are currently devolving our services to the counties. We have seen that most of the counties do not have to get the services of the Office of the Auditor-General. If this function is devolved, we will be very sure that the books of accounts will be audited at the county level and the reports will be filed at an opportune time so that as we move on, the audited reports will be filed year in, year out. According to our mandate in this House, I am very sure that we are now looking at the books of accounts of the Office of the Auditor-General for the Financial Year 2016/2017. If we devolve these services, I am very sure that the current books of accounts will be audited year in, year out.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Karachuonyo, you have the Floor.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this important Report. At the outset, let me say that I support the idea of appointing PKF Kenya to audit the accounts of the Office of the Auditor-General. The Auditor-General has done a good job. I must salute him for that. It is only important that we now reach a stage where he can also be audited. In doing so, we will be giving the Auditor-General confidence in his work, if he gets a clean bill of health. That is something that will also give confidence to Kenyans that they have a very able Auditor-General. So, it is timely to audit him.

One of the Members mentioned something which is very important. He said that we should also consider the staffing positions in the Office of the Auditor-General and elsewhere. I support this. It is a very important issue in Kenya. We should not just look at the Auditor-General when we are talking about the breakdown of the staffing positions. If we look at this issue in other areas of our Government functions, we will know that perhaps we are not doing justice to various communities within this beautiful country. The only observation I note is the request for this auditor to cover the accounts from the 2014/2015 Financial Year. That is quite a bit of time back because staffing positions change. Those who are in decision-making positions, and who may be responsible for any misappropriation or something that is of concern have obviously changed positions. That long time may mean that they are no longer in position. Therefore, the query that may be raised will be a challenge to the people who came after those who were responsible. I really urge that we come up with a method whereby we can be auditing timeously in order that corrective action can be taken when the people concerned are available to answer the queries.

As I end my contribution, let me also add my voice to what has befallen this country within this month. We have lost three very important people in this country. Let me refer to our colleagues, the late Hon. Okoth and Governor Joyce Laboso. It is a sad thing that we are losing very important people to cancer. This is a big challenge that this country must look into so that we can find out, if possible, the cause. It will give us an opportunity to find remedial actions that this country needs to take.

Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Baringo South, Hon. Kamuren, you have the Floor.

Hon. Charles Kamuren (Baringo South, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Motion that the Office of the Auditor-General be audited. As we fight corruption, this institution should also be looked into. We should have checks and balances so that we can say that they are doing good work. Looking at the Office of the Auditor-General is very necessary so that we can build confidence among Kenyans. That is the way to go because we need to be equal before the law. All institutions are equal.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Mwakuwona Mwashako, the Member for Wundanyi, it is your chance.

Hon. Danson Mwashako (Wundanyi, WDM – K): Thank you, Hon. Temporary Deputy Speaker. At the outset, I rise to support the Report that the PAC tabled in this Parliament that we appoint an auditor to audit the accounts of the Office of the Auditor-General. This is a good thing which is unprecedented. As a country, we are coming to a realisation that the Auditor-General has been giving us reports that indicate that a lot of resources in this country are misappropriated or mismanaged. Therefore, it is time we need to know how the watchdog, who is the Auditor-General, spends resources that this Parliament allocates him.

The Office of the Auditor-General is very important for this country at this point in time when the whole country is looking at how to fight corruption and how to make sure that money in billions... We are told that this country loses in excess of Kshs330 billion through corruption every year. The moment the Auditor-General gets qualified report from the auditors that are being recommended by the PAC - that is PKF Kenya - it will generate enough confidence in all the Government agencies, departments and ministries. They will realise that the Auditor-General understands the role that he undertakes on behalf of the people of this country. The only sad bit about all this is that we are asking PKF Kenya to audit the Auditor-General on a number of financial years, that is, 2014/2015, 2015/2016 and 2016/2017. We do not know how long this will take. We want to believe that the PKF Kenya, being the professionals they are, will deliver this Report in good time to help Parliament and the country at large appreciate that, indeed, we have a qualified accountant who runs the office of the Auditor-General.

In the Budget that we passed last month, we increased the allocation to the Office of the Auditor-General. I sit in the Budget and Appropriations Committee and when the Auditor-General appeared before us, he presented a very convincing case why we need to support his Office more by giving it more resources to undertake its mandate. As we do this, we must push the Auditor-General to deliver to Parliament reports that are up to date. We are always looking at historical financial reports that do not help the country. There is a stalemate on the Division of Revenue Bill. The Constitution provides for a minimum of 15 per cent of the audited financial accounts to be given to counties. The figure of Kshs316.5 billion that we passed is in excess of 35 per cent, but we know it is based on audited financial accounts for the Financial Year 2014/2015. We should be up to date. We should be talking about the audited financial accounts of 2017/2018, so that we can base our numbers on current scenarios in the country. For sure, our budgets grow fast, but allocations are based on audited financial accounts of the 2014/2015

Financial Year. As we push for the Office of the Auditor-General to be audited, we need to be realistic and push them to deliver reports in good time.

I come from a marginalised county of Taita Taveta where we are given Kshs5.5 billion from the Equalisation Fund based on audited financial accounts of the 2014/2015 Financial Year. We do not give funds to the grassroots realistically based on current audited financial accounts.

I, therefore, support the Motion.

Before I sit down, allow me, on my behalf and that of the people of Taita Taveta, particularly my constituency, to send my condolences to the family of our colleague, Hon. Ken Okoth whom we lost last week. I knew him fondly and closely. Now that he has gone to be with the Lord, I convey my sincere condolences and those of the people of Taita Taveta. Similarly, I convey my condolences to the people of Bomet County for losing Her Excellency the Governor, Dr. Joyce Laboso. Many Members who have spoken before me have said that, as Parliament, this is the time to act. Kenyans are asking how long we should wait for big names to go to be with the Lord. Cancer has taken away many of our people. We must seize the moment, although it is a sad moment for the country, to undertake preventive measures like screening, awareness programmes and possibly declare cancer a national disaster. We cannot continue losing our dear ones. I lost my mother to cancer and it is extremely painful. As a House and a country, we must focus and push resources towards managing and preventing the disease.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) SoipanTuya): The Member for Kajiado North, Hon. Manje.

