

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 31st March, 2015

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

PRAYERS

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to the provisions of Standing Order No.24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday 26th March, 2015 during the special sitting of Parliament.

(Sen. (Prof.) Kindiki on 31.3.2015 – Morning Sitting)

*(Resumption of debate interrupted on 31.3.2015
– Morning Sitting)*

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, this is a resumed Motion. Sen. Orengo had concluded.

Sen. Leshore: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to His Excellency, Uhuru Kenyatta's Speech to the nation. From the Speech, I picked three very important issues which the President raised, that is, unity, security and corruption.

Regarding the issue of unity, the President's intention was to unite all Kenyans regardless of their race, ethnicity and many other factors. He would like to see a nation which is cohesive and where citizens understand each other. We have seen so many incidences where ethnicity is mushrooming. I would like us, as the "Upper House," to stand together because if we do not unite Kenyans, future generations will blame us. I would not like to be in that book of future generations as having failed to unite Kenyans.

I would like the opposition and the Jubilee Government to bring all of us together and give the Opposition their share to criticize us because we are human beings and not saints. That is the main duty of the Wetangulas and Khalwales of this world. Some of us

who were in the Opposition in the Ninth Parliament know how to critique the Government.

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Members! What is the problem?

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The lamentation is because Members had already keyed in and requested for a chance to speak. Mischievously, somebody seems to have switched off the system so that it went off momentarily and now we have gone back to zero. So, you were not guided.

The Deputy Speaker (Sen. Kembi-Gitura): Order! How do you know from where you are?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, our respective microphones went off.

The Deputy Speaker (Sen. Kembi-Gitura): I see. Can the Secretariat restore the system so that everybody is where they are supposed to be?

Sen. Leshore: Mr. Deputy Speaker, Sir, we must try and unite all Kenyans from Mandera to Homa Bay and Lamu to Turkana. As Senators, let us not preach disunity, ethnicity and nepotism. I have seen in many county governments that nepotism and ethnicity are flourishing. It is a big shame to all of us. We must stand as the “Upper House” to condemn ethnicity, nepotism and many other issues which are affecting our nation.

Our President spoke very well about security. I am only shocked that he did not mention about cattle rustling which has taken more lives than *Al-Shabaab*, from Baringo to Turkana, West Pokot and Samburu. We have lost many young officers and property worth millions of shillings and yet the Chairman of the Committee on National Security and Foreign Relations who is talking to you there and his Cabinet Secretary (CS) have not come up with a strategy to find a lasting solution to cattle rustling. I am pleading with the national Government to take cattle rustling as a national threat. We have lost many young people, policemen and civilians.

Mr. Deputy Speaker, Sir, last weekend, I was with the new Inspector-General, let us give him support. Although his physique is “too small”, with necessary support, he will do well. Sen. Wetangula alleged that he hails from same village with the former IG. I know him because I worked with him. He is very sharp and shrewd. Given support, he can bring the cattle rustling menace to an end. We want cattle rustling to end. Right now, it should be declared a national threat.

Mr. Deputy Speaker, Sir, we have been continuously talking about *Al Shabab*. We have given the National Intelligence Service (NIS) billions of shillings. They should be able to recruit many officers from each and every village in the north eastern part of Kenya. They can also recruit from each and every village in the lower and upper Juba, Mogadishu and in all other places to get the right information on the *Al Shabaab*.

There is no need to erect a wall. Walls were built during the Cold War. Why do we have to go back there? We are supposed to integrate all the people of the eastern part of Africa and Somalia is part of it. Somalis have even got cousins across the border. We really do not need those walls. We should use the human resources that we have so that

even a Somali child will enjoy the freedom and liberty of crossing the borders. We must put an end to *Al Shabaab* activities. Our KDF forces in Kismayu should move to Baidoa and crush the *Al Shabaab*. We have capable soldiers who can control that area up to Juba with minimal loss of lives.

Mr. Deputy Speaker, Sir, with regard to security in our cities, it is alarming that we are even losing hon. Members, MCAs and businessmen because of thuggery in our cities. The Kenyan police officers should be given the right equipment and incentives so that we are secure in our cities. It is alleged that even Mogadishu is more secure than Nairobi. I am pleading with the national Government to ensure that hon. Members and members of the public are secure within the cities and our borders.

Mr. Deputy Speaker, Sir, with regard to corruption, the President did something very good. However, his call for people mentioned in his report to step aside is not in the law. Personally, I would like to see those who are culpable to be taken to court and be bonded. If they are not guilty, they will be freed. I am not for this “stepping aside” issue. They should be taken to court. The EACC should come up with a list that shows, for example, that a particular file for a particular person has been taken to the DPP so that we can challenge the DPP. If he is not doing his work, then he should also leave.

This list is not complete. We should have a list from all the county governments because there is no county government where there is no corruption. I am surprised that my county is not on this list. There is corruption in almost all the counties. The EACC should go and do their work properly, or else we shall ask Parliament to dissolve the EACC. This is not the type of list that they can bring to us. Some of the reasons mentioned here are based on flimsy grounds. I support those who have said that some of these names are not worth being debated in this Parliament. They should have categorized those who are still being investigated, those whose files have been completed and then we shall give them the thumbs up. What are we now going to tell Kenyans? I am ashamed of this list. They should go back and do their work well.

Mr. Deputy Speaker, Sir, with regard to foreign relations, the President said that he has been to many countries. I applaud him for that because he has gone there and come back with goodies. However, I would like to say something about our envoys. Chair, you were once an ambassador and you know that there are people who have been forgotten. Our honorary consulars are not given any incentives and yet quite a number of them are doing a very good job. For example, the one for Vancouver has brought to the country more than 300 tourists. There is also one from Morocco and Beirut whose economy is flourishing. Therefore, we should give them incentives so that they promote Kenya. Some of them are doing a good job out of their own pockets. We must motivate them so that they promote the name of Kenya.

Thank you.

Sen. Muthama: Asante sana, Bw. Naibu Spika, ninashukuru kwa nafasi hii nami niweze kusema yangu. Mwanzo, ningetaka kufahamisha Seneti hii kwamba mimi ni mmoja wa wale ambao wametajwa hapa. Katika maisha yangu nimepigana na ulaji rushwa, utoaji hongo na magendo. Rais wa sasa katika Tafa letu---

Sen. Leshore: On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Muthama giving a personal statement or he is contributing to the Motion?

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Leshore! I gave you time to make your contribution uninterrupted. Now, it is the chance for Sen. Muthama to contribute.

Sen. Muthama: Ninakushukuru, Bw. Naibu Spika. Nimefanya kazi na Rais Uhuru Kenyatta nikiwa Kiranja wa Serikali katika Bunge naye akiwa Waziri wa Fedha. Nilimtumikia Waziri wangu katika Bunge la Kumi kwa uaminifu. Yeye anaweza kutoa ushahidi hapa kusema kwamba kamwe hakuna siku ambayo nilikanyaga katika ofisi yake kumuomba usaidizi wowote. Pia niliwatumikia Sen. Murungi na Sen. Haji ambao wako hapa.

Ninasema haya kwa sababu, ili tutoe shida katika nchi hii, inafaa tumalize magendo, rushwa na hongo. Kutenda jambo hili ni kazi ngumu na lina uzito mkubwa sana kwa sababu ni lazima uanzie mahali fulani na watu fulani. Maneno ambayo mhe. Rais Kenyatta aliyasema akitoa hii Ripoti, alithibitishia nchi kwamba katika Ripoti hii kulikuwa na majina ya watu fulani ambao walihofiwa kuhusika kwa ufisadi na angependa Bunge itoe mwelekeo.

Tangu tupate Uhuru, kumekuwa na wizi wa mali ya umma. Lakini kila mtu aliyeitumikia Serikali; awe mwanasiasa ama mtumishi wa Serikali, wote wamekuwa makasisi na masheikh; hakuna anayeweza kukubali ya kwamba anafaa kuchunguzwa na kushtakiwa. Kwa hivyo, ninaanza kuchangia Ripoti hii kwa kusema kwamba, ili totoe mambo haya. Ni lazima kuwe na chanzo cha kila jambo. Hapa, chanzo chake ni binadamu ambao ni Wakenya. Kati ya wale wahusika, kuna wale wenye hatia na wale ambao hawana hatia. Swali ni: Je, tutakubali lini kwamba kuna watu ambao wana hatia na wengine hawana hatia?

Bw. Naibu Spika, hata kama niko katika ripoti hii, ningependa kusema ya kwamba, kwa mara ya kwanza, Rais Uhuru Kenyatta, ameonyesha ujasiri mkubwa sana kwa kutamka na kupeana orodha kama hii. Alifanya hivyo bila kujali angebaki na nani katika Serikali yake. Yeye hakujali nani atayemuabudu, atayemkashifu na atayewezakukaa vipi katika madaraka. Wakati wa Rais Msitaafu Kibaki, kulikuwa na Mawaziri ambao Bunge letu liliwahitaji kuondoka ni mamlakani ili wachunguzwe. Hata hivyo, mhe. Rais Kibaki hakusema lolote kuwahusu Mawaziri hao. Rais Msitaafu Moi pia alikuwa na Mawaziri wake ambao tunakumbuka sarakasi zao. Wakati Mhe. Robert Ouko alipouwao, Rais Moi wakati huo alitangaza kwamba washukiwa wote washikwe na kutiwa mbaroni. Waziri kama vile mhe. Biwott alishikwa lakini akapitia mlango wa nyuma na kuwa huru.

Bw. Naibu Spika, Rais Uhuru wakati walipotoa hotuba hapa alisimama na kusema mtu yeyote ambaye ametajwa katika ripoti hii; awe Gavana, Waziri, Seneta, Katibu Mkuu na wengine wote, wang'atuke mamlakani. Lakini, Maseneta hawana ofisi za kuzuia uchunguzi kufanywa. Wanaotakiwa kuondoka ni wale ambao wametumia mamlaka yao Serikalini kujinufaisha wenyewe. Sisi kama Seneti na Wakenya wote kwa jumla, tungependa wote waliotajwa kwenda nyumbani ili wachunguzwe na tume husika. Mimi nimetajwa hapa kwa sakata ya shamba la Malili. Ndugu na dada zangu, ukitazama ukurasa wa tatu katika ripoti hii, jina langu ni nambari saba. Hata hivyo, hatujui ni pesa ngapi zinahusika hapa. Mimi nilipelekwa kortini, nikasimama kizimbani na kutoka baada ya kulipa bondi ya Kshs1.5 milioni. Kwa hivyo, ni korti ndio itaamua ni nani mwenye kusema ukweli na uongo.

Bw. Naibu Spika, ili tuandamane na kusafisha taifa letu, tukubali mambo haya. Kilicholeta sarakasi kubwa, ni wale waliompa Rais ripoti hii. Mimi namuomba Rais, kwa ujasiri huo, awaite walioandika ripoti hii. Ripoti hii ni aibu kubwa kwa taifa letu. Anafaa aamuru wote wakamatwe na kuwekwa ndani. Nimetajwa tena katika ukurasa wa 23 nikihusishwa tena na shamba la Malili. Mimi niliitwa na maafisa wa idara ya upelelezi ya CID na nikaenda. Waliniuliza maswali na nikawajibibu. Walisema nilikuwa na kesi na nikapelekwa kortini. Sasa hapa tena, yanarudia makosa yale yale. Kwa hivyo, hawa watu wamefanya kazi duni kwa kumpatia mhe. Rais ripoti hii. Mhe. Rais ana nia ya kufanya kazi safi lakini kizingiti ni maneno haya yalioandikwa hapa ambayo hayafai.

Bw. Naibu Spika, ukitazama ukurasa wa 45---

The Deputy Speaker (Sen. Kembi- Gitura): Sen. Muthama, wajua maneno unayosema yananutuliwa katika HANSARD. Kwa hivyo, ukisema ni ukurasa wa 23, ni muhimu utaje sura na ukurasa.

Sen. Muthama: Bw. Naibu Spika, *page* ni ukurasa. Sura ni *chapter*.

Nimetajwa kwamba nafaa kuchuguzwa kwa ujenzi wa barabara iliyogharimu Kshs57milioni. Pesa nilizopokea za juu zaidi zilikuwa Kshs8 milioni. Tuliofanya kazi pamoja na Sen. Haji. Ndio mradi kama huo upite, ilikuwa ni lazima bodi ya *Constituency Development Fund* (CDF) ikae chini na kuupitisha. Hakuna mradi ambao ungegharimu Kshs57milioni.

Kasheshe na msukosuko ni kwamba, Waziri wa Kilimo anachunguzwa kwa jambo moja. Bw. Waziri kwa kuwasaidia Wakenya na kuwaonyesha kwamba kilimo kina maana anashtakiwa kwa kukodisha sehemu ya shamba ya Serikali. Waziri huyo hajaiba au kunyakuwa shamba hilo. Inasemekana hapa kwamba ameikodisha na kulima ekari 100 na kuwaajiri Wakenya pale kufanya kazi. Kama Waziri wa Kilimo, anawaonyesha Wakenya jinsi ya kutia bidii katika ukulima, je, huo ni ufisaidi? Hivi sasa, ameachishwa kazi na anachunguzwa kwa jambo hilo. Hayo ndio mambo yalioko hapo. Nataka kumwambia mhe. Rais kwamba Wakenya walishangaa walipomuona akitabasamu wakati alipokuwa akiwakabithi Maspika Ripoti hii.

(Sen. Sang consulted loudly)

The Deputy Speaker (Sen. Kembi- Gitura): Order, Sen. Muthama! Just go on. Do not be distracted.

Sen. Sang, do you have a point of order?

Sen. Sang: I am standing on a point of information, Mr. Deputy Speaker, Sir.

Sen. Muthama: Bw. Naibu Spika, nakubali kufahamishwa.

The Deputy Speaker (Sen. Kembi- Gitura): Please, take your seat, Sen. Muthama.