Hon. Joseph Manje (Kajiado North, JP): Thank you Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this Motion. But before I do that, on behalf of the people of Kajiado North and Kajiado County, I want to mourn Dr. Joyce Laboso, the Governor of Bomet County, and Hon. Ken Okoth, the Member for Kibra Constituency. They were great sons and daughters of this country. They have died of cancer that has killed many Kenyans. We remember recently we lost the Safaricom Chief Executive Officer (CEO). It means that very many people die on the ground and yet we are not proactive and ask ourselves what is happening in our country. We should check what we are feeding Kenyans and be proactive instead of saying that people go to India and other countries and die.

In supporting this Motion, the Office of the Auditor-General is like any office in this country. This means that it should be subjected to audit because they have staff, procurement systems and get allocations from the country's kitty. Therefore, they ought to be subject of audit. We can also not forget they are like any other Kenyans. If Kenyans are perceived to be corrupt, we also expect to have elements of corruption in the Office of the Auditor-General hence they should be subjected to the same.

When the Auditor-General audits books of accounts, he makes pronouncements before the Public Accounts Committee that he is not able to substantiate some facts. For example, he may say that the country has lost about Kshs69 billion, but when he appears before the Public Accounts Committee, he does not say how the Kshs69 billion was lost. So, it will give him the

strength to do what he says. The audits he does need to be scrutinised. In Kenya, we should change from post auditing to real time auditing. Sometimes we audit past books and we are unable to mitigate at that particular time. I wish we could have real audit in situations where corruption is sensed, so that it can be discontinued at that time. We should also make sure that our reports after the audit are taken care of and measures are put in place. There is no point of auditing, the Public Accounts Committee coming up with many recommendations and yet the same people continue to hold public offices and misappropriate public funds. I know sometimes the Auditor-General has international peer mechanism to check each other, but that is not enough. They also have audit risk committees. That is not enough. Let them be audited, so that Kenyans can audit all the money they pay as taxes.

I support the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Kimilili, your card has been representing you for a while now. Are you ready to contribute?

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker. I am ready. I was somewhere mourning my colleagues, but I am now back. I support the Report.

In this country and all over the world, a doctor cannot treat himself. Even teachers are taught by others who see their weaknesses. However clever you are, you cannot see the back of your head. So, it is in order for the Office of the Auditor-General to be audited. I thank the Chair of the Public Accounts Committee. He is a man I have known, experienced and a thorough son of the country. He has done a very good job. We expect that the people to audit the Auditor-General are going to reciprocate the same civility that the Chair has exhibited and give the country a good report specifically on the amount of resources Parliament has given the Auditor-General.

This is a common practise all over the world. Even as the Auditor-General will be audited, we urge him to be delivering reports. In future, this House should contemplate giving the Auditor-General some prosecutorial powers, so that if he audits, raises audit queries and you are unable to respond to those audit queries, he can drag you to court directly. This is a very important office.

As I conclude contributing on this Motion, I would like to send my condolences to the families and friends of our departed colleagues. Hon. Ken Okoth was a strong man. He has died battling cancer. From my interaction with Ken Okoth, I know he was not someone you could hire. He was not a political gun for hire. He was a man who spoke his mind. He did whatever his conscience told him to do. We will miss him, but we wish that wherever he goes, God puts his soul in eternal peace.

I convey my heartfelt condolences to the people of Bomet and the people of Muhoroni, where Hon. Dr. Joyce Laboso was married. More particularly, the Member for Muhoroni for he has lost this rare breed of woman. This is a woman who defied the odds of politics and navigated through the rough terrain of politics. She swam through the murky waters of politics to become a Member of Parliament and later, one of the first female governors. She never sat on the fence as a weakling waiting to occupy a gender top-up position. She competed squarely with women and

floored not just men, but a sitting governor and seasoned politicians of this country. This is a woman I can dare say was a moving encyclopaedia on how our modern woman who wants to join politics should emulate. She was a moving handbook specifically for every woman who wants to vie for a political leadership position. This country will miss her. The County of Bomet will miss her. I know that even as we mourn her departure, we still have women in this country who have come out to give true meaning to the saying “What a man can do, a woman can do better.”

The best way to celebrate the legacy that the two gallant Kenyans have left behind is for this country, and more specifically the Jubilee Government to consider introducing, in addition to the Big Four Agenda, a fifth agenda, namely, the fight against cancer, as part of the agenda of the Government. I remember when HIV/AIDS was first discovered the Government put aside resources to fight it. Many NGOs were carrying out HIV/AIDS awareness campaigns. We should encourage the Government and well-wishers to conduct similar awareness campaigns in respect of cancer. We are reading so many materials on the social media on how cancer can be prevented. Some are speculative while others are frightening. We want such awareness campaigns to be conducted in a fairly structured manner. Organised groups, NGOs, Government agencies and partners should be going to the field to educate Kenyans on how we can avoid and manage cancer, the same way we are doing with HIV/AIDS.

With those few remarks, I support this Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Muhoroni, Hon. Onyango Oyoo.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker, for this consideration. I also want to add my voice to the support that most of my colleagues have given to the appointment of PKF. I take this opportunity also to commend the PAC, headed by the very able Chair, Hon. Opiyo Wandayi. He is very straightforward. During his short-stint as PAC Chair, he has made sure that lots of things that were until the other day not news have come to the fore and we are busy addressing them either through elaborate investigation by the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) or we are deliberating them at various parliamentary committee sittings. We want this spirit to continue. I only hope that the audit by PKF is coming to add value to what was already going on through the able office of the Auditor-General. There has been a tiff. I was in this House during the last Parliament and there was a lot of unease with the Auditor-General’s Office before the handshake. Of course, people were judging the head of the Auditor-General’s Office by his tribe and his colour and not his ability. I hope this goes down and people will start judging Kenyans by their ability to deliver the services required of them by their offices. The Auditor-General has done a very good job and that prescribed audit will be nothing, but something that will add value. This is very good.

[The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya) left the Chair]

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

I also want to take this opportunity to urge Kenyans in internal audits to think about this country. Remember where we may have gone wrong such that we have several calamities going on. Of late, we have been stung by cancer. As I stand here, we are a mourning constituency. As you all know, I was in the 11th Parliament with Hon. Ken Okoth, who is now departed. In him, I saw a gentleman, somebody who was very committed to this country. He was very committed to his electorate and his party. I sat with him here. He had no time for nonsense. He was a no-nonsense person. He spent a lot of his time either debating in the House on issues that could add value to this country, his constituents, the general Kenyan populace, Africa and the whole world. God should rest his soul in eternal peace.

The fallen Governor of Bomet, Madam Joyce, was the Deputy Speaker during the 11th Parliament. We enjoyed her time. She was a very sober person, very rational in her judgements and her level of thinking was very high. On behalf of the people of Bomet and Muhoroni, I want to bring our most heartfelt condolences. As you all know, Joyce remained, as I have said before, like many prominent people, a constituent of Muhoroni. Those who have Luo inclinations must have interest in Muhoroni Constituency. This is the promise land that God gave us. There is no serious Luo who has no farming or business interest in Muhoroni. Everybody who is important, save for Hon. Wandayi, the powerful Chairman of PAC, has business in Muhoroni.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Muhoroni, I am sure in your private world, Muhoroni is heaven, but how relevant is it to what is before us here?

Hon. Onyango Oyoo (Muhoroni, ODM): We have suffered a big loss now that Madam Joyce Laboso's remains will be laid to rest in Muhoroni. So, I took a little time off. I was not in the House. I was consulting with the people of Muhoroni because they are putting overdrive arrangements so that this serious Kenyan can have a peaceful send-off. They told me that when I meet my friends, I should tell them that they welcome everybody with open arms, but how they wish that those who are going there, if given opportunity even to greet people, will restrict their statements to condolences or graces of the handshake. Anything outside the two may not be very welcome. Our people have made that resolution. I want to make a formal announcement, that the people of Muhoroni welcome everybody who will go to show their last respect to the fallen hero, Madam Joyce Laboso. I do not believe there will be anybody in this House or any talkative Member - not even those who have lately been talking against very big people who were appointed by God - will want to fail to restrict their statements.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oyoo, the Motion before the House is on approval of appointment of PKF as auditors of the accounts of the Office of the Auditor-General.

Hon. Onyango Oyoo (Muhoroni, ODM): I am in a mourning mood, Hon. Temporary Deputy Speaker. Kindly sympathise with me. I am just reporting what the people have told me.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oyoo, I am sure and confident that you will have quite a bit of time to mourn those important Kenyans; our brother and sister, who have left us. But this is not the moment.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you. Even if I do not repeat, they have heard. It was an opportunity to pass an important message. Let nobody say later that he did not hear.

So, I want to conclude by saying that it is a good opportunity for this PKF to audit the Auditor-General so that everybody else is put into account. We will try to audit everybody, including departmental committees. Thank you very much, Hon. Temporary Deputy Speaker, for the consideration.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Thank you, Hon. Oyoo. You finally got it right.

Let us hear Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this Motion. It is a very important one.

Like my colleagues, I take these few minutes to express my condolences and those of my family to the families of Hon. Ken Okoth and Hon. Governor, Joyce Laboso. These are people I have known. I am one of the products of Joyce Laboso. She taught me communication at Egerton University. For those who went through Egerton University, we remember her as a lecturer who was very devoted to her job. She was very friendly to all the students. It was very entertaining to attend her classes. Even though some of us were doing science courses, we enjoyed attending her courses. I also want to acknowledge that she is one of the very successful women in this country, having been one of the two women pioneer governors after the last general election. As you are aware, she was also the Deputy Speaker of this House. So, we have lost a very important person in Joyce Laboso. I have also known Hon. Ken Okoth for the short period I have been a Member of Parliament. I remember interacting with him on the issue of the use of marijuana for medical reasons. I am sure he had a very good vision. As someone had said earlier, this Parliament will have to revisit the Bill he had proposed to see what can be done, so that we can actualise the dream that he had.

Going on to the Motion of the day, which is procurement of external services for the Office of the Auditor-General, this is long overdue considering this aspect is provided for in Article 226(4) of the Constitution of Kenya. It provides that the National Assembly shall appoint a professionally qualified accountant to audit the books of the Office of the Auditor-General. That is very important because the Auditor-General cannot audit himself. Someone independent needs to audit the office. So, this is a very good development. But I am concerned that we are doing this four years later. It would be more efficient in future that the Office of the Auditor-General is audited each year. A lot of things can happen in four years.

I have also noticed that when this process started, it was non-responsive. As we all know, PKF is a very credible audit firm. The other audit firms which were competing with it are largely unknown. They do not have adequate experience in this area. So, we are going for the PKF. We need to make the process attractive in future, so that we can have the big audit firms which are known for doing good work like the Pricewaterhouse Coopers and Ernst & Young interested in this work. It looks like the interest levels were very low. I also want to commend the Office of

the Auditor-General for improving its performance. We have seen a lot of progress and many reports being generated since Edward Ouko was appointed.

The Temporary Deputy Speaker (Hon. Christopher Omulele): What is out of order, Hon. Oyoo Onyango, the Member for Muhoroni?

Hon. Onyango Oyoo (Muhoroni, ODM): I beg to stand under Standing Order No.95. Given the mood and the general interest of this House, I think it is high time the Mover was called upon to reply.

(Applause)

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

Hon. Zachary Thuku (Kinangop, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Thuku Kwenya, the Speaker can never be out of order. These are our procedures and you know them. Sometimes you carry the day, sometimes you do not. I know you really wanted to speak to that Motion, but it is what it is. It is the House.

Hon. Wandayi, proceed to reply.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much, Hon. Temporary Deputy Speaker.

I want to start by thanking my colleague Members who have contributed immensely to this Motion. I am impressed by the fact that nearly all the contributors have supported the Motion. This is a demonstration of the fact that this House is very concerned with the usage and application of the funds that it appropriates to various agencies, including the Office the Auditor-General. I want to thank them once again. I hope they will find it necessary to vote in favour of this Report.

Thank you, Hon. Temporary Deputy Speaker. I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. I direct that the necessary steps with regard to that Report be undertaken when the matter will be set down for consideration by the House again.

I now direct that we move onto the next business.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER N0.33

INSECURITY IN NORTH RIFT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I am looking at the earlier directions by the Speaker that we adjourn at 6.00 p.m., so that we can deal with the matter that was raised by Hon. Lokiru. The time being two minutes to that time, I take the liberty to direct that we move on to that business by Hon. Lokiru. Is he in the House? Yes, please, proceed to move your business.