Sen. Sang: Mr. Deputy Speaker, Sir, I want to inform the hon. Senator on the same allegation against the Minister for Agriculture. It is alleged that the same Minister has a personal assistant, by the name of Mr. Kigen. The Minister has no personal assistant known as Mr. Kigen. Therefore, it would have been much easier for the fellows who wrote this report to clarify even through the Minister---

The Deputy Speaker (Sen. Kembi- Gitura): Order, Sen. Sang! You will get a chance to debate.

Sen. Muthama: Bw. Naibu Spika, nashukuru kwa kufahamishwa na Sen. Sang.

Ni kweli na dhahiri kwamba Waziri anakashifiwa kwa kumuweka msaidizi wake kusimamia shamba ile. Sisi tunawatafutia Wakenya kazi bila kujali kabila lao. Lakini la kuhuzunisha ni kwamba, Waziri wa Kilimo anapigwa kumbo kwa mambo hayo.

Bw. Naibu Spika, nimesoma madai kuhusu Waziri Kamau. Mimi simtetei, lakini nimefanya kazi naye, akiwa Katibu wa Kudumu katika Serikali iliyopita. Mimi nimemtembelea ofisini zaidi ya mara 50. Chochote nilichomuuliza yeye kufanya, alikizungumzia kwa kina akieleza barabara atakazo shughulikia, zile hangeweza shughulikia kutokana na ukosefu wa pesa na zile angeweza kuzitafutia pesa. Hakuniitisha hongo hata siku moja. Inakuwaje kwamba Waziri Kamau yuko mashakani kwa kupeana kandarasi ya mradi wa reli uliotangazwa katika nchi hii kila siku na hata Rais mwenyewe akauwazisha rasmi?

Kwa nini Rais mwenyewe alienda kufungua ule mradi kama kandarasi ilikuwa na shaka? Je, tuko na Serikali ambayo inafanyia Wakenya kazi ama ni kufanya kazi ya kucheza mpira wa miguu? Ni aibu sana kwa sababu Eng. Kamau yuko nyumbani kwa sababu ya huu mradi na ilhali kazi inaendelea. Mhe. Rais anausifu mradi na ilhali Eng. Kamau anakula maharagwe nyumbani. Nani mwenye haki? Ni lazima tukubaliane. Mimi ninasema kwamba mhe. Rais aliingia Bungeni na Wakenya walikuwa na matarajio makubwa. Mhe. Rais alizungumza maneno mazuri sana lakini tabasamu yake iligeuka kuwa kilio. Baada ya kutoa Ripoti hii, kila mtu alipiga makofi. Mimi niliona mhe. Wetangula na mhe. Orego wakiwa wa kwanza kusimama kupiga makofi kumsifu na kumshangilia mhe. Rais kumbe walikuwa wanashangalia Ripoti duni. Sasa kicheko hicho kimekuwa kilio. Kwa hivyo, mimi nauliza kila mtu aliyetajwa hapa achunguzwe na kila mtu ajisafishe na aende nyumbani. Wale watakaopatikana na hatia, waende nyumbani na kufungulia mashtaka.

Bw. Naibu Spika, kuna wezi ambao hawakutajwa katika Ripoti hii ingawa ni wezi sugu. Mimi husimama mkutanoni na kusema kwamba Serikali ya Jubilee ina wezi wengi lakini sijawahi kufafanua zaidi. Leo nataka kutangaza kwamba mhe. Uhuru Kenyatta hajui kuiba. Lakini wanaomzunguka, ni wezi hatari. Ni bahati kuwa anaenda nyumbani akiwa amevaa viatu vyote viwili. Wale ni wezi sugu sana; wana ujuzi wa wizi.

The Deputy Speaker (Sen. Kembi-Gitura): Order! Your time is up.

Sen. Kagwe: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to support this Motion. I want to take off from where the last speaker, Sen. Muthama, left in regard to matters of corruption raised in this Report. It is very clear there are shortcomings as far as this Report is concerned. If you look at Item No.73, on page 34, the accused individuals in the case of Wajir, are Abdulahi Sheikh and Mohamed Nofarah. It is alleged that the governor awarded tenders to several companies and so on. The person who is being accused is not the governor. The explanation that is given is the alleged guilt of the governor. Even the writing of the report leaves a lot to be desired. Clearly, there is an issue as far as this Report is concerned. In graphic terms, it is what is known as “cut and paste”. You simply cut something and paste it on a specific page.

I also want to support the President’s position on stepping aside of individuals mentioned in this Report. As much as the persons who have been asked to step aside may not be guilty, and I am convinced that the majority of them are totally innocent, I support that they step aside. We know them as good people. I know the gentleman Sen. Muthama referred to when he was contributing. We are age-mates and grew up together.

As much as anybody might want to accuse Eng. Kamau, I am of the view, at a personal level, that his conduct and the way he has conducted himself through his life is such that it is very difficult to envisage a situation where he is committing crime as alleged in this Report. But he did the right thing to step aside so that the innocence that we know he has, can be established clearly. I have no doubt that the same case applies to many individuals on this list.

Having said that, I want to commend the President on matters he raised in the Speech. For example, only a person who does not see or a person who refuses to see cannot appreciate that the economy of this country is growing. A six per cent growth of any economy is noticeable. In economics, we talk about the multiplier process and there are those who will say that the growth has to do with infrastructure like the railways and other big projects that are not being felt at the grassroots level.

That is normal. Big projects permeate downwards in what economies call the multiplier process. Money eventually gets to the grassroots level because it must go somewhere. All these projects being launched, including the lowering of electricity cost by 30 per cent, never in my memory have I seen the cost of anything as major as power go down by that margin.

These are gains that we must applaud and be proud of as Kenyans. It is not the President or the Jubilee administration that are going to benefit from this activity. A per capita of US\$1,246 per annum is very commendable, especially when we know where we live. Not too long ago, we had a per capita income of about US\$300 per person. This growth again is bound to be felt at the ground level. Not too long ago if you walked around the villages in Bungoma, Nyeri and other places you noticed this growth by very small illustrations. You would walk around and see many people without shoes.

Ten years later, the average Kenyan is walking along the road wearing slippers or some form of shoes. There are some countries like Rwanda where it is illegal to walk around without wearing shoes. President Kagame simply said everybody must wear shoes. We like people to do their own things in this country. We can tell from the way people dress that our economy is doing well. Our economy even in the rural areas has improved. The growth of agriculture and its industrialization will have something to do with value adding in agriculture.

In this country, the Information and Communications Technology (ICT) has grown tremendously. In Africa, Kenya has become renowned as the continent's ICT nation. Out of the 450 innovations that were announced within the African Continent last year, 200 of them were innovations by the Kenyan youth. This is a big achievement by any standards. If the President wants us to grow in the area of ICT, then we must remove in this year's budget the Value Added Tax (VAT) from all ICT components.

Currently, creations are made in this nation and taken to India and the United States of America (USA) for manufacturing. It has become cheaper to manufacture ICT components in those countries as a result of duty on components in this country. So, we are exporting jobs when the ideas are born here; in our own nation. It is my prayer that duty, VAT and other charges on any ICT component are reduced.

Mr. Deputy Speaker, Sir, the railway that we talk about is something that Kenyans should be proud of. The last railway line was built in this country during the time of the man-eaters of Tsavo. It was during virtually the partitioning of the African Continent. That is how far back we go as far as the construction of a single kilometre of railway is

concerned. I am informed that the people who are being compensated during the construction of the Standard Gauge Railway (SGR) are becoming extremely rich. In fact, there are people who were sworn monogamists who have now become polygamists simply by virtue of the amount of money that goes into their pockets. I am told by my colleagues that they have improved their lives. We hope that they will take advantage to invest that money sensibly and put it in areas that could provide a better living standard for them even after the money is finished because it will not last.

Mr. Deputy Speaker, Sir, for us to grow, we must also begin to look at areas that are not our traditional sources of tourism. The hon. Sen. Wetangula, Senator for Bungoma County, as the Minister for Foreign Affairs as well as Mr. Tuju, did quite a bit of work in trying to cultivate other markets for Kenya so that tourists could come from elsewhere.

Mr. Deputy Speaker, Sir, when a Briton stood up one day and decided that by the virtue of the fact that Kenya is giving them problems as far as the renewal of the military base licensing in Nanyuki is concerned, and because we will not agree to a bad deal, that they will issue a travel advisory against the Republic of Kenya---. That is why the work which was done by those who pioneered the cultivation of other sources of tourism should be applauded. The Ministry of East Africa Affairs, Commerce and Tourism should also be pro-active as far as reactions to some of these issues are concerned. In Egypt, whenever a small thing happens, the reaction in the media is quick, swift and effective. This is what we must get to.

Mr. Deputy Speaker, Sir, this is a nation where the Queen of England became Queen. This is a nation where the young Prince William, during his wedding, got a gift of some piece of land in Lewa. If I were carrying out an advertising campaign for this nation, I would go on television in Britain and say; this is the nation where the Queen became Queen yet you are being told not to go there. This is the nation where Prince William goes for his holidays; and you say that it is not a safe nation. This is the nation where he proposed to his bride and they got married and yet you say that it is not a safe nation. Britons will not believe it. Therefore, we must not believe that we can take anything on the defence. Ground in war is not taken on the defence, but on the offensive. Therefore, my urge to the people in charge of tourism is that they should ensure that we fight against all the travel advisories.

Mr. Deputy Speaker, Sir, as I finish, I also remind my colleagues that the President was very clear when he spoke about corruption. There are those who are wont to lynch Members of Parliament (MPs) and Cabinet Secretaries for no apparent reason other than jealousy. There are people who will always be very happy to hear that those at the top can be brought down. However, if you look at the President's Speech on page 56, he reiterated that. He said: "It is not my place to determine the guilt or otherwise of any of the people mentioned in the said Report." So, it is important for us to make sure that we do not go on the rampage, condemning individuals simply because they have been listed here.

Mr. Deputy Speaker, Sir, in the USA, there is a very famous senator called Senator McCarthy who led a mission to blacklist innocent people for no other reason, other than they had personal differences. He wanted them to be assumed or accused of communism. Once accused, you are assumed to be guilty. It is important for us to appreciate that there are those who will be guilty according to this document. However,

there are those whom investigations will prove them guilty. If they are, then the law must take its own course.

However, it is important for us to make it very clear that, at the moment, the document reads that the person is alleged to have done something. It says that investigations are going on. It does not, at any one time, say that a certain individual is guilty. Not one sentence in this document condemns an individual and says that a certain person is and has been proven guilty. It is important that Kenyans also treat the document in the same vein and know that these are simply allegations. We hope that those who are not guilty will go back to their offices and continue serving Kenyans.

Mr. Deputy Speaker, Sir, with those remarks, I beg to support.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I want to address a couple of things. I will begin with corruption.

Mr. Deputy Speaker, Sir, I watched your speech when you were in Murang'a. We should reiterate that this list, particularly on county governments, is not exhaustive. I am convinced, because I have read it, that the Ethics and Anti-Corruption Commission (EACC) has not referred to any audit report on any county government. The reports here appear to be reports received maybe from anonymous people or from whatever source.

We, as Senate, must state that we have not received reports on governors. So, governors who are busy paying newspapers to advertise full page adverts in all newspapers using public funds must be made aware that their day in the sun has not arrived yet. We are waiting for that list, so that we deal with them comprehensively. From my reading, the person who prepared this Report was in a hurry. The Report is dated 20th March, 2015 - a few days ago. It has dates up to 2011/2012 and it may have been done in a rush.

I am not saying that the people mentioned here do not have questions to answer. There are serious allegations on the Ministry of Land, Housing and Urban Development and other Ministries. It is fair that people who are mentioned are given these Reports, so that they can clear their names as quickly as possible. This is because the Commission has said that they are prepared to charge them. I have read reports that a taskforce has been formed so that these people can be taken to court. Although the President has said that their prosecution should be expedited, I want to state that the principle behind the Anti-Corruption Court, as set up in 2003, was to ensure that corruption cases are dealt with day to day. So, what the President has said here is not new. Those people whose evidence is enough for them to be taken to court, ought to be in court.

Mr. Deputy Speaker, Sir, the apology by His Excellency the President, I am afraid and must repeat, is too general. What past crimes or offences is he referring to? Who is he apologizing on behalf of, because it is possible that the two former Presidents, who are still alive, do not think that an apology is necessary? It is also possible that they would justify the things that are put here in general terms. When he said he will set aside Kshs10 billion to compensate people, who are these people? Hon. Koigi Wamwere was put in detention without trial and he has gone to court to seek compensation. Will he also be compensated?

What criteria did the President use to arrive at Kshs10 billion? Although an apology has been given, it is inadequate. There are people who lost their land in Taita, Kwale and Mombasa. Is the Government going to return their land? How will those

people who lost their loved ones be compensated? There are also people who were evicted from their land.

Although the Director of Public Prosecutions (DPP) says that the only thing that we can do is restoration, personally I would have loved to hear the President say that the DPP has failed in so far as opening 4,500 files and has no evidence on one. That person has failed in his duty, the same way that the EACC has failed in its duty of investigating simple offences. It is a tragedy that we cannot charge a person in this country for even a burning bush during the post election violence, let alone rape, murder or even forceful eviction of persons. It is a tragedy to then say: "I am sorry." I am afraid it cannot happen.

Mr. Deputy Speaker, Sir, the President talked about the 30 per cent allocation to youth. That Bill has not been signed into law. It is high time that, that Bill was signed into law, so that when the President is giving his Speech, then it makes sense.

There is something interesting here. We have all watched members of the police force cry and wail before the Commission that is vetting them. You will not find their names in this report. Regarding the portion where there are two people serving a jail term in Britain for allegedly giving bribes to the Independent Electoral and Boundaries Commission (IEBC), the column of accused persons is blank. Is it not strange that the EACC can give us a schedule with a blank column of persons who collected bribes from people who have already been convicted? It is a tragedy.