Hon. Lokiru Ali (Turkana East, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this chance.

It is sad that the issue of insecurity, particularly cattle rustling in Kenya, specifically in the North Rift and other parts of Kenya has become more complex. Successive Governments since Independence have been unable to solve it. It has even become more complicated because, nowadays, it has turned out that bandits are killing innocent school children, attacking police convoys and ambulances that transport patients. Specifically, I would like to talk about Turkana East Constituency, which I represent.

I wish to point out some incidents that show the gravity of the matter. On 25th June 2019, over 250 bandits attacked Turkana East in Napeitom, Kapedo Ward. They took over 500 camels, 50 cows and fired 100 shots. In the process, two Kenyans were killed. The funny thing was the response by the security agents. They reached the scene and the bandits engaged them for over six hours. These were officers from the Rapid Deployment Unit (RDU) and the General Service Unit (GSU). The police had armored vehicles, but the bandits outsmarted them and went with all the animals. This shows the gravity of the matter. If the bandits outsmarted police officers after battling with them for six hours, how much ammunition did they use? Having a military background, I know what a six-hour battle is and how much ammunition can be used. This happened in Kenya and not along the international boundaries. Where do the ammunitions come from? The NIS is being funded. They are supposed to know where the ammunitions come from and where the stolen animals are taken. Chiefs, who are under the Ministry of Interior and Coordination of National Government, are charged with the responsibility of protecting Kenyans and their property.

On 12th June, two police officers were injured after bandits successfully raided and took over 500 shops. They also killed a teacher called Oscar ole Kete Keiya, an innocent teacher who was helping the Turkana people to get education. Our people have been impoverished by banditry. All their animals have been taken away. They depend on education. After taking all their animals, the bandits have resorted to killing teachers and maiming students. They are targeting schools and dispensaries.

In the incident that happened in Kapedo, the bandits were daring. They took all the shops that belonged to the people of Kapedo, 20 metres from the GSU gate and they went with their animals. After the animals were taken, nobody followed up. Once they are taken, it is forgotten. They are targeting school-going children. Kapedo is under siege. These are people that have been condemned to die because they cannot travel outside Kapedo. They were travelling using police vehicles, but the police have become target of bandits. Two Administration Police officers were shot and injured at Kapedo Bridge when they were escorting an ambulance. The ambulance driver was also shot. So, even the sick are not secure. If you are sick in Kapedo, you are condemned to die because you cannot travel or be referred anywhere. The police officers who are protecting the people of Kapedo fear for their lives. They have been warned that if they are seen carrying a civilian, their vehicles will be attacked.

All Government projects in Kapedo have come to a standstill. There is no construction of schools. People cannot go to fetch water in the nearby river because the bandits are there. Remember, this is happening in Kenya. It is inside Kenya that the people are being treated like that. There have been many such incidences. For instance, a primary school boy called, Amota, was in class and when he was leaving, he was shot, but he survived because the bullet went through his t-shirt without touching his body. The bandits are attacking students because they know the only source of livelihood for the people is education. They have taken all their animals. This is not only happening in Kapedo in Turkana East. Immediately the NPRs were disarmed, close to six constituencies were attacked simultaneously with military precision. Baringo South,

Baringo North, Marakwet and Laikipia Constituencies were attacked the same day and Kenyans were killed. I am wondering where the Government is. We have made efforts to go to the Ministry of Interior and Coordination of National Government, but we are told that: “We know the financiers. We will arrest them”. When will they arrest these financiers? What is preventing them? They have all the intelligence and they know where the animals are taken. Why is it difficult to bring back the animals? Motor bikes with Government of Kenya number plates “belonging to two chiefs in Kapedo were taken and have not been recovered to date. The bandits are using them. Motor bikes belonging to a chief and an assistant were taken. What is happening is grave and that is why I am seeking the assistance of this House on this matter.

In Mt. Elgon, people were killed and maimed, but the Government stood up one day and the killings were silenced. There are no more killings in Mt. Elgon. The people are now safe. What is the difference between Mt. Elgon and Turkana East, especially Kapedo and Napeitom areas? They are part of Kenya just like Mt. Elgon. The Government has the capacity to stop this menace. If the police are not able to contain...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lokiru, as passionate as you are, you had only 10 minutes. I hope you have wound up. Let us have Hon. Soipan.

(Hon. Kamuren spoke off record)

There is no seconding on this particular Motion. Proceed, Hon. Soipan.

Hon. (Ms.) Soipan Tuya (Narok CWR, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Kamuren wants to harass me out of my opportunity to speak. However, he should know that he has no chance to second a Motion for Adjournment.

I wish to support the Motion. It is a Motion that touches on the security of Kenyans, particularly those from fragile counties and constituencies of this country that have had incessant cases of insecurity since time immemorial.

From the prosecution of the Motion by the Member for Turkana East, I wish to speak to the issue of the recent disarmament of the National Police Reservists. I happened to be a Member and Chairperson of the Committee on Implementation in the 11th Parliament and a Motion came to this House and we deliberated it for a very long time on the importance of NPRs in some counties of this country. This was in terms of their role in complementing the work of the mainstream security forces. It defeats logic to hear the disarmament that has happened to the NPRs yet we know they are drawn from the localities they serve. These are people who understand the terrain. They even understand the mode of operation of the bandits who are engaged in cattle rustling and all the criminal acts.

I wish I could read or hear from the Ministry of Interior and National Coordination and the security forces involved about the wisdom behind the disarmament of NPRs. This House, in the 11th Parliament, pushed for the strengthening, kitting, arming and identification to institutionalise NPR to support the work of the mainstream security forces. With the withdrawal of the NPR, like has been said here, live cases are being given which happen immediately after the withdrawal or the disarmament of the NPR. You begin to wonder what rule book the security forces of this country are reading. Any action that should be taken in the porous parts of this country, where we have cases of insecurity, cattle rustling and other forms of criminal acts which

amount to insecurity should be reinforced. We should support the NPR and any other security initiatives in those parts. If the justification is the fact that the NPR are suspected to be engaging in criminal acts, we know some police officers who have used their positions to harass and kill Kenyans. We cannot be told that the solution would be to withdraw the police officers.