I am afraid, just like Sen. Kerow, it appears that there are persons in this country who are very cunning. They would do anything and possibly even mislead the Head of State. If a person was looking for information on the internet, even without this report, it is possible to find their names, from the investigation of the "chicken gate" wherever it was done. So, I am not surprised when the Chairman of the IEBC says that if his name appears here, he will resign. He possibly knew that his name is not in this list. Therefore, it is a tragedy when Cabinet Secretaries have gone home and some people in IEBC are still in office, enjoying public trappings and entertaining themselves.

Mr. Deputy Speaker, Sir, on the question of the cash transfers for the elderly, it is the high time that a criterion is given as to how this programme is being done. Once again, this is one avenue that the mandarins of corruption are hiding money and, therefore, pretending that they are paying people, yet they are not. Every time we go to counties, we are told that nobody has ever accessed these funds.

Mr. Deputy Speaker, Sir, lastly, the people on this list must be given due process quickly. It must be done as quickly as possible, because we must protect the innocence of persons. It is possible that out of 124, they have sneaked in ten people for the sake of it. However, it is also possible that out of 124, we have 100 people who are extremely corrupt and should not even be in public office. I am convinced that the 60 days of investigation will lapse before these people are properly investigated. After the 60 days, we ought to demand, as a Parliament, that we are given another executive report, possibly with substantiation on the evidence.

This is because if the Chief Executive Officer (CEO) or whoever it is, had bothered to call Sen. Orenge and asked him about the things that he tabled this morning before this Senate, then his name would not have appeared on this list. This list is a cause of action for Sen. Orenge to sue the EACC for defaming him, yet he has information that appears to show, just *prima facie*, that he is not guilty of anything that is close to corruption.

Mr. Deputy Speaker, Sir, I beg to note the Speech of His Excellency the President.

Sen. Murungi: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion.

I am one of those who stood twice, as standing ovation, as President Uhuru Kenyatta was making his Speech. I rise in standing ovation again when I remember that Speech. It was a great Speech. But before I say much about it, let me educate the Senate Minority Leader a bit about the things that he talked about in the morning, that is, the autobiography of Malcolm X. He made references to “house niggers” and “field niggers.” In those days of slavery, the difference between the two “niggers” was that the “house nigger” used to be in the house and when it caught fire, he would run out pick buckets and look for water to try and save the house from being destroyed by the fire. But the “field nigger” would be in the field praying for the winds to grow stronger, so that the fire would rage and destroy the house faster.

I do not mind being the “house nigger,” to save this country from some raging fires.

Sen. Orengo: On a point of order, Mr. Deputy Speaker, Sir. For the purposes of record of this House, the word “nigger” is not a very good word to use against our brothers in the United States of America (USA). I think that everytime there has been a speech or any literature on the two categories of Negroes or black people, they have referred to them as the “house Negro” and “field Negro.” The moment we use the term “nigger” and it gets to the record of this House, we would be casting aspersions on a race we associate with.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you for that. That term was used by the Senate Minority Leader, if I remember correctly.

What is it, Sen. Ong’era?

Sen. Ong’era: Mr. Deputy Speaker, Sir, I want to further note and support what Sen. Orengo has said. In fact, that is a really derogatory term to use. Our brothers in USA who are black like us are called African-Americans.

The Deputy Speaker (Sen. Kembi-Gitura): When you hear me talk about using civil language, it is because all those things that you are saying are true. That term was used in the morning, but some of you thought it was a good term to use. Sen. Murungi says he does not mind being referred to as such because maybe for him it is just a term of art.

So, shall we proceed?

Sen. Murungi: Mr. Deputy Speaker, Sir, my learned friend, Sen. Orengo, was there in the morning. The term was not derogatory in the morning, but it is now derogatory in the afternoon. The important thing is that there is a nigger or a negro who will pick the bucket and look for some water when the house is burning and that is Kiraitu Murungi. Let me leave those who want to pray for the winds to continue praying, but we wish the winds will not come.

We all agreed and we understand where the President is coming from in this. Corruption in this country has become like the weather, everybody talks about it, but absolutely, nothing is done about it. We talk and talk, even the children have composed songs and poems about corruption in this country, but we just listen to the songs, enjoy them, go home and nothing seems to happen. The President has become fed-up and he is

tired of hearing this country being called a country of thieves, a government by thieves, of thieves and for thieves. I think time has come for us to move from rhetoric to action. Even if we criticize the President for anything else, let us continue in our standing ovation for him because, finally, he has decided that action must be taken.

Mr. Deputy Speaker, Sir, corruption has been compared to cancer, it eats the nation slowly. Cancer is a very dangerous disease. However, the treatment for cancer is also dangerous and it is a very painful. It is called chemotherapy. In fact, many people die in the process of treatment than of the disease itself. Sometimes, the treatment for corruption could be rough and painful. I am talking from experience because I was feeling like this in 2004, when we started the radical surgery in the Judiciary. We had talked for very many years about corruption in the Judiciary and nothing was happening. So, we decided enough was enough and we sent more judges and magistrates home than had been sent anywhere in the Commonwealth.

As things would turn out, I still bare the blame for radical surgery of the Judiciary. However, the challenge was, at that time, there were no Senior Counsel and no people who would form tribunals for trying the Judiciary. We had to rely on the Judiciary itself which was there to try the others. We got some of the Judges who had retired, little knowing that we would prolong these trials because they had found a new means of survival. Some of the cases lasted for five years. The Judges whom we had sent home earned two salaries for five years. The whole thing was turned on us because we started a radical surgery which never happened. I think the President will be facing the same challenges.

With whom are you going to eradicate corruption in this country? They say President Nyerere was a very good person. He actually meant seriously to improve the people of Tanzania when he introduced socialism in Tanzania, but with whom would he introduce socialism in Tanzania? They say *Ujamaa* failed because he was implementing socialism with capitalists. This is the challenge the country is facing. Who are those clean people and angels who will come and turn this country around? We have tried many things.

As we grapple with those challenges, let me say one thing and I think the lawyers who have spoken here have spoken the same language and I want to join them. If we are fighting corruption, we have to fight it within the four corners of the Constitution, within the ambit of the rule of law which is the ambit of the rules of natural justice and within the due process. Anything else will be treading on very dangerous grounds.

(Applause)

Mr. Deputy Speaker, Sir, we cannot afford to politicize corruption. We cannot afford to witch-hunt or unnecessarily spoil people's names. We have to be very serious in this exercise. I am requesting to be listened to because it is *Desiderata* which says that even the dull and the ignorant have their own story to tell. Let me be allowed to say mine. I know people are cheering out there, the *wananchi*, and the media that people are stepping aside. However, under what provision of the Constitution or statute or doctrine of common law are people stepping aside? Why are we being requested to step aside?

Stepping aside is not a legal principle, but a dangerous political principle. You are called upon to step aside merely because your name has been mentioned. I can

mention very many people. Sen. (Dr.) Khalwale said there are thieves who he has not mentioned; he can mention them and those people will be called upon to step aside. Will they step aside because Sen. (Dr.) Khalwale has mentioned them? Sometimes, you are being mentioned without evidence. For example, if I do not like the face of the Senate Minority Leader, I can mention him. Because I have mentioned him, then he should step aside.

The Senate Minority Leader (Sen. Wetangula): I have gone through it, my brother.

Sen. Murungi: My brother, I have also gone through it. That is why I am talking with this passion.

(Laughter)

Mr. Deputy Speaker, Sir, we were the first Ministers to step aside because there was so much noise in the media made about us so that investigation can take place. We were not told to wait for investigation to be concluded and then we leave office. We were told to step aside because we were powerful Ministers and that we would interfere with investigations. I was at home for nine months. Sen. Wetangula stayed for ten months while investigations continued.

Finally, the same EACC published in the Kenya Gazette that I have been cleared of all the allegations against me and I came back to office. However, that was not the end of the story. Today, as I am talking here, I still carry with me the cross of Anglo Leasing, merely because I was mentioned ten years ago. You saw my photograph last month among the people who will be charged because of Anglo Leasing scandal. People in Meru have been waiting for me to be arrested because the nation still says that I have accounts in Switzerland.

I was even on television as being among the people to be investigated for having accounts in Switzerland. I instructed the advocate, Mr. Kioko Kilukumi, to take *The Nation Television (NTV)* to court for airing a show indicating that Kiraitu Murungi was being investigated. That case is still pending. Even as the case is pending, *Daily Nation* newspaper still went ahead and again, featured a photograph of me as being among the people to be charged for Anglo Leasing.

Mr. Deputy Speaker, Sir, it is very painful knowing that you never did anything, but because of a political witch hunt or because of people who do not like you in the media, they can continue this story over and over again. I know what Sen. Orengo is feeling. If it is family land which he is supposed to have grabbed; what a ridiculous thing to say. When the elections come in 2017, some people will be saying that Sen. Orengo was mentioned in the report as a land grabber and that kind of thing. It never dies; you pay and you are punished for life merely because of a nebulous doctrine called “stepping aside.” I would rather be sent to Kamiti Prison or be hanged rather than being condemned forever for something called “stepping aside.”

Mr. Deputy Speaker, Sir, we are not afraid of the law. The law should be followed by all and sundry; whether you are a Member of Parliament (MP), a Cabinet Secretary or a Governor. If you have committed a crime, you should be punished in accordance with the law.

(Applause)

Sen. Murkomen: Mr. Deputy Speaker, Sir, I rise to note and thank the President for his Speech. I remember so well that when the President gave his Speech, the House was so silent until at some point, he mentioned something about an apology to the nation for the things that happened during the time of the first, second, and third President and I suppose also those that could have happened even at this time. I thought that was very courageous; that is not something to be expected of African Presidents. It was statesmanship for the President to recognize that governments in the past have wronged Kenyans and that by doing so, they have---

(Loud consultations)

Mr. Deputy Speaker, Sir, there are loud consultations by the “King” of Meru---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators! Please, consult in lower tones.

Sen. Murkomen: Thank you, Mr. Deputy Speaker, Sir. I appreciate what the President said about past historical injustices; about human rights violations and to recognize those – like Sen. Orengo and many others in this House like Sen. Murungi – we used to study in school about them being human rights defenders, among others. We thank the President for recognizing those who suffered. He went ahead to say that he was setting aside about Kshs10 billion this financial year to look after those who have also suffered as a result of the post election violence and other past historical injustices.

Mr. Deputy Speaker, Sir, I told my people this weekend that I hope that those who suffered under the watch of the Government during the many fights when the multi party system came in – those children who were killed because of banditry – which the Government actually oversaw and allowed to happen in Marakwet – including the children who were killed in Tot Health Centre. These children were waiting for immunization when they were killed by very terrible characters who, supposedly at that time, were cattle rustlers from the Pokot County. I hope these people will be part of the beneficiaries of that reparation that the President announced.

That is why I agree with the Senate Minority Leader who said that there must be a clear mechanism for compensating people across the country for human rights violations and that it should not just be one area of the country or one region and so on, and so forth benefitting. We, as Senators, must be careful to ensure that, that kitty is spread out and everybody benefits across this country because of the violations that were experienced.

Mr. Deputy Speaker, Sir, I also stand here to recognize the fact that the President noted so many other achievements by the Government in matters of the SGR project, matters of irrigation and matters of ensuring that our country can move forward as a united nation. As the Senate, one of the things that the President spoke well about is the fact that we are still a united nation; we are one country and one people. One of the things I have learned over time for the last two years as a Senator responsible for defending the interests of the counties is that most of the counties are balkanized along the clans and tribal lines.

But if you looked beneath it, the reason there is a lot of division in the counties – and we were told yesterday in Wajir by one of the public officers – that the main issue that people are fighting for now is not because you hear that the life of a Governor, a Member of County Assembly or a County Executive Committee (CEC) member is in danger. However, if you critically research this issue, you will find that the fight is all about contracts, deals and supply of services in the county. This dealing has led to a situation where I hear even in some counties, they say “this contract is for this clan; this contract is for this other clan” and so on. When this clan member does not get this contract, someone takes a gun and wants to kill an MCA from this area and so on, and so forth. So, there is a lot of corruption going on in the counties. There is also a lot of balkanization of the counties along ethnic lines. These are things that must be investigated. We must ensure that it is dealt well.

Mr. Deputy Speaker, Sir, the President also noted matters of security, which are of immense concern in the country. We must secure this country. My Committee on Devolution went to Mandera. We felt bad that the borders of this county are not guarded as they ought to be. Mandera would have been one of the most wonderful cities in this country, but for the fact that insecurity caused by the porous border from people coming from Somalia and all other places. We must learn. The story we were given is that because of that porous border, we have guns being transported from Mandera to Nairobi in places like Eastleigh and other parts of the country like Mombasa. That is why we have a lot of insecurity in this country. We must work hard to secure this nation, as the President noted.

Mr. Deputy Speaker, Sir, the one thing that is now a subject of public discussion is the report of the President on values and principles, particularly on what they are doing to fight corruption. There is a misconception in this nation; the first one being that the Constitution was created for the President to be the one prosecuting corruption, arresting and investigating people who are corrupt. This position has been propagated by so many people, including those who are in the Opposition, some who are in the Government, Churches and the civil society.

For about three months, there have been consistent calls that the President must do something about investigating corruption; that the President must do something about prosecuting people who are corrupt. Where did the President get those constitutional powers? Where did the Members of the Opposition get that responsibility on the presidency? Why do we pass a Constitution and still believe that the functions that were given to the Director of Public Prosecutions (DPP) rest with the president. Clearly in the Constitution, it says that when they are doing investigations and prosecutions, they cannot receive direction from anybody.

The Constitution also says that when the Inspector-General is carrying out his functions of investigations, they cannot be interfered with by anybody. The Constitution says that the EACC should act independently. Why was there all this noise about the President? All these stories led to what the President did; he called the bluff. The President went ahead and said “look, I have a list here copied to me by the EACC and the same list was tabled in the National Assembly. I, therefore, give Parliament this list so that you can do whatever you do. However, those who are in the list, for purposes of dealing with this matter, once and for all, must step aside, particularly those under my watch.” He also suggested that others who are not under his watch should do the same.