(Applause)

The wise and just thing to do if a member of NPR is involved in a criminal act, is to deal with them. Unless we are being told that our country lacks the infrastructure to identify that a Government-sanctioned firearm has been used for a particular criminal activity and pin down that particular criminal. Any member of the NPR who engages in criminal activity is not the entire NPR. The solution would not be to expose the parts of the country where NPR services are needed so much by justifying, wrongly so, that the NPRs are involved in criminal activities. I think our security forces should up their game. It is a lazy solution to the whole question of NPR existence in those parts of the country.

Hon. Temporary Deputy Speaker, with those few remarks, I support the sentiments by the Member for Turkana East that this is a matter which has to be revisited. We have to see a level of seriousness in this country with our security forces doing ‘*Utumishi kwa Wote*’ and not selective application of protection against insecurity.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Korere Paulata.

Hon. (Ms.) Sara Korere (Laikipia North, JP): Ninakushukuru Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi niweze kuchangia suala hili. Ni suala nyeti. Ninataka pia kumpongeza mwenzangu Mbunge wa Turkana Mashariki kwa kuileta Hoja hii.

Ninakotoka, anakotoka yeye na wanakotoka baadhi yetu hapa wafugaji tumekuwa waathiriwa wakubwa sana katika suala hili la kupokonywa polisi wa ziada, almaarufu NPR. Alivyonena yule alitangulia kuwasilisha suala hili ni kwamba wizi wa mifugo katika nchi hii na haswa katika maeneo tunakotoka sisi wafugaji imekuwa biashara ambayo iko na wenyewe. Kila siku tunapojaribu kutatua suala hili, majibu tunayopata kutoka kwa wale ambao tumewapatia vifaa vya kulinda usalama wetu ni kwamba wanawajua na watawakamata. Wakati hawakamatwi, tunaendelea kupoteza maisha ya binadamu na mali ya wananchi ambao tunawakilisha katika Bunge hili.

Tunaendelea kuona shule zikifungwa kwa sababu ya ukosefu wa usalama. Katiba ya nchi hii inasema kwamba usalama wa mali na uhai wa binadamu ni suala la kikatiba. Kwa hivyo, tukirejelea masuala hayo, wale wananchi wa kaunti za Turkana, Laikipia na Baringo, haki yao ya kikatiba ya usalama na usalama wa mali yao imekiukwa na Serikali ya nchi hii.

Tulipokuwa na Inspekta Mkuu wa Polisi ambaye aliondoka afisi hivi majuzi, Bw. Boinnet, aliweza kutambua mahali ambapo kulihitajika usalama katika nchi hii na wakaweza kuwahamisha wale askari wa ziada, ambao ni vijana kutoka jamii hizo ili waweze kudhibiti wizi wa mifugo na ushambulizi wa majambazi ambao wamejihami kwa silaha hatari. Mimi ni mmoja

wa waathiriwa, maanake Laikipia Kaskazini tumepoteza mali nyingi sana, haswa kuanzia mwaka wa 2013 hadi 2017 wakati tulipewa hawa polisi wa ziada. Wabunge wenzangu watakubaliana na mimi kuwa wakati tulipata hawa askari wa ziada, shida zetu zilipungua kwa kiasi cha haja. Awali, mali zetu zikiibiwa na hawa majambazi ambao wamejihami kwa silaha hatari, polisi wa kawaida... Tunajua, na sio siri, vile uajiri unaendelea katika nchi hii. Unamtoa mtoto Nairobi, hajawahi kanyaga Turkana, unampeleka kule. Akifuata hiyo mali kilomita moja anarudi kwa kambi. Hawa askari wa ziada wanafuata mali zetu kwenye mabonde na milima mpaka wanahakikisha zimerudi. Pia, usalama wa raia wa kawaida unaimarishwa sana wakati wale askari wa ziada wako katika maboma zetu.

Baadhi ya visingizio ambavyo tunapewa na wale ambao wanasimamia idara ya usalama ni kwamba kuna baadhi ya wale askari wa ziada ambao wanatumia hizo silaha vibaya. Tunajua kuna polisi wa kawaida ambao wamejiua wakitumia hizo silaha. Wengine wameua wake zao, marafiki zao na pia raia. Lakini hatujasikia yule Waziri ambaye anahusika na usalama akisema polisi wote wapokonywe silaha. Kwa hivyo, mimi ninarai na kusihi Bunge hili kwamba maneno ya watu kukula mandazi Nairobi na kutoa amri kwa mahali ambayo hawana...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Paulata, your time has run out. Members, you have only five minutes. Hon. Lomenen.

Hon. James Lomenen (Turkana South, JP): Hon. Temporary Deputy Speaker, thank you for giving me the opportunity. I want to support the Member for Turkana East for raising a concern. It is a fact that the lives of people in Turkana County, especially pupils, students, officers, women and everybody including teachers are threatened. They are always under siege.

Hon. Temporary Deputy Speaker, you know that the primary responsibility of every Government in the world is to protect lives and property of its citizens. If a Government fails to do that, people try to find their own means of protection. That is where we are. People from one constituency raid and kill people in almost seven constituencies, but those in charge of security are dining and going to bed with the culprits instead of condemning them, just because of political affiliation. The politically affiliated security chiefs do not care about those being killed in other constituencies as long as the persons committing the crime are politically perceived to be right.

Turkana County borders Southern Sudan, Uganda, Ethiopia, and West Pokot, among others. It is a fact that police officers and other security officers in place cannot contain insecurity in that area. That is why we came up with the idea of having the NPRs to assist police officers instead of having bandits killing them always. It is a fact that NPRs were also protecting the police. However, an incompetent person somewhere decided to disarm the competent officers who were guarding the citizens round the clock and leave the incompetent ones. What will happen if you withdraw legal guns? You will leave the illegal guns. That way, you encourage citizens to continue buying more illegal guns to protect themselves. Where is that in the Constitution?

For a fact, Kapedo and Loroboi villages were only manned by NPR. The following day after the NPRs were disarmed, the villages were raided. Children, police officers and teachers were killed. We are wondering if there was a conspiracy between the Government and the bandits to continue killing innocent Kenyans in that area. That cannot happen. If justice cannot happen in those areas... They are disarming NPRs. They want to disarm committed citizens who

are protecting themselves because they are very insecure and their lives are threatened. What do you do if the police are not protecting you and your life is in danger? You can even pick a *panga*. So, the Government is supposed to be serious in terms of protecting its citizens. If it is not serious, it should tell us and we will ask for justice from God.

Hon. Temporary Deputy Speaker, this is a serious issue. People should not concentrate on politics and leave Kenyans to suffer.

The Hon. Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lomenen you only had five minutes. Let us have Hon. Arbelles Marselino, the Member for Laisamis.

Hon. Marselino Arbelles (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Motion, which was brought by the Member for Turkana East.

Indeed, cattle rustling has become a menace in pastoralist areas. I want to compliment the Ministry of Interior and Coordination of National Government for their effort in ensuring that they reduce insecurity in the pastoralist areas. Indeed, the KPR were armed to help the local community or compliment the National Police Service in handling insecurity in the areas. Unfortunately, you cannot establish the difference in activities between the KPR and the illegal gun owners. So, as a measure of bringing about some order in gun handling, the Ministry decided to, first and foremost, do the first thing first; withdraw all guns issued to the KPRs. I am sure they are in the process of ensuring that the disarmament exercise is carried out throughout the country to ensure that there are no illegal firearms out there to kill innocent Kenyans. Unfortunately, some cattle rustlers have turned the whole issue into some kind of a business venture, ensuring that some parts of the country are without any property. So, they drive their animals from one part of the country to another part.

I border Turkana County. It is very unfortunate that cattle rustlers, using their illegal firearms, hijack trucks ferrying livestock from Ethiopia to some markets in Nairobi, offload the livestock and drive them away. Just yesterday, in Marsabit County, within Saku Constituency, a big herd of cattle was driven away by cattle rustlers to an unknown destination. As much as I commend the security docket, I appeal to the Cabinet Secretary for Interior and Coordination of National Government to at least put in place some measures to deter these bandits. While heading the education docket, he woke up one fine morning and directed that all school buses must be painted. Today, we see some order in school transport. You can tell that this is a school bus. If it is over speeding, you can report the driver to the relevant authorities.

I appeal to Hon. Matiang'i. Insecurity in the pastoralist areas has become intolerable. People are suffering. People have become vulnerable to illegal gun holders. For how long more should people suffer? When are we going to have some peace in our communities?

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Nanok, the Member for Turkana West.

Hon. Daniel Nanok (Turkana West, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to make my voice heard on this Motion.

From the outset, I thank Hon. Lokiru for bringing this Motion. What we should be addressing as a House and country is the security policy that we have in place for northern Kenya and the pastoral areas. There is a difference in the way pastoralists live, in terms of their economic and social behaviour compared to the settled communities of this country. For example, my sub county, which is Turkana West, covers an area of about 15,000 square kilometres. There are only two police stations with hardly 100 police officers posted to cover that

vast region with 500,000 citizens. We are also taking care of over 200,000 refugees who are being protected in my sub-county. You cannot expect police stationed in only two police stations to police an area of 15,000 square kilometers. This is the challenge we are facing. That is the reason NPR formerly the Kenya Police Reservist (KPR) were brought on board in the Arid and Semi-Arid Land (ASAL) in over 10 counties.

Those who have spoken before me have said that the onset of the NPR helped in reducing insecurity which the citizens of the sub-counties were facing. We are now going back to where we began. Where there was no NPR. The people are now insecure because of the disarmament exercise the Government has embarked on. It is out of this that illegal bandits, cattle rustlers and illegal arm dealers are having a field day. The stationed police officers do not follow the bandits or cover the areas. Cattle rustlers have a field day and that is exactly the experience Hon. Lokiru and many of us are going through.

Our constituents and their properties are insecure and therefore, we are impoverishing them. What is the intention of the Government when they make such a policy? I am reminded of last November when the Cabinet Secretary for Interior and Coordination of National Government proposed having a security conference in Turkana County. This was the right thing for him, so that he could understand that without security, there can be no development. People are going to have their resources directed to security related activities. Up to this moment, that conference has not happened and we are hearing of the disarmament policy. The administrators are doing forceful disarmament. Who will police and take care of the security of our citizens if the ministry that is supposed to do so is giving us a raw deal with this kind of policy pursuit?

I support this Motion. We need to discuss security in Northern Kenya.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamuren, the Member for Baringo South.

Hon. Charles Kamuren (Baringo South, JP): Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii. Ninasimama kuunga mkono mjadala huu unaohusu mambo ya usalama.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lodepe, I can see you are protesting, but I am just running down the list. I think it is only fair that those who came in first should go first. You will have an opportunity. So, do not worry. Hon. Kamuren, proceed.

Hon. Charles Kamuren (Baringo South, JP): Ninasimama kuunga mkono mjadala huu kuhusu amani. Wakaaji wa eneo langu la Baringo Kusini wamepoteza maisha kwa ajili ya mambo ya wizi wa ng'ombe. Hawa sio wezi wa ng'ombe lakini ukora unaojulikana na biashara kwa wengine.

Ninakubaliana na wengine kwamba Serikali inajua wale ambao wanafaidika na biashara ya wizi wa ng'ombe. Wanaelewa kazi yao na kuna ukora. Inaonekana kwamba kuna wafanyakazi wa Serikali ambao wanakulia jambo hili. Huu ni ufisadi mwingine nchini humu na ni mbaya kwa sababu hawa wakora wanawaua watu wetu. Katika eneo langu la Baringo Kusini, tumepoteza maisha ya watu 278 kufikia sasa. Mwaka uliopita, waliua watoto watano ambao walikuwa wanasoma na wakachukua ng'ombe. Juzi tena, wakamuua mwanafunzi. Jumatatu wiki iliyopita, tulikuwa kwenye mazishi. Wamechukua ng'ombe katika sehemu za Arabal, Mukutani na Rugus. Inajulikana vizuri na ukiuliza Serikali, inasema kwamba wanawajua hao. Kama wenye

wanafanya biashara hii wanajulikana, mbona wasishikwe? Hiyo ni kusema kwamba wale ambao wanawajua hawa, ambao ni wa Serikali, wanakulia biashara hii. Kwa sababu ni biashara, hawawezi kuharibu biashara yao. Kwa nini inachukua muda? Tuko na askari na Serikali. Hii ni nini?