Mr. Deputy Speaker, Sir, what the President simply did on a report he received under the Constitutional powers of Article 254 was to hang the report in public; a report that has been pending in a Committee of the National Assembly; a report that was also copied to the President. But when you look at this report, it is not a report that is worth being debated in this House. The report is so shallow.

(Applause)

Mr. Deputy Speaker, Sir, this Report is merely a schedule of investigations. Somebody just went to the computer of the EACC and copied a schedule that was possibly prepared by a Secretary or an intern, like Sen. Hassan is saying. The Report just says “under investigations” or “preliminary.” What is “preliminary”? Look at that schedule; it says that “it was reported that a Cabinet Secretary (CS) was ploughing 100 acres of land in Tigoni; preliminary.” It says “there was a Chief of Staff called Maryanne Keitany who is accused of misusing Kshs100 million meant for legislative affairs; used to mobilize MPs in their abortive campaign of July, 2014, to impeach powerful Cabinet Minister, Anne Waiguru.”

Honestly, Kshs100million used to mobilise the impeachment of a Cabinet Secretary (CS)? Where is the list of the Members of Parliament (MPs) who were paid this Kshs100million because bribe takers must also be in that list? As I said last week, and everybody was calling me names here; I spoke very well and I told the Senate Minority Leader that, we, as a country, must not start this attitude of mob justice, mass lynching and calling people names just for the sake of it.

Chapter 4 of the Constitution talks about presumption of innocence and the rights of everybody who is accused. It even says that the list of the things that someone is accused of must be furnished to him or her. If we continue in this country with this process of having the EACC or even any Senator or any Member of the National Assembly, who uses rumour mongering to fight corruption, then we are going nowhere. We will be waking up any morning that one mentions somebody’s name and we say that, that person is guilty. We have become a country of mob justice and mass lynching.

This country lacks the most fundamental issue for Constitutional order which is called the rule of law. The rule of law requires that you have an institution like EACC that is led by men and women of integrity who are capable to carry out credible investigations. They are capable to adopt reports independently and will stand against Parliament and the President and say “we will not submit a report that is not conclusive, has no facts, does not observe human rights and inform those who are being accused of what they ought to do.”

If you will be fighting corruption like this, in another two, three or four months, corruption will just be like a joke. If you say that someone is corrupt, it will be like saying someone is drinking water because the standards we are setting are too low. This is because we have already accused, charged, found everybody guilty and even hanged them. What is remaining now is basically just for us to go for rallies and say “Sen. Orengo, Sen. Muthama and CS so and so are corrupt, even for people who have never read anything.”

This is a country of rumour mongering. When you hear somebody’s name was in a newspaper, you make conclusions. This affects both those who are in the Opposition

and in the Government. If you want to create a country that is based on the rule of law, we must have that foundation. I even heard other people saying “Oh, the list is not credible because it does not capture people of a certain political party or people of a particular tribe.” Did you want a list of corrupt persons to have ethnic and regional balance?

(Laughter)

I thought that corruption was a personal responsibility. Corruption is a crime when one is answerable on his own and you are held to account by yourself. For you to be held to account, there must be a credible list before us. So, we cannot blame the President because he had a report. In Article 254, the Constitution says that he receives reports. My problem is with the EACC and I do not believe that the commissioners who are sitting there should be sitting there.

I want to make it clear here that in my own opinion, I do not believe that the EACC Commissioners should continue living for another one day in that office if we are going to carry out credible recommendation. If you tell us that the Chief Executive Officer (CEO) of EACC was giving out a report, I thought that there was a procedure for giving out the report. Was he giving out a report as a whistle blower or officially under Article 254 as a CEO of EACC? We do not know.

(Sen. Muthama spoke off record)

It is not just the President because this Report was also tabled in the National Assembly. We have to be careful that we build institutions that work; that investigations are carried out. I hope that those investigations which they are saying will be carried out within 60 days will be carried out even in a shorter period. However, I doubt who will carry out these responsibilities of investigations if you have institutions whose credibility is already in doubt.

Even the paper that is used to produce this Report can tell you that this thing is not serious. Things dealing with matters of seriousness of a crime should have been listed very well. Therefore, let us just not celebrate and say “Oh, CS stepped aside, Governor should step aside or who else should step aside.” I am speaking as a lawyer. I believe that certain standards must be preserved if we are going to have the rule of law.

Finally, Mr. Deputy Speaker, Sir, there are people who have argued that supposing this list was credible, should it be that the Governor should have stepped aside or all the elected leaders should step aside? I believe that there should be no discrimination. If you are a Governor and the investigation is about county money being misused, then you should step aside.

However, if you are an MP and the investigation is about what you did a long time ago, when you were a Minister, you have already stepped aside. But if you are an MP and your Committee is being investigated on what they stole as a Committee, then you have to quit from that Committee. It is possible for you to step out of that Committee. However, there is a new jurisprudence in this country called “stepping aside” which must find its place in law. Unless we set the standards as Parliament, we are going to create anarchy, disorder, and negate the rule of law in this country.

I note the President's speech, but I disagree completely with the Report that came from EACC because it does not meet the standards I believe it should meet.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Hargura: Thank you, Mr. Deputy Speaker, Sir. I stand to note the President's Speech, which was delivered to Parliament on 26th March, 2015. I would like to give my comments on the areas which require to be highlighted.

he first part of the speech talked about the economy and how well we are doing; the energy sector and how we have increased the power generation in the national grid by 30 per cent; the need for us to go for green energy, the main one being geothermal energy, which is a stable source of energy. The second area in that line is wind energy, which I support because we need electricity for us to develop this country.

However, the information we have in the media is that some sectors of this green energy have been having problems, for example, Kinangop Wind Power, which has been facing resistance from the community. We also have the Lake Turkana Wind Power Project in my county. There is need to engage the communities when it comes to these new sources of energy because, for example, wind covers vast areas of land to generate some substantial amount of power from it.

More often than not, these lands are located in marginalised areas where you have vast lands with very small population densities. However, what we are experiencing is a situation where we are just concentrating on energy, overlooking the rights of the people who occupy those lands. For us to generate this green energy and improve our power production, we have to, first, address the rights of the people and the communities which own those lands.

Mr. Deputy Speaker, Sir, I have come across literature that says that those communities have the right to use that land. However, they do not have the legal right to that land and cannot be compensated for anything. That is a very dangerous way to go. That is violating rights of individuals and communities. We have to do this thing in such a way that we carry the communities along. We should compensate them for the loss of usage of land and include them in benefit sharing.

I commend the Senate for coming up with the National Resource Benefit Sharing Bill which we need to conclude so that we have a framework in which these communities can benefit from sources of energy. They should benefit from the land and wind that is being used. At the end of the day, the power generated will also benefit them.

The other issue is about the annuity programme for infrastructure development. We have been told that for the next five years, the Government will do 10,000 kilometres of tarmac which translates to 2,000 kilometres per year. However, since last year when this programme started, only 700 kilometres have been realised and have solicited interests from potential developers. Therefore, this annuity programme may not be on course. The Government needs to check that. We should not hype a noble idea like this when it is not moving into the right direction.

Under devolution, the President also talked about counties which are being used to exclude others, divide and manipulate people. He also cited some counties like Narok, Embu, Mandera, Marsabit and Tana River. I represent Marsabit County. Marsabit County had issues in 2013. We have sorted out our issues and are now moving on. The issue is appearing here and it jogged my memory to a point where during that year the Government went as far as saying that they would dissolve the county. Therefore,

bringing this issue again may not be in good faith. We are doing as much as we can. There is inclusivity in terms of employment at the Executive, County Public Service Board and at the Assembly level. This can be demonstrated on the ground.

We expect, when it comes to financial management, for the county to be fair. However, the Government should bear the higher burden of making sure that the institutions that are supposed to check that are on the ground. For instance, the Auditor-General should have an office on the ground so that there is real time audit of what is going on. The EACC should also have offices in the counties so that it can address issues as they come up instead of waiting to deal with rumours and speculations.

When it comes to challenges, the President rightfully mentioned security, unity and corruption. However, when it comes to security, one of the issues to be flagged out was the police vehicle project where 2,400 were procured for policing. I am in the National Security and Foreign Relations Committee and have received a lot of information regarding this issue.

The main problem with hiring of vehicles is management. Those vehicles get grounded because a vehicle stationed in Mandera has to come to Mwingi for 15 litres of fuel. This is a system that cannot perform. There are petrol stations all over the country. Kenyans are entrepreneurs and they have set up petrol stations all over. Instead of giving somebody in Mandera a tender to supply fuel as it has been before, drivers are asked to go draw fuel from Mwingi. What will this person be doing any other time?

The President has to check what is going on. Yes, the vehicles are there, but they are not useful because of the poor management. That management has to be streamlined so that the vehicles are effective and can respond to the needs of Kenyans wherever they are.

With regard to corruption, this is real and permeates through people of all status in this country. We expected when we have a problem like this, for everybody to say that corruption is a cancer and has to be forcefully removed from the public system. We have already established institutions to handle corruption. Those institutions should take their work seriously. Kenyans have to report whenever there is corruption happening anywhere. As a Kenyan, one has a duty to report if the systems have not detected. However, the body that receives the report has to also move a step ahead, investigate and take action.

Once Kenyans report corruption to the same institutions and nothing is done, we lose trust in the institutions. We end up feeling as if we are not heading anywhere. The same institutions which have been sleeping on their jobs and fighting should wake up and give a catalogue of allegations they have received. I like the words the President used; "catalogue of allegations." After they come up with a catalogue of allegations mentioning people left, right and centre in the Government and at the county level – we have over 170 people. Those names go to the public memory as the people who are corrupt. Your image is tainted. The unfortunate thing is that the public does not look out for facts. They run to the social media with what they have.

It will take a lot of effort for somebody to clear his or her name in this situation. That means that whoever gives out such a list should also ensure that they do their homework and what they present to the President holds water. Even if those alleged to be involved in corruption will fight back or clear their names, at least, you should have facts. You should investigate issues. You cannot just talk about allegations you have heard

from people. People have all manner of reasons as to why they write letters. Some are personal. However, once the letters are written, it is the responsibility of that authority to investigate and establish what is credible and not. After that, you can go a step further to submit the report to the relevant institution to carry out the next step.

For instance, in this case, if the EACC did its investigations, then it should have handed over the files to the DPP to prosecute the cases. However, we do not have that. What we have is a catalogue of allegations saying that this person has done this. The status of the Report also indicates that they are investigating; meaning that they have not established the allegations. This is unfair to Kenyans, especially now that we have executives at the level of the Cabinet Secretaries and Principal Secretaries who are technocrats.

Somebody was doing his work well, but at the stroke of a pen, somebody's career is tainted by just that kind of a statement. You have released it and you cannot retract it. In the face of the public, that person will always be tainted and his image dented. This kind of Report should not have reached us, in the first place. It should be withdrawn if there is a way of withdrawing it. Let them submit it as per the Constitution and the Anti-Corruption and Economic Crimes Act to the National Assembly and then we will have a report which can be discussed by the relevant House and which actions can be proposed instead of giving this kind of a catalogue. I request that this Report should be withdrawn.

Action should also be taken against the EACC because if you look at why the Report was actually brought, the President said that the Commission was complaining that the kind of investigation they are doing is the one which is affecting their work. However, the infighting is so public. The Chairman suspends the Deputy Chief Executive Officer (CEO) and the CEO re-instates him. There is a lot going on there. The point of investigation now should be to start with the Commission itself, first, because you cannot trust that kind of an organization to investigate other people.

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I also rise to thank the President for giving us his second Speech having been in office for two years. However, let me start with the issue of values and principles. As we enter into Easter, I would like to refer you to John 13:21. It says:-

“The Lord said, who is he? And Jesus responded, it is he to whom I shall extend the dipped bread.”

When you look at ---

Sen. Ong'era: On a point of order, Mr. Temporary Speaker, Sir. Did you hear the distinguished Senator who is the Majority Whip, refer to a book which we do not know?

Sen. Elachi: Thank you, Mr. Temporary Speaker, Sir. I thank God that we have very many Christians here. Yes, I said the Bible and the book of John. It is the Holy Bible. I thought in the world we had one, but I am sorry it has to be the Holy Bible. Indeed, when you look at that verse that is what the President did. He gave us a Report and said; “I shall extend to those who are supposed to do the duty of what Kenyans would wish to see.” I appreciate Article 10 of our Constitution that binds us all – State organs and officers, public officers and all persons – we must really live within the spirit of that Article.

He also gave us very key gains that we have seen. Inflation has been contained. That is one thing that has always challenged, especially women. He also looked at the basic goods and that is an area where women really suffer. If you look at the economic

pillar that he gave, we will appreciate as Kenyans that we can be proud and say that women are now part and parcel of the economic development within the Jubilee Government, courtesy of the President. It is true Kenya is a middle income country. This is reflected in the progress of growth of six per cent that the President talked about.

Having said that, I know the energy sector has also done very well. I also urge the President and I hope he is listening to me. In terms of installation of electricity, we pay Kshs300,000 to get the lines. The other day, I wanted to connect a few of my relatives in Lugari, but I was told to pay that amount. It is not something that I have just come up with. I want clarification if that is not the case, then I think the Kenya Power (KP) should tell me why I am paying Kshs300,000.

Sen. Keter: On a point of order, Mr. Temporary Speaker, Sir. The hon. Senator says the connection fee is Kshs300,000. During the years that I was in the energy sector, it has never been that much. It is between Kshs32,000 to Kshs35,000. So, I do not know about this sum of Kshs300,000. Is it a three-phase to a factory? For simple homes, domestic use is Kshs35,000.

Sen. Elachi: Mr. Temporary Speaker, Sir, I do not want to debate it. That is why I sought that clarification. It is Kshs300,000 for a single phase. In fact, the wire passes in front of those homesteads so it a matter of dropping them.