Ninamuomba Rais wetu, Uhuru, ajue kwamba watu wengine tunaishi katika ufukara na umaskini na tunapoteza maisha yetu. Shule 11 zilifungwa katika eneo bunge langu. Hivi majuzi, tulifungua shule zingine na zingine bado zinafungwa. Wanaiba mchana kwa sababu bunduki ambazo zilichukuliwa na polisi wa ziada zilirudishwa. Sasa wanakuja saa tisa au saa sita mchana na kuwaua watu wetu. Serikali inajua. Tunaambiwa *helicopter* inakuja lakini maisha yamepotea. Tumebaki na wale ambao wako hospitalini na tunachanga pesa ili tugharamie malipo ya hospitali. Hili ni jambo mbaya katika nchi hii. Ninaomba yule ambaye alichukua Biblia na kusema kwamba atachunga mali na maisha ya wananchi kwamba hukumu iko mbele yake kwa sababu hatuwezi kuwa tukilia katika nchi hii wakati wengine wanakaa vizuri.

Ninashangaa kwamba maeneo bunge saba jirani ya eneo Bunge la Tiaty yanalia kwa ajili ya Tiaty. Yaani hii Tiaty imeshinda nchi hii na Rais wa Kenya? Hii *legacy* Mheshimiwa Uhuru Muigai Kenyatta atawacha ya *Big Four Agenda* ni *Big Four Agenda* kwa sisi wengine tuuawe? Hii si haki. Tunataka fidia kwa watu wetu. Tunataka shule ziendelee vizuri. Tunataka barabara ziendelee vizuri. Hawa wakora wameingia katika eneo bunge langu wakati huu wa *census* ambayo inakuja. Ninaomba warudi kwao. Hatutakubaliana na tabia kama hii na hatutaruhusu tabia kama hii na huyu Mheshimiwa kutoka Tiaty ambaye anajifanya yeye ni mzuri. Ni mkaidi mkubwa na ni lazima ijulikane katika nchi hii kwamba huyu ndio mkora mkubwa zaidi. Tumepata shida zaidi wakati alichaguliwa kuliko wakati alikuwa hayuko.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamuren, you are out of order! You are completely out of order! You cannot cast aspersions on a sitting Member of Parliament without a substantive Motion in the terms that you have chosen to do. You are out of order! Hon. Kamuren, you cannot continue along those lines. I order that you withdraw those comments that you have made in respect of the Member for Tiaty. Withdraw!

(Hon. Opiyo Wandayi spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wandayi, you cannot direct the Speaker. I have already directed that he withdraws.

Hon. Charles Kamuren (Baringo South, JP): Asante, Mhe. Naibu Spika wa Muda. Ninajua ile shida ninapitia, na hata Mhe. Wandayi akiongea hivyo ni vile ni rafiki ya mwenzake.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamuren, just withdraw the comments you made in reference...

Hon. Charles Kamuren (Baringo South, JP): I accept to withdraw, but he should improve his behaviour.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. That is the end of it. We shall have contribution from Hon. Emanikor Akai, Member for Turkana.

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker. Without wasting time, I support the Motion brought by Hon. Ali from Turkana East.

This is a serious issue. It is about people's lives. It is about livelihoods. It is about the volatility of that area. It is about the susceptibility of the people to what is happening. It is about the basic services that are supposed to be given to the people. It is about the Big Four Agenda that the President wants to be remembered for.

Cattle rustling, as a crime, has been underrated, understated, underemphasised and trivialised as a practice by pastoralists who have nothing to do and have warlike tendencies. We want to tell Kenyans and the Government that cattle rustling is not just about stealing cows. It is also not about returning stolen cows. It is not the literal interpretation of the phrase. It involves destruction of property and mass murder. It is a crime against humanity and human dignity. It involves murder, rape and displacement of populations. It is an outrageous injustice. It is a violation of human rights. It is about kidnapping and abductions. We have lost children who, up to now, we do not know where they went to. They have been taken as slaves. These are inhuman acts that cause untold suffering and destitution to the victims. Many widows and orphans have been left.

Rustlers are just criminals like any other in Nairobi or in any other city in Kenya. They are gangsters. They are robbers and thugs. Thugs should be treated with the same seriousness that criminals in the city are treated. We hear of police in towns combatting crime, gunning down gangsters and chasing robbers even to their hideouts. How we long that this could happen in Turkana, Samburu, Baringo, Laikipia and in all the places that these atrocities are happening. How we long that the inciters, promoters, financiers and organisers who are known to be supporting this evil, barbaric act are apprehended because the Government knows them. Some of them are in high places. They are leaders.

The Government keeps telling us that it knows them and their network, and that it will pursue them, or that it is just about to apprehend them. What is the Government waiting for? Is the Government waiting for a revolution or serious anarchy for it to act? How we long for the Government to invest the kind of money that is being invested - billions of shillings - in projects like the Building Bridges Initiative (BBI) and training other security people in stopping these serious acts.

The NPR disarmament was skewed and politicised. We believe that it is a conspiracy between the Government and some politicians who know the benefits they get from the activities. We castigate that. I keep wondering whether we are in Kenya and whether I am a Kenyan. I know Matiang'i and Mutyambai have the capacity to stop this menace. They did it in Mt. Elgon and have done it elsewhere. They can do it because we demand the services that we have a right to. We demand the education that we are being denied. We demand basic services such as water, food and shelter.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. Emanikor. Let us have Hon. Cheptumo, the Member for Baringo North.

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Temporary Deputy Speaker. I support the Motion as ably moved by the Member for Turkana East.

Hon. Temporary Deputy Speaker, I wish this debate is done when the House is full because the victims of this situation are at risk. We are the people who have been affected by the cattle rustling menace. I moved a Motion before this House in the 11th Parliament and showed, by statistics, the extent of the damage cattle rustling has caused the country. We have widows, widowers and orphans out of this. A family that is a millionaire today wakes up one day and it is destitute. This situation affects half of the country which is the pastoral community. I want to say before this House that if this situation takes place in any other part of the country, for example, in Central Kenya, Western Kenya or Nyanza, this country can stop to think and mobilise security personnel. Because the affected are the marginalised people or counties, it does not matter. That

is why even today, this matter is coming at a time when we are 10, 15 or 20 Members in the House who are lamenting to ourselves.