Sen. Ong'era: On a point of order, Mr. Temporary Speaker, Sir. Sen. Elachi is quite right in stating that the amount has been increased. The KP used to get donor funding from the World Bank and were, therefore, able to subsidize the rates and electricity charges were being given at the price of about Kshs50,000. When the World Bank withdrew funding, these rates flew up. They went up to even over Kshs300,000 for a single phase.

The Temporary Speaker (Sen. Murkomen): Sen Elachi and Sen. Ong'era, I would suggest that so that you can debate that one properly, may be one of you comes with a question to the relevant Committee Chairperson so that you do not take a lot of your time and so that the House can also benefit.

Sen. Elachi: Mr. Temporary Speaker, Sir, I would have already paid by the time they table their report here. Anyway, that is for another day.

I also want to bring to the attention of the House to the Report, on page 15, where we are talking about Jomo Kenyatta International Airport (JKIA), which I agree with. However, I plead with the Government to rehabilitate the arrival terminus. The one we used after the fire disaster is now used as a parking bay. I hope it will be done very soon. I know we have a very good departure lounge and we need to thank Eng. Michael Kamau for doing a great job there.

I also thank Equity Bank for the Wings to Fly Programme. Today, I know those who have gone through this programme are now emulating what Mr. James Mwangi has done. He has ensured that those who have studied medicine are putting up clinics back home in order to give back services to their people. He is also ensuring those in the banking sector are joining Equity Bank. We need to support him in all his projects.

We need to thank the President and the Deputy President for handing over this Report from the EACC to the two Speakers of Parliament. We will no longer operate on rumours; that so and so is in that Report. Nobody will be threatened that his name is in the Report. However, he has now said that bring all that you normally call corruption,

table it before Kenyans. Let Kenyans decide whether, indeed, these are cases to be prosecuted or not.

The worst that the EACC did to the President is to give him a Report which has no framework for any Kenyan to understand who is supposed to go to court and who will be investigated further. These are Kenyans with families. These families believe, for example, their father, mother, cousin, niece or nephew is corrupt simply because they have been mentioned in this Report. That is one thing that the EACC should take cognisance of.

The other issue is when you look at the county governments, it did not matter whether it is a county under serious challenges of cohesion. For example, in Narok County, the Governor has been going through a series of questions and he is under investigation. We even saw people of Narok demonstrating. They wanted to remove him. We should think of cohesion of the people in the county. Both the communities will want to protect their person. To me, this is a copy paste of 34 counties.

With regard to Mrs. Ngilu, there were developments in collusion with Mr. Evans Waitiki, owner of the Likoni plot that we have heard about for 50 years; they were about to inflate the actual prices. I thought that before the Ministry goes to ascertain the pricing of a particular land, there are critical surveyors who can give the right value. It goes on: "Allegedly Mrs. Ngilu is going to get a kickback". The land that belongs to Mr. Waitiki is the most controversial land in Likoni, Mombasa, that you even wonder how you can execute its status and many others. I believe that the Senate has solutions to many of these challenges that we face.

Most of our brothers who sit in this House have sacrificed for Government. When you are a CEO in Government, there is a team behind you who must be answerable for some of these questions. That is why I have always wanted us to have an e-tendering process in this country. We, as a country, should embrace paperless communication like it happens in Rwanda through emails. We should ensure that the EACC is strengthened or we disband it and think of how we are going to set up an institution that will work fairly for this country.

As a Kenyan, you should be careful when you raise your finger against another Kenyan. When I looked at the *Churchil Show* on Sunday and Kanyari and Kenyans celebrating Kanyari, that is when you start to question and wonder where the values of our people went to. Even as I talk here, there are those who are laughing and others sympathizing because that is how we have created this monster called corruption.

Religious leaders should not just look at politicians and think that they are out of this bracket. It is us politicians, who push the CSs who have stepped aside to push for certain projects to be done in our counties and this is corruption. We must collectively address corruption from the county assembly, county government up to the national Government and in all our institutions, including churches and schools. There is no place in this country where you will not find people crying. We must deal with corruption. The President has given us a platform and we can work around it and transform our country. We should know that everybody has an answer to this vice.

Thank you.

Sen. Ongoro: Mr. Temporary Speaker, Sir, when I was seated in the National Assembly Chamber listening to the President's Speech, one of the things that impressed me most was when he stated that by 2017, there will be free and compulsory primary and

secondary education. Knowing what the poor people go through to try and educate their children, I am impressed that bright intelligent students from poor families can at least now get the opportunity to go up to secondary education and then bursaries can then be transferred to college and university education.

As a woman, I was also impressed that maternal deaths have decreased from 488 to 360 mothers. I am looking forward to the day we will not have any woman dying in the process of giving life. I was also impressed because there has been a sustained cash transfer for older persons. We are now at 164,000 persons, but this should increase. There have also been sustained cash transfers for the Orphaned and Vulnerable Children (OVC). We are doing 252 households. Of course, we need to improve. There are also 27,000 persons living with disabilities. We also have many more persons living with disabilities in this country and we need to build on that.

Mr. Temporary Speaker, Sir, I listened to the President when he stated that his administration has launched a health insurance subsidy programme which is targeting 12,000 households. I hope that there will be regional balancing and a lot of other considerations, but this is a good step. There has also been established in the President's office another bursary scheme targeting 13,050 orphans and vulnerable children. That is also a step in the right direction.

Lastly, while I was seated listening to that Speech, in all honesty, I was almost shocked when I heard the President pronounce a public apology on his own behalf and on behalf of past administrations. That those words came from his mouth, truth be told, he needed a lot of strength of character. We should give it to him; that was really humble. However, having said that, an apology without action means absolutely nothing. In fact, an apology without restitution, refunds, a complete about turn and without action from the *status quo* is an insult that adds to injury.

Mr. Temporary Speaker, Sir, now that the apology has come from none other than the Chief Executive Officer (CEO) of this Country, accepting that past regimes have meted social and economic crimes against its people, we now want an official acknowledgement of wrongs that have meted by past regimes. We now need to be told what action is being taken or will be taken. I want to believe that making a pronouncement is good, but if you really, truly, want to correct a situation, it is said always that actions speak louder than words; restitution.

We want to see a process that ensures that the thousands of acres that have been grabbed from Kenyans, especially living along the coastal strip--- The Mijikenda and Swahili of this country have been turned into landless paupers living as squatters on their ancestral land. This is totally unacceptable. Even though we want to state that we are apologizing, if this situation is not corrected, I can assure you that the only action that will speak to this group of people is when they have a place to call home, build a hut and plant something to feed themselves. That can only be achieved if the thousands of acres grabbed by individuals, families and past administrations is repossessed and returned to the indigenous people; the Mijikenda living along the Coast. This case cannot be sustained in this time and era

Mr. Temporary Speaker, Sir, secondly, after the apology, what we need to do is to seek a serious attempt, at least, of tabling all the commissions of inquiry and their findings that have been carried over the years by all the regimes. Everything negative that

happened, a commission was set up, and there is a report which was never tabled. We want to see these reports tabled and their findings executed. That is true healing.

Thirdly, economic crimes that have been meted against Kenyans can only be corrected when the looted funds are brought back to the country, and we know where the funds are. At least, I have read from time to time that people have been accused of keeping money in foreign accounts and so on. Now that we have at least publicly accepted that these wrongs have been meted, then why can we not follow it up by bringing back the said funds, so that we can give Kenyans that opportunity to heal? I agree with the Senate Majority Leader. In his contribution he stated:-

“You shall know the truth and the truth shall set you free.”

Now that we have accepted and even with specific reference to past assassinations of great leaders like Ronald Ngala, J.M. Kariuki, Tom Mboya, Pio Gama Pinto, Robert Ouko and many others; all these murders most foul--- I totally agree with the Senate Majority Leader that the truth shall set us free. Therefore, we want to see a reopening of investigations into these murders, so that Kenyans are given the opportunity to know who was behind these murders, so that they can fully forgive those who were behind the murders and heal collectively and individually. Then we can move on as a nation. You cannot forgive what you do not know or understand; neither can you forgive what remains mysterious. We investigate, know the truth and the truth sets us free as a nation and individuals and we move on.

Mr. Temporary Speaker, Sir, allow me to just comment on the President’s statement on security. I will quote paragraph 2 of page 2 of the Presidential Speech. He actually said: - “Our nation is more secure.” I beg to totally disagree. Is it a case of two worlds in one nation? Where are we living and where is the President living or which reports does he access? We have increased inter-ethnic conflicts in Turkana, Baringo, Pokot, Marakwet, Baragoi, Mandera and many other places. Everybody is at war with the others.

Cattle rustling and related deaths and thefts have reached levels that have never been experienced before; not to mention terrorism and religious intolerance. It is only under this administration that we have seen people being killed in churches and Kenyans being pulled out of moving vehicles, killed and paraded like goats. We have also seen poaching, almost making some animals extinct. Extremism, radicalization and organized crime are rampant. We now even rape in the highest offices. You will bear me witness that fathers are raping their children, hon. Members are raping other women and female Members are also being raped.

So, with all due respect, the number of illegal arms in the hands of wrong people is high. We even discussed here the other day when there was a Motion on that. There are killings, thuggery, and mugging and even food insecurity. This country is insecure in a way and manner that cannot even be discussed. So, I beg to totally disagree with that statement by the President, coming from the highest office. He is either misinformed or wants to misinform Kenyans and the world.

Mr. Temporary Speaker, Sir, the President also stated that the economy has grown and we have a Gross Domestic Product (GDP) of Kshs53.3 billion. I do not wish to contest that because I am neither an economist nor have I studied that report. So, I want to agree with him that it is at Kshs53.3 billion.

Why are the poverty levels high? In fact, other reports have indicated that the levels that we are dealing with now have never been dealt with since Independence. Why is the cost of living skyrocketing? Why is this economic growth not translating into job opportunities for Kenyans, especially the youth? Somebody will have to explain to me how we can, on one hand, have high economic growth, and on the other one, have high levels of poverty. All these are rising at the same level. My mind which is not of an economist, does not comprehend this kind of a situation. What is being presented to me as a fact is not the reality on the ground. So, I beg not to agree with that.

Mr. Temporary Speaker, Sir, another point of disagreement is on the issue of unity. When he started making that statement, I almost gave him a standing ovation on my own, because we really need to unite. However, as I have said before, actions speak louder than words. You do not have to sing unity. You only have to act unity and everybody will know that we are moving in the right direction towards unity. How can we talk about unity when everything else is talking disunity? We are a community of 42 ethnic groups. Whether we like it or not, right now, we are dealing with an apology of crimes and perceived social ills meted by past regimes and leaders. Right now, we have a golden opportunity to discontinue those kinds of crimes.

Why should we apologize for the past, when we have an opportunity to correct that now, yet we are not correcting it? We apologize for the past, given an opportunity to heal, and then we mete out the same injustice. Whatever explanation we want to come up with will not speak to Kenyans. It cannot be a strange coincidence that everybody who is qualified, has experience and can fit into any job description, happens to come from two communities. That is not really the scenario.

It is also interesting that we have an increased electricity production of 31 per cent and a further production of 31 per cent and a further statement that this is not reflected in the bills. At least, my bill is not reflecting that, and it has remained high. Why is that not reflected here? With decrease in energy cost, we should be attracting more investors instead of them finding destinations in the neighbouring countries like Uganda and Tanzania.

Mr. Temporary Speaker, Sir, lastly, I would like to make a small comment on the issue of corruption. My take is this; all of us in this House and this nation have goodwill towards the eradication of corruption. Nobody wants to see a scenario where corruption is condoned but let us be honest with ourselves. In the last three years, we only managed to deal with 11 corruption cases. Now we have 175 cases to deal with in 60 days. We want to deal with corruption or we want to present a situation where it looks like we are dealing with it yet we are not. In my own opinion, we could have presented ten credible cases that should be investigated and prosecuted thoroughly. These 175 cases are not properly investigated and prosecuted or all found not guilty.

Mr. Temporary Speaker, Sir, in the morning when I was going through the document, I happened to find a big dictionary, I looked up the definition of the word "hypocrisy". It says:-

"The practice of prophesying standards, beliefs, etc, contrary to one's real character or actual behaviour especially the pretence of virtue and piety. A hypocrite is a person who pretends to be what he is not."

The world will judge; either we are pretending to be what we are not or we are hypocrites.

The Temporary Speaker (Sen. Murkomen): Senator, by “we” you mean all of us?

Sen. Keter: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to contribute on this very important Motion. From the outset, I want to thank the President for the wonderful statement that was well articulated. When I listened to all the policies, achievements, the downfalls and the challenges, I knew we are on the right track. I say so because we have come from an era with many challenges. The President elaborated many issues which I think, as a Senate, we have to analyse thoroughly.

In his Speech, the President mentioned the importance of the Ministry of Mining where he said the royalties from the financial year 2012/2013 amounted to Kshs21 million and last year, it rose to Kshs1.2 million. You can see the difference of one year when the Ministry was created---

The Temporary Speaker (Sen. Murkomen): Do you mean Kshs1.2 billion? It is not possible to rise from Kshs21 million to Kshs1.2 million.

Sen. Keter: Thank you for that correction. I mean Kshs1.2 billion. It rose from Kshs21 million to Kshs1.2 billion.

Last week when we were debating the Mining Bill, it is unfortunate that some of our colleagues walked out, I wish they were there but I believe when it comes to the Third Reading, they can make some improvement at the Committee Stage. I say that because most of the countries which have turned around their economies have really realigned themselves on their mineral resources. We have many minerals in this country and if well managed through policies and laws, I believe that sector can fund the economy of this country.

Countries like Australia, Canada, and United States of America (USA) have grown their economies through mineral resources. Therefore, I want to call upon our colleagues from the other side that during the Third Reading, they should make some improvement on the Bill before we adopt it as a House.

Mr. Temporary Speaker, Sir, earlier, the Senate Majority Whip mentioned the energy sector. The President said that so far within the last two years, we have increased our generation capacity from 1500 megawatts to 2100 megawatts. We have been having about 1300 megawatts for a long time through Independent Power Producers (IPPs) who are extremely expensive. This made the cost of energy to be very high.

With the increased capacity of geothermal power, we are going to get the cheapest energy in this country, that is, at about 7 cents. The cost of electricity in countries which have geothermal power like the USA is relatively low. Therefore, with additional power plants which were launched the other day, soon, our electricity bills are going to come down. Even if you analyze now, the cost has come down. It is good to give credit where it is due. We really want to thank the Ministry of Energy for having spearheaded reforms in that sector.

With affordable energy, investors will come to invest in this country. We are on the verge of being edged out by Ethiopia. The generation of electricity in Ethiopia was about 2000 megawatts but now at 2100 megawatts, we are par with them. They are working on the hydro-power which by extension will be connected to Kenya. Investors were moving from Kenya to Ethiopia and Tanzania but with the cost of energy coming down, we will see the trend changing.

The President mentioned that Kenya is an investment destination. There are many investors asking what kind of business they can do in this country. The President mentioned that and we want to congratulate him for being the leader in that sector in terms of reforms. He also mentioned another area that is crucial for the economy of this country, that is, the transport sector. Most of us travel through Terminal 1A and we have seen it matches the standards of other international airports. When you are there, there is no difference with Dubai.

I know sooner or later, with the completion of the terminal, the President in the next few days will commission another terminal. Soon, we will also be as good as, or even better than, the big airports. This will translate to many tourists and people will have a good environment. Since Kenya is a place of connecting many flights, that will go hand in hand with the generation of revenue for this country.

Mr. Temporary Speaker, Sir, in terms of transformation of the port, the President mentioned that sooner or later, he will commission the extension of berths in Mombasa. He talked about berth 20 and 21. Soon we will see the transformation in that sector. You will find many ships queuing and therefore, the cost in terms of productivity is very expensive for exporters and importers. You will find the movement of goods from Mombasa to Malaba all the way to Congo and other destinations taking long. We have also had to pay some demurrage charges for importation of fuel. We have had ships queuing for long even for our own importation of fuel. With the expansion of the port, the time for waiting will be reduced.

Therefore, we will save a lot in terms of demurrage. We will compete with other ports like Singapore. You should see the activities in Singapore and how they have done it. Singapore has a big port yet this is a very small country. You cannot compare Singapore with Kenya. However, there is a lot of transformation because of the port. Singapore can fund its budget through the revenues which it collects.

Mr. Temporary Speaker, Sir, the President also talked about the establishment of a new port in Lamu that will open up the northern part. It will also open up areas where there have been conflicts. Soon, areas in the north eastern region where people have been complaining that they have never seen any development will have roads, pipelines and many other activities. Economic activities of those areas will be changed and people will have something to do. So, we should applaud the President for such a wonderful speech.

Lastly, Mr. Temporary Speaker, Sir, let me talk about the Standard Gauge Railway (SGR). I happen to have driven from Mombasa all the way to Nairobi at the beginning of this year. It is good to talk about what you have seen. You should see what they have done after every 30 kilometres. I know that by the end of this year – the President talked about 30 per cent – more than 60 per cent of the work would have been done. The SGR will increase the transportation of our cargo and also human beings. That will be a wonderful thing and we should applaud the President for that.

Moving to the last point on the annex; the list of over 175 people mentioned, the President stated very clearly and we should thank him and insist that this country must be a corruption free zone. We will support the efforts by the Government and the President to make sure that this country is on the right track for our children. If we continue with either the perceived or real corruption, this country will not go anywhere. We have seen countries like Rwanda being very thorough. Rwanda came out of war and we now talk

about it and compare ourselves with it. So, we need to be serious about the monster of corruption.

Mr. Temporary Speaker, Sir, looking at this list, as much as I support the President 100 per cent, the presumption of being innocent until proven guilty and the rule of law must be followed. I say so because some of us are on record. When the Deputy President was named - his name appeared in the list- some of us said that he was never asked to record a statement. He was never given a fair hearing. I said and I will say again that I hope that the people who are named in this list are not hearing about their cases for the first time. I hope that they are seeing their names having known their problems and recorded statements. I hope that this list was not rushed to the President to believe that some people are working---

Mr. Temporary Speaker, Sir, investigations are on-going and evidence is being analysed. Therefore, we still have a long way to go. I call upon the people in charge; the Ethics and Anti-Corruption Commission (EACC), to note that the President talked of 60 days. Within 60 days, we want to see the report that will come up. The report should come to this House so that we go through it and prove that the accusations and allegations against so-and-so have been proven by the EACC. We should see that a certain person has a problem and he or she is being taken to court or not. We do not want people to be victimised. We want fair hearing for all the individuals concerned.

However, Mr. Temporary Speaker, Sir, despite all these names, the EACC must also put its house in order. If they are pointing fingers at one another, I do not think they have time to go through this list. So, they have to put their house in order as soon as possible. They have to embark on this and we want to see this exercise carried out smoothly so that Kenyans can know that this place is a corruption free zone. We will not support any corrupt person. We want the corrupt to be taken to where they deserve and those who are not corrupt to resume their duties of building and contributing to this nation.

Mr. Temporary Speaker, Sir, I support the Speech by the President and call upon all my colleagues to also support it 100 per cent.

With those few remarks, I thank you.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, listening to the contributions this afternoon and in the morning, I am persuaded that the fight against corruption will not be easy. This is because we all, in unison, gave the President a standing ovation. I am now seeing probating and retreating. I do not know what is going on. That is evidence that the fight against corruption will be won after a real struggle. However, that is not how I wish to proceed.

The President had 108 paragraphs when he addressed us. In a short period of 15 minutes, I cannot manage to respond to each of them as I want to. However, in its entirety, it was a good Speech, bold and forward looking. We hope that the President will match every word with action as Kenyans of good expectation and goodwill expect.

Mr. Temporary Speaker, Sir, I will, therefore, go straight to only three paragraphs which the President spoke to and which I want to comment on. The first one is paragraph 71. The President said that drawing on our history and recognising the dangers of disunity, our Constitution, in Article 10, spells out the value of national unity, inclusivity and cohesion as fundamental to our national character. He went on and told the nation that he condemns our county governments for promoting ethnicity. He fell short of

acknowledging that if anybody is supposed to be blamed for ethnicity, President Uhuru and his Deputy are number one. They should be condemned.

As the President assembled his ideas about ethnicity, a small group of young people also assembled statistics of how the President has hired people in the Jubilee Government. I want to table for the consumption of the President – because we have been challenged many times – a 22-page document prepared by our patriotic youth from the university, who are on the streets tarmacking, showing tribalism within the Jubilee Government; starting with the Office of the President, right up to the other Chief Executive Officers (CEOs). They have not gone to the small jobs.

Just with a bird's eye view, page 1 has got 31 senior positions and there is no interruption apart from one Somali called Khadija Kassachoon who is a Principal Secretary. Page 2, again, is not interrupted apart from a Turkana by the name Ekwee Ethuro, who is the Speaker of this Senate, and so on and so forth.

I wish to table the document as proof and want to be challenged.

(Sen. (Dr.) Khalwale laid the document on the Table)

The Temporary Speaker (Sen. Murkomen): Order! Order, Sen. Khalwale! You are purporting to table a report of appointments by the President and the Deputy President. But in purporting to do so, you say that the Speaker of this House was appointed by the President and the Deputy President. That is completely misleading. You know very well that the President cannot appoint the Speaker of the Senate.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, you did your contribution and should have addressed that. That is the rule of debate. The Speaker, when in the Chair, is not supposed to debate.

(Sen. Murkomen perused the document)

The Temporary Speaker (Sen. Murkomen): Order! Order! Sen. Khalwale, apart from just trying to mislead the House by linking the Speaker of this House to an appointment by another arm of Government, the document that you have tabled is not acceptable in this House. It does not have any letterhead and is not signed by anybody. It is just a collection of names here and there. Nobody knows where it is coming from. So, it is not admissible in the House. I so order.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, the next paragraph that I want to speak to is---

Sen. G. G. Kariuki: On a point of order, Mr. Temporary Speaker, Sir. Is it really in order for a Member of this House to go and pick political documents wherever he can find them and try to make them authentic documents that can be presented in this House?

The Temporary Speaker (Sen. Murkomen): Order, Sen. G.G. Kariuki! I had already made a ruling on that document. That document is not part of the records of this House. The document even indicates that Khadija Kassachoon is a Somali when the truth is that she is a Pokot.

Proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I wish to now quote Paragraph 86, where the President says:-

“I seek your forgiveness and may God give us the grace to draw on the lessons of this history to unite as a people and together embrace our future as one people and one nation.”

We gave him a standing ovation for this. This is not a laughing matter. It is all about the Truth, Justice and Reconciliation Commission (TJRC) Report. We have been waiting for it and there are fears in this country that in its raw form, it is not the same document that has been made public.

The long and short of my contribution on this is that if the President wants us to believe him, then he must know that he is the biological son of the first President of Kenya and the political son of the second President of Kenya. He could have gone further and said that upon apologizing, he is surrendering back to the public the tracts of land owned in the name of the Kenyatta family, not so that Kenyans can share, but that land can be put to public use. As a political and spiritual son of the second President, he should have also ordered President Moi to vacate the Mau where he owns a tea estate complete with a tea factory.

If that happened, we would believe the President. That was not ancestral property, but property that they acquired by virtue of their offices. He should have gone further in his apology so that the children of J.M. Kariuki, Robert Ouko, Tom Mboya, Ronald Ngala, Dr. Odhiambo Mbai and the many others, including the brothers and sisters of Titus “Tito” Adungosi, who was my colleague and student leader at the University of Nairobi, could agree that somebody is saying sorry because they killed.

Mr. Temporary Speaker, Sir, the last paragraph to which I want to contribute is Paragraph 103 where the President says:-

“The war on corruption will not be won unless all arms and levels of Government play their role and uphold the highest levels of integrity and act decisively against any perpetrator of corruption.”

Mr. President, on this one you will not walk alone. You will walk with the patriotic sons of this country, some of whom are in this Senate, including Sen. Orenge who, purely, by happenstance I find his name to be in this list. I want to urge the EACC not to attempt to shield Sen. Orenge at all because he has inspired many young people. Let them investigate him because we are persuaded that he has not stolen anybody’s land. He is only administering his father’s land, which he was jointly to administer with his father’s two wives and two brothers, all of whom died. Did they want Sen. Orenge to release it, so that the politicians of this country could grab it from his family?

I want to agree that no political leaders, parties or communities should shield perpetrators of corruption. It is my humble submission that all concerned must step aside, but not illogically. People must step aside in accordance with the law. As I told my brother and political teacher, Sen. Orenge, I expect that he is going to shame them by leading them. He can never step down as the Senator for Siaya. He can step down as the Chairman of the Committee on Implementation, if they think by virtue of that position, he is making their investigations difficult, let him do it. The same should apply to Members of the National Assembly who are mentioned in this Report.

As far as governors are concerned, they have nowhere to hide. I talked to my daughter this morning, she is a lawyer of the High Court at Wetangula and Company Advocates. Viviane told me that the word “step aside” has no meaning in law. It is just an English word meant to maintain good manners, good behavior, demeanor and so on.

Governors should stop hiding on the issue of their being removed from office; they are not being removed from office. They should step aside to allow our investigative officers to go to City Hall and find out what Governor Kidero has been doing. That is all we are talking about. The Constitution is so protective that their stepping aside will not amount to losing their positions.

I beg Kenyans that we put pressure on these governors, so that the ones who have stolen can be smoked out. For your information, this report shows how inefficient this Ethics and Anti-Corruption Commission (EACC) is because most of the things they have reported here are actually in the reports of the Auditor-General. The same issues that we were begging that these governors come to us, we absolve them, so that they do not have to go to the EACC.

Had the governors come, we would have cleared them in the normal manner. So, for them to say that they are being accused for things they have not been told - who told them that when you are planning to catch a thief, you tell the thief that, I am about to catch you run away. You have to go in a clandestine manner and in all manner of ways to catch these thieves. The governors are thieves, they are stealing from us. We also have to be very careful about ourselves, we are now saying EACC is useless, it might be useless - kindly hold my time, I have got four minutes remaining, sympathize with me.

Sen. Kagwe: On a point of order, Mr. Temporary Speaker, Sir. I sympathize and indeed I acknowledge that the honourable Senator's time should be held but I rise on a point of order. The Senator, whose contribution so far is excellent has said that governors are thieves. I think it is important for us to clarify that not all governors are thieves but there are some governors who might be thieves.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, going through the Report, I now go to major reportings. We are told that Thuita Mwangi, Allan Waweru and Antony Mwaniki are being held responsible for the theft that took place in Tokyo. When we were in this House, I stood against my own brother, Sen. Wetangula, and asked him to step aside and he did. I am glad that he is not here, meaning that he was cleared and he has nothing to do with it.

If Sen. Wetangula stepped down as Minister for Foreign Affairs, what is so difficult for a governor to step aside? The Public Accounts Committee (PAC) established that a man called Prof. Ndungu was not fit to hold public office. I am so surprised that EACC has deliberately left out the greater crime of Prof. Ndugu. He presided over the theft of Kshs 1.8 billion in the tenders of printing of Kenyan currency notes, he has been charged for security but he has not been charged for the theft of Kshs 1.8 billion.

Mr. Temporary Speaker, Sir, going to specifics, hon. Charity Ngilu, with your friend - Sen. Elachi, give us a break. It is because of Hon. Charity Ngilu's theft in this country that PLO Lumumba, former head of EACC, lost his job because he touched Hon. Ngilu and Hon. Mbarire. Now that Mumo, whom she put there to shield her has been actually uncovered by the Chief Executive Officer (CEO), Halakhe Wako, she is screaming that "I am innocent". Innocent what?

The Temporary Speaker (Sen. Murkomen): Order Sen. (Dr.) Khalwale.