When the NPRs were recruited to the regions which were affected, it was because the Government took time to understand the seriousness of the issue and confirmed that security forces in those areas could not guarantee peace and security to the people and their property. The same Government vetted the NPRs properly. They talked to the chiefs, assistant chiefs and the National Intelligence Service (NIS) and confirmed that those persons could serve as NPRs, and their finger prints were taken. The process of employing NPRs was undertaken professionally by the Government. What shocked us is that they were withdrawn without consultations with the leadership in the regions. There should have been some consultations. When the NPRs were recruited in my constituency, Baringo South, and other regions the attacks or raids which were going on reduced drastically. Some of us in this House were able to concentrate in our legislative duty. As it has been said by Members, the raids started the day the NPRs were disarmed. So, I want to appeal to the ministry in charge to return the NPRs so that they can guarantee security to our people and their property. The reasons are very clear.

The Temporary Deputy Speaker (Hon. (Christopher Omulele): Let us now hear Hon. Kamket.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker. I equally rise to support the sentiments which were raised by the Member for Turkana East on this matter. The idea of having complementary security forces added to the regular police forces is good to begin with, but it was implemented in a bad way. The results have been catastrophic to the affected communities. Where I come from, the Government decided to hurriedly vet some civilians - and I doubt if there was any serious vetting at all - and gave them guns to fight each other. The results have been catastrophic. What the Government has done...

Hon. James Lomenen (Turkana South, JP): On a point of order, Hon. Temporary Deputy Speaker.

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

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Deputy Speaker, these Members spoke before me. What is itching them?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamket, it is a point of order. Hon. Lomenen, what is out of order?

Hon. James Lomenen (Turkana South, JP): Thank you, Hon. Temporary Deputy Speaker. Is it in order for a Member of Parliament to advise the Government to arm and supplement a constituency which is an aggressor that kills people in other constituencies? Is it in order to provide guns to aggressors, bandits or killers? Which Government can agree to that? That is not in order. You are supposed to supplement...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lomenen, what is out of order? That is a point of argument.

Hon. James Lomenen (Turkana South, JP): Is Hon. Kamket speaking on behalf of Mtiang'i?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lomenen, that is not a point of order. Proceed, Hon. Kamket.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Deputy Speaker, protect me even from my colleague seated in front of me here.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamket, you address the Chair, and not Hon. Cheptumo. Proceed.

Hon. Kassait Kamket (Tiaty, KANU): He is protesting here. I listened to him in silence. Hon. Temporary Deputy Speaker, I am in total agreement, as the Member for Tiaty, with the idea of the removal of the NPRs.

Hon. William Cheptumo (Baringo North, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Cheptumo, you seem to be agitated today. What is it? What is your point of order? Hon. Kamket, do not get angry. Be seated. This is a House of debate. What is out of order, Hon. Cheptumo?

Hon. William Cheptumo (Baringo North, JP): Hon. Temporary Deputy Speaker, is the Member in order to allege and mislead the House that the Government was arming civilians yet the NPRs are provided for under the Police Service Act?

The Temporary Deputy Speaker (Hon. Christopher Omulele): That is a valid point of order. Hon. Kamket, the NPRs - as far as I know - are properly regulated.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Deputy Speaker, I agree and stand guided. I have no problem. I hope you will add me one minutes because of the interruptions.

The point I am making is that before they were given the guns, they were civilians. They were not trained anywhere. They have no paramilitary or military training anywhere in the world. People were issued with guns and told to go and fight with other communities. The results have been catastrophic. I want to inform these Members who are here shouting that tomorrow I am going to attend a very important peace and reconciliation meeting in Kerio Valley. Peace has prevailed in the Kerio Valley because of the withdrawal of guns.

Hon. Charles Kamuren (Baringo South, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamket, hold your horses. Hon. Kamuren, what is out of order?

Hon. Charles Kamuren (Baringo South, JP): Is it in order, Hon. Temporary Deputy Speaker, for the Member to mislead the House by saying that no procedure was followed in recruiting NPRs? Does he want to say that the House cannot legislate any procedure for doing it?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamren, I have already pronounced myself on that. The NPRs are a legal entity in the country.

Hon. Lodepe Nakara (Turkana Central, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lodepe, what is out of order? You will not speak.

Hon. Lodepe Nakara (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. I have the microphone.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Koinange will speak.

(Hon. Kassait Kamket spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kamket, your five minutes are over. Let us be fair to each other. Kindly resume your seat. Hon. Koinange, proceed.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank you for giving me this opportunity. I thank Hon. Mohammed, the Member of Parliament from Turkana. From the outset, I urge the Members from the area where there is a problem of cattle rustling to talk among themselves. If they reason, we will come to a better solution than fighting with words. They need to walk the talk.

Cattle rustling is a very serious crime. It has been there for a long time even during the colonial times. Whenever cattle rustling happens in a given area, many people get involved. The whole clan, villages and communities receive the collective punishment. They suffer when punished together. This is something that must stop because many communities are suffering for something that is not of their own making.

Because I know there are some Members who want to also share, I would like to mention some areas where the Government intends to carry out the following: One, a major disarmament exercise will start on 1st August 2019. Focus will be on the six North Rift counties, which will run concurrently with efforts from the peace communities that are ongoing.

Secondly, an operation order is being prepared today, 30th August 2019 to enhance recovery of stolen cattle. Many district commissioners are meeting to discuss this operation.

On the issue of disarmament of NPRs, a vetting process is ongoing which is running simultaneously with appointment of the newly restructured NPRs. You may note that there have been a lot of reforms in the police force and this has affected what is happening with the NPR. The aim is to establish an integrated NPR. So far, 80 newly recruited NPRs have been trained at the Magadi GSU Training Camp. The recruited NPRs are representative of all communities and have been trained together to build partnership among communities irrespective of their tribe.

The Government intends to open integrated NPR camps not as previously when KPRs were operating from their homes with little supervision.

I would like to thank the Inspector-General and all the police officers who have been involved in this exercise because they are making sure there is integration among communities to make sure that all that has been happening in cattle rustling areas does not happen anymore and there is peace among the communities.

I urge all the leaders from the particular areas to support the Government to make sure that they achieve what they want to by bringing peace among the communities.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 31st July 2019, at 9.30 a.m.

The House rose at 7.00 p.m.