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. This is a House of records. Is it in order for my Senator to bring up that issue, while we know very well that Hon. Charity Ngilu was vetted? If there were any issues about the---

(Loud consultation)

Mr. Temporary Speaker, Sir, protect me.

An hon. Senator: It was a circus!

The Temporary Speaker (Sen. Murkomen): Order, Sen. Wetangula.

Sen. Elachi: If it was a circus, the Constitution is very clear, somebody would have petitioned. You cannot leave somebody in office for two years and say that it is a circus. Indeed was it Hon. Charity Ngilu in that Report or who? It is very wrong because as you were cleared about the issue of Tokyo, she was also cleared.

The Temporary Speaker (Sen. Murkomen): Order! Sen. (Dr.) Khalwale, first of all, I thought Sen. Elachi was going to raise an even more fundamental point of order. You enjoined Sen. Elachi on those allegations against--- you said Hon. Charity Ngilu with her friend Sen. Elachi? Did you say that?

(Loud consultations)

You have successfully said that anybody who has been cleared of any wrong doing in the past - I am supposing those are different charges on the Cabinet Secretaries and you have just said that it is a rule of law issue. You are the one who said that people should step aside to find out whether they have committed an offence or not. So you cannot just pass judgement. We will close you there, your time is over. I am giving you ten seconds only.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, so that the Governor of Kakamega does not deceive people in Kakamega that he is sitting pretty, in this Report, No.81 says that Kshs200 million has been stolen in the name of paying farmers in Mumias Sugar. I would like the people of Kakamega to know that we are on top of things and we are not only going to get rid of this corruption but even the other corruption that is going on including the corruption within the "Oparanya Care", I have already reported to the EACC and we are going to make sure that public funds are protected.

Finally, because my brother, Sen. Kagwe is there and his classmate, Eng. Kamau is here; Eng. Kamau is reported to have stolen money on the Kaptama-Kimilili Road; in an English word called "embezzlement". He has to step aside and he has to go and clarify two points; how come his own wife is the one who is doing tenders with the Standard Gauge Railway line? Finally, he should tell us the source of his funds for building a Kshs9 billion five star hotel in Upper Hill. He must tell us and he must answer for it.

I challenge you to withdraw and challenge your kinsman.

Sen. Kagwe: On a point of order, Mr. Temporary Speaker, Sir. With all due respect to my friend, surely, that is completely imputing improper motives to somebody who is not in this House to defend himself and you cannot just talk about somebody's assets and ask them where they came from when you do not know the source. It is wrong to say so and absolutely out of order. Sen. (Dr.) Khalwale should simply apologize for making such a statement.

The Temporary Speaker (Sen. Murkomen): Order, Senators. Because we are constrained of time, I just want to address Sen. (Dr.) Khalwale straight away. Sen. (Dr.) Khalwale, do you have the evidence on what you are alleging about the wife of Eng. Kamau or his assets? Do you have such documents here?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, indeed Eng. Kamau when pressed--

The Temporary Speaker (Sen. Murkomen): Order. I just asked you a very straight question—

Sen. (Dr.) Khalwale: I want to give you the answer, if you have it then you can stop me from saying. I am a Senator in this Republic and I can make a point.

The Temporary Speaker (Sen. Murkomen): Order, Sen. (Dr.) Khalwale!

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, can I make my point?

The Temporary Speaker (Sen. Murkomen): Order, Sen. (Dr.) Khalwale!

Sen. (Dr.) Khalwale: I do not agree with you on that one.

The Temporary Speaker (Sen. Murkomen): Order, Sen. (Dr.) Khalwale! You were doing very well. You must respect the Chair.

Sen. (Dr.) Khalwale: I do!

The Temporary Speaker (Sen. Murkomen): This is the second time you have done the same.

(Sen. (Dr.) Khalwale spoke off record)

Order, Senators! Order! Sen. (Dr.) Khalwale, I am addressing you; you must respect the Chair. However much you have your own issues with whichever person, there must be some order in the House. I have asked you a very straight forward question; do you have evidence to table for what you have alleged?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, do not confuse respect with submission to being intimidated. You have posed a question, I have commenced answering it and you are interrupting me. How is that a measure of respect?

The Temporary Speaker (Sen. Murkomen): Order, Sen. (Dr.) Khalwale! Are you arguing with the Chair?

Sen. (Dr.) Khalwale: So---

The Temporary Speaker (Sen. Murkomen): Are you arguing with the Chair?

Sen. (Dr.) Khalwale: Of course, you know the meaning of the word “argument.” I am not arguing with you; I am advancing my understanding of the communication between you and I.

The Temporary Speaker (Sen. Murkomen): Proceed with the answer.

Sen. (Dr.) Khalwale: So, Mr. Temporary Speaker, Sir, the answer is that Eng. Kamau, pressed by the National Assembly Transport, Public Works and Housing Committee on this matter, admitted that his wife is doing business with the SGR project. What more facts do you want?

(Several hon. Senators stood up in their places)

The Temporary Speaker (Sen. Murkomen): Order, Senators! Let us go one by one.

Proceed, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, as a matter of procedure, the distinguished Senator for Kakamega had finished his speech and you had, in fact, told him to sit down. Once he did so, it is contrary to the Standing

Orders for the distinguished Senator for Nyeri to stand up on a point of order against a Member who has finished speaking and has actually sat down.

Secondly, Mr. Temporary Speaker, Sir, once a Member has terminated his or her speech and gone to sit down, I have not seen any situation where he is called back to clarify on any issue. This is a question of procedure and the Clerks-at-the-Table should help the Chairs.

The Temporary Speaker (Sen. Murkomen): Proceed, Sen. Kagwe. Let us keep it brief because these are points of orders.

Sen. Kagwe: On a point of order, Mr. Temporary Speaker, Sir. At the point where I rose on a point of order, the time that you had given Sen. (Dr.) Khalwale had not expired and he was still on the Floor, contributing. I am quite aware of that Standing Order. I find it very unfair for an hon. Senator to accuse not only the CS Eng. Kamau, but even to bring issues about his wife on the Floor of this House without any documentation or anything to lay on the Table and arbitrarily make statements out of the blues. I think it is wrong; the dignity of this House is now threatened.

The Temporary Speaker (Sen. Murkomen): I have heard you.
Proceed, Sen. Elachi.

Sen. Elachi: Indeed, Mr. Temporary Speaker, Sir, it would be unfortunate for me if this is how we will be doing things; that, indeed, we will drag in even the names of wives of senior people or anybody in this country. If that is the route, then we will even bring here names of children who have been left by these men here!

The Temporary Speaker (Sen. Murkomen): Order!
Proceed, Sen. Keter.

Sen. Keter: Thank you, Mr. Temporary Speaker, Sir. With due respect to my brother, the Senator for Kakamega, Sen. (Dr.) Khalwale, who made a very good presentation, is he in order to say that the CS, Eng. Kamau, is a thief? I thought that all these people are innocent until proven guilty. So, for one to come here and say that “so-and-so has acquired this and that;” these people are under investigation. Why do we not leave it to the investigators to come up with their report?

The Temporary Speaker (Sen. Murkomen): Order, Senators! Order! Order! We are debating and noting the Presidential Speech and we are doing very well. It is my responsibility to keep this House in order and, therefore, I had already ruled all that Sen. (Dr.) Khalwale had accused people who cannot defend themselves here out of order and that suffices. He is totally out of order.

Let us proceed.

(Several hon. Senators stood up in their places)

I will give a chance to Sen. Orengo on something else, not related to what I have ruled. Sen. Orengo is talking about procedure. But before Sen. Orengo speaks, I had already made a determination, which I did not communicate and I am sorry about that. I had ruled that Sen. (Dr.) Khalwale still had the Floor in the additional time I gave him when the point of order was requested. Therefore, the issue raised by the Senate Minority Leader does not arise.

Proceed, Sen. Orengo.

Sen. Orengo: Mr. Temporary Speaker, Sir, quite apart from what we are engaged in at the moment, I just wanted to draw your attention to Standing Order No.94, because sometimes the way we handle this issue is not in the manner in which it is set out in the Standing Orders. It says:-

“A Senator shall be responsible for the accuracy of any facts which the Senator alleges to be true and may be required to substantiate any such facts instantly.” So, a Senator must be confronted instantly with what specific allegations he has made.

Mr. Temporary Speaker, Sir, under paragraph (2), the Senator is then given sufficient time to convince the Speaker and I think this is important because sometimes substantiation requires a little persuasion. If he is not able to persuade the Speaker, then the Speaker can order that he substantiates tomorrow. This is so that we do not get into this kind of a scenario where we are throwing words back and forward and we handle it in such a way that even the Member who is making the allegation does not feel intimidated or as if he is being denied the microphone.

Otherwise, I do not want this to be understood as a challenge to your ruling; I am just saying that for the purposes of the future, we should--- Like now, there is a problem here about what exactly he said; is it the word “thief” that we are having a problem with or is it the issue of the wife? So, we should be specific and this substantiation should be demanded instantly.

Finally, Mr. Temporary Speaker, Sir, in the laws under Chapter Six of the Constitution, the properties belonging to spouses these days also attract scrutiny. So, you cannot differentiate your property with that of your spouse. I was just wondering; Sen. Elachi, belonging to this group of feminists who are very progressive, is painting a picture that the husband and wife are different entities. In fact, under the new land laws, your spouse cannot sell matrimonial property without your permission. So, you are so intertwined like it was stated in the Holy Bible, which you quoted earlier.

The Temporary Speaker (Sen. Murkomen): Order! Sen. Orengo, yes, the Speaker was aware of Standing Order No.94, but it was not found necessary that the Senator should substantiate later. But also in your submission, whereas I agree that the spouse is supposed to co-own property, transfer of property requires consent of the spouse. But when it comes to criminal law, everyone carries their own cross. You cannot lump together accusations of a spouse with the other spouse. So, you are right to the extent of ownership. But the question which was being debated here is that accusations can lead to commission of a crime; a felony, even for that matter. Therefore, that issue should be about individual responsibility.

Sen. Wetangula, do you want to raise an issue of procedure?

The Senate Minority Leader (Sen. Wetangula): Yes, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Murkomen): Proceed.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, allow me to express my concerns. I know you read well and you must have read one of the books of Lord Denning, where after a case was determined, the losing counsel appealed against the decision. The winning counsel cross-appealed and his grounds were that even if he had won, the judge interfered with the proceedings so much to the extent that he was unable to competently prosecute his client’s case.

I am saying this with the greatest respect and humility to the Chair. We are witnessing a process and a situation in the House where not just yourself, but your colleagues as well, the Chairs are becoming active participants in debate and this erodes their impartiality as arbiters in debate.

I used to see former Speakers, hon. Marende or hon. Kaparo; when there was a point of order, they would just say "I see a point of order there." If it is challenging the Member on the Floor, you are then challenged to substantiate or withdraw. But when the Chair becomes involved in debate and altercates with Members who are on the Floor, it undermines the authority of the Chair because Members are then constrained to throw back words, from time to time, because these are all leaders in their own right.

When they feel caged, they have to fight back because the country is watching. I want to encourage that the Chair, whether it is you, the Speaker or his Deputy--- you remember that this morning, I had a spat with the Deputy Speaker because I felt that he was debating and not presiding over the proceedings of the House. We do not want to extend these kinds of undignified altercations with the Chair. That is my point of procedure.

The Temporary Speaker (Sen. Murkomen): Sen. Wetangula, you have said that is a point of procedure. The same struggles you say you had with the Chair is actually the same struggles that the Chairs have with you and a number of Members in the House. When people are not willing to follow the rules, they shout at each other, disrespect others, they do not listen to the Chair and even before the Chair makes a ruling, they are shouting. We have a responsibility to keep a level of sanity in the House so that we can progress. Sen. (Dr.) Khalwale was doing very well, except name dropping here and there. I reminded him as much despite the fact that he was completely unable to control his temper at some point over something that I did not understand, maybe corruption. Corruption is very serious and it can drive some people a little bit emotional, but it is not that serious in terms of anybody wanting to gag anyone.

Proceed, Sen. G.G Kariuki.

Sen. G.G Kariuki: Thank you, Mr. Temporary Speaker, Sir. I listened to the debate from the time we started in the morning up to now but I think anybody out there following what we are saying will probably find almost the whole House confused. We are saying this while others are saying that, which is all not relevant to the document which we came to approve or to reject.

[The Temporary Speaker (Sen. Murkomen) left the Chair]

[The Temporary Speaker (Sen. Ongoro) took the Chair]

In the situation we are in Kenya, our national interest is to secure this country from foreign invasion, poverty and all other evils that might interrupt the development of this nation. We have been talking about people being mentioned in this report as corrupt. I cannot understand why Members of this august House are forgetting that what the President did was very simple. The whole country has been talking against the Government because it appeared as if it was not ready to fight corruption. That is the assumption that many people have.

But the time has come when the President of this country has to call a spade a spade. We are not angels, the President is not an angel either. It is a war that we have to fight in this country. I do not think that there is anyone of us who thinks that we do not have a war in front of us. It is a very serious war and you can see it. Instead of us coming here to agree on how to tackle it---

(Loud consultations)

The Temporary Speaker (Sen. Ongoro): Order, Senators! Sen. Murkomen and other honorable Senators, allow us to listen to Sen. G.G. Kariuki.

Proceed, Sen. G.G. Kariuki.

Sen. G.G. Kariuki: Madam Temporary Speaker, the honorable Members who have already spoken should not be allowed to hold another meeting inside the Chamber. It is not a good example.

(Laughter)

While the war is such that we have to fight by whatever means, in any war, there must be casualties and stray bullets at the same time. When you say here that “so-and-so was mentioned and he should not have been mentioned,” we are doing other people’s job. We were not consulted on whose name should be on the report. We did not even ask for this list; it just came and happened to put the names of about 124 people in front of us. The President wanted to tell the nation that there is a war and he submitted to us what the Ethics and Anti-Corruption Commission (EACC) has been doing. We have been saying that the big fish are not being bothered while only the small people are being fought.

Sen. Muthama: Point of information!

The Temporary Speaker (Sen. Ongoro): Sen. G.G. Kariuki, do you wish to be informed by the Senate Minority Chief Whip? He is on a point of information.

Sen. G.G. Kariuki: I beg your pardon?

The Temporary Speaker (Sen. Ongoro): Do you wish to be informed by Sen. Muthama?

Sen. G.G. Kariuki: No, let me continue.

(Laughter)

The Temporary Speaker (Sen. Ongoro): The Senator does not wish to be informed by Sen. Muthama.

Proceed, Sen. G.G. Kariuki.

Sen. G.G. Kariuki: I am not sure that he is more informed than me on matters of this country.

It is the war that the President just came in and said “you in this Parliament have been saying that the Government is not fighting corruption. Now, here you are; this is the list, deal with it and it is your responsibility.” He did not ask us to pass it or to accept it; he just brought it for our information, that these things are happening and those who are mentioned, if they are public officers, are required to step aside. Stepping aside is a

traditional norm; it is not just something which came yesterday. Many ladies and gentlemen here have stepped aside in the past and they are back with us. Even those ones, who knows whether their names will be cleared and they are all going to come back.

That is a big question that we need to ask ourselves. What is our role? Is it to investigate or is it just to receive reports? After receiving the reports, then what? Since morning, we have been doing a job that is not ours; to say “so-and-so ought not to have been mentioned. Who is this person that you want mentioned.” When a stray bullet hits somebody who is so innocent, what happens? Those are stray bullets during the war and some people must suffer while some may not suffer. Most people become rich and wealthy during a war like this one.

Therefore, madam Temporary Speaker, even the statements that we heard here with some honorable Members standing to defend themselves is quite normal. We have to stand and defend ourselves. However, we should defend ourselves in the right way. This will not stop you from being mentioned in issues that concern you. Therefore, we have to weigh what we are doing. We should address the public and let them understand that we know what is happening and we know what we are here for.

Madam Temporary Speaker, I am aware that all Senators agree with me. Our duty was to talk about the entire Speech and to appreciate it or discard it. We were told to give more information regarding corruption that is going on in this country. In fact, I heard the President tell us this is our document. It is ours. Let us decide whether there is a better way of dealing with corruption. I can assure you, ladies and gentlemen, that there is no better way of fighting corruption. You need to fight the war and either win or lose it. However, if you take it to be procedural issues like a church ceremony, then we will not solve any problem. This is a serious problem.

If you look at issues concerning our country starting with security, National Assembly and the Senate, you will see that every section of our institution is involved in this game. We are being accused of being corrupt. How do we reassure our people that the corruption we are talking about is being tackled and that a way has been found? This way was not just found. My friend, Sen. Orenge, is not being accused for nothing. I would be the first one to protect anyone who is accused falsely. However, who am I to say that you are accused for nothing unless you are taken to court? This was the best way of presenting to Kenyans what the Ethics and Anti-Corruption Commission (EACC) has been doing.

Those who have already been taken to court, their names do not appear here. Once you appear in court, you are no longer a problem.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Madam Temporary Speaker, Sir. I do not want to unduly interrupt the distinguished Senator. However, is he in order to say that those who have been taken to court do not appear in this list when, in fact, the early pages of the Report indicate those cases which are already in court including Sen. Muthama’s Malili case? It is here and he has been taken to court.

Sen. G.G. Kariuki: Madam Temporary Speaker, I take that as a point of information which I am glad to receive.

The Temporary Speaker (Sen. Ongoro): It is a point of order because he said that you were misinforming the House.

Sen. G.G. Kariuki: Madam Temporary Speaker, it sounded like information but I take it.

Whether the cases are in court or not, what did we want to know as Kenyans? Are we fighting corruption or not? How else can we fight it unless we have such a situation? I have listened since morning to Senators as they contribute to this Motion and no one has told us exactly how the President should have behaved so that we do something. It is easy to talk about something. However, if you were given that responsibility, you would find it very difficult to deal with it. Therefore, I support the President, 100 per cent.

I talked, very passionately, a day before the President issued this statement about corruption in this country. Everything is going down. In fact, this country is being taken over by corrupt men and women. Therefore, unless we come out and accept to lose our positions, we will not succeed. There is a time when my friend, Sen. Wetangula, will want to become the President and at that time, he can speak. It is not the time to start talking about so-and-so and saying that it was not fair to mention the people in the list.

This is the time we will know whether we have been running a Government by thieves or one which has been created by thieves. Let us believe that this is not the time for making rhetorical statements. It is not the time to speak to the public galleries. It is a very serious time. In fact, I have not seen a situation like the one we have today where we have to go directly to what should be done.

There are those who have been suspected. However, none of us can claim that we know whether they are thieves or not. In fact, it is wrong for anybody to suggest that because one is in this list, that means they are thieves. That cannot be and is not the intention of the Report. This Report merely tells the country that we have identified some people whom we assume have either stolen or abused their offices. That is why we have their names in a Report. The National Assembly should find out whether the allegations are true or false.

I must admit that our biggest problem in this country is the so-called political class. These are the people who have messed up this country. For example, who vetted the Commission? Were the members not vetted by the National Assembly? Is it not our responsibility to do the vetting? We are now talking as if the commissioners came from the moon and we are not ready for the Report.

Sen. Hassan: Thank you, Madam Temporary Speaker, for this opportunity which comes at an extremely exciting time. This issue is on the social media as an opposition candidate wins the presidency in Nigeria. Preliminary results show that 33 states out of 36 put Muhammadu Buhari with a 14 million votes lead ahead of Jonathan Goodluck who has 11 million votes. The two issues that were used in campaigns are security and corruption. Those are the same issues that the Jubilee Government, since coming into power, has been grappling with. Like in the case of Buhari or Jonathan, time is running out. The Jubilee Government is at midstream of its term in office.

First and foremost, I want to congratulate the President for fulfilling his constitutional duty and presenting before Parliament the State of the Nation Address. I do not fault him for a minute. He is probably one of the best orators of the four Presidents we have had. His delivery is always stimulating. However, I have seen many deliveries of his type which have not been backed by action. Like all other Members in the political opposition, we are skeptical that he is capable of action.

As Sen. Wetangula and Sen. Orengo said, the President should deal with the corruption in his very inner circle. The Jubilee Government has continued to hit headlines

since it came into power. For the past three days, the Jubilee administration has been in the headlines purportedly fighting corruption.

The Report is purportedly purging corruption that they had forgotten to purge for the last two years. If the Jubilee Coalition Government had shown signs that they were willing to purge corruption from day one that they came into office, they would not have had five CSs step down. It is the most embarrassing moment for any government to have five of your CSs and PSs step down on account of people who have been in office for hardly two years.

Therefore, I do not know why anybody is celebrating. For me, this Report would be a winning formula if this was an election year. If you want to know how selective justice is, look at this Report on page 20 and the annexure and how it attempts to cover up where it talks about the IIEC. Everywhere else in the Report, they mention names but when it comes to allegations that have been substantively proven in other jurisdictions which only require prosecution, they say that allegations of those officials of the defunct IIEC were bribed to offer contracts to Smith and Ouzman, a UK based firm. The bribes are alleged to have been given by the firm through a local agent by the names Trevy James and Oyombra.

They do not have names on the names column and yet they know who these people who are alleged to have taken bribes are. They could have simply listed them like every other allegation. It is Isaac Hassan, James Oswago, Davis Chirchir and Shollei. This Report is a deliberate scam. This is testimony to the fact that this purge was simply a public relations gimmick.

I was in a commission and the commission must set certain benchmarks or a threshold upon which they can reasonably say that they have reason to believe that Senator or governor so-and-so is corrupt. This was part of a public relations gimmick that was intended to carry headlines for a few days. If anything, we have been bold in corruption and we know that the intensity of this work and allocate 60 days for its completion upon which all these persons will be trooping back to office without any validation of any of these claims or allegations against them.

I feel greatly pained that a President, without the diligence required in his office, will tend to act in a manner as to simply gain cheap political capital at the expense of dealing with the endemic vice in this country that has cost billions of shillings of taxpayers' money.

I also hold the view that has been held by the Coalition for Reforms and Democracy (CORD), that there are architects of corruption who are well known. In judicial language, we say "judicial notice" who do not appear in this list. Therefore, as the Jubilee Administration wants to credit itself as a good start; I say it was never a start at all because I trust, to save credibility, they would bundle a few people to court in the next couple of months or weeks. That would be showing that there is really action that has taken place.

In fact, the allegations against the National Police Service Chair, where they said that he simply failed to account for money, in other words, to submit an imprest. If you fail to submit an imprest, they simply take it from your salary. What kind of corruption allegations is the President tabling before Parliament?

The Senate Leader of Minority (Sen. Wetangula): On a point of order, Madam Temporary Speaker. Sen. Hassan is a victim of the discredited draconian security laws

that were brought to the National Assembly on 18th December and the clause that touches on him was declared by the court to be unconstitutional.

Sen. Hassan: Thank you, Sen. Wetangula.

Madam Temporary Speaker, let me now touch on a very broad point because I think everything else has been talked about. There is this issue of stepping aside. One of the institutions in Kenya that lack credibility is the EACC. The EACC itself is bogged down by internal wrangling and allegations and counter-allegations among its own membership including the staff and the commissioners.

When people adopt a practice of stepping aside in other jurisdictions like the United Kingdom, people trust the institutions. You cannot expect me to have some frivolous accusations before the EACC and expect me to step aside. The credibility of an institution is as important so that when an institution like the EACC makes a credible allegation against you, then the weight of public opinion acts against you.

We have frivolous, manipulated public institutions that are acting under the direct control and authority of other persons. Those who say that Article 254 agrees that EACC can submit a report to the President are right, but not a confidential report---. That report must undergo certain qualification of processing within the Commission. A Commission decision must be taken. There must be minutes to prove that that report was approved by all commissioners. Every time we produced a report as the commission, every commissioner appended their signature. This shows the mediocrity that the EACC is today.

Madam Temporary Speaker, I will also touch on one or two other salient issues. I heard the President talk about social justice. The battle in Kenya today as we turn around a new leaf is about inequality. I would like to inform Sen. Keter that this is one of the most unequal societies in the world and yet there is nothing we are doing about it. Brazil is currently doing something about it; in the last 15 years, Brazil has progressively moved to close the gap between the rich and the poor. Two weeks ago, Frank Knight released a report which stated that Kenya has now 8,500 dollar millionaires and in the next nine years, this would have doubled to about 15,000 dollar millionaires. We are one of the most unequal societies and we do nothing about it.

The President referred to monies that they are giving to youth groups. He said that they are supporting about 3,000 youth groups. He refers to that as social justice. If that is what social justice is, then social justice has lost its traditional meaning. Social justice is an extremely controversial phenomenon in the human rights discourse. Social justice is to ensure that those who are worse off become better off before those who are better off become well off. That is the social justice phenomenon.

In other words, if you built a superhighway to Thika, you must build a superhighway in Lamu. Social justice is not when he talks about giving youth groups some seed grants. Who is advising these people? Do you have human rights actors in your team who will tell you what social justice is all about so that you can take such an important paradigm that has been referred to variously in our Constitution and just undermine it? You say that you are giving the youth support and that is social justice. When you go to Kibera and do a few things here and there, you call that social justice. A social justice programme must be deliberate, empirical and scientific. We must know why we are going to Kibera and Mandera. It must take poverty levels and indices. It should not be done for political public relations to demonstrate that Raila has done

nothing in Kibera since he was a Member of Parliament. Raila has even built roads in some of your counties.

Madam Temporary Speaker, finally, the issue about apology---

Sen. Muthama: On a point of information, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): Do you wish to be informed by Sen. Muthama?

Sen. Hassan: Madam Temporary Speaker, yes, I do. However, I wish to talk about the issue of apology. I put it as my last because it is the heaviest of all the points.

Sen. Muthama: Madam Temporary Speaker, I would like to inform Sen. Hassan that development was done by the Rt. Hon. Raila Odinga in Kibera when one of his Assistant Ministers was none other than Sen. Keter.

Sen. Hassan: Madam Temporary Speaker, it is possible that, that Assistant Minister was not going to the Ministry, just as he does not come to the Senate. So, he has no idea what was happening.

(Laughter)

That said and done, he must be attentive when he is here in the Senate. Be here spiritually and not just physically.

On the issue of apology, I am one of those who think that I have to accept apology on behalf of generations, just as he offered that apology on behalf of presidents before him. The people that were wronged are our elders. Our past generations were wronged. Those Presidents grabbed land in the coast region and appropriated themselves resources from the coast region and other regions of this country. Although I am supposed to accept that apology, I must make life better off for those who come after us. That apology must be backed by real action. That Kshs10billion is far from adequate. In fact, we do not even need to create a fund in the Treasury. We need to ask those who have ill-gotten wealth to return it to the State. That refund will be enough to compensate us.

(Applause)

Why are you telling us to create a fund of Kshs10billion, when we know that you have properties spread across this country and the *Forbes Magazine* put some of you as the wealthiest people in this region?

(Senators consulted loudly)

The Temporary Speaker (Sen. Ongoro): Order, Senators! You must address the Chair and stop talking to each other.

Sen. Hassan: Madam Temporary Speaker, some people have mind-boggling wealth and if you try to pursue the structure of that wealth, it was acquired in the most illegal of manners. Today, they are able to win advantage over the peasant populations, basically because they have sustained a policy of preservation. We need to open an audit. That is what the Truth Justice and Reconciliation Commission (TJRC) report says. If there is a place in the TJRC Report that was doctored, it is the chapter on lands. It was further doctored by the National Assembly.

So, the TJRC Report is a watered down version. Three commissioners abstained to vote on that report, principally because the chapter on lands was doctored. One has since passed on, but before the rest leave us, we must document from them why they rejected the chapter on land. Allegedly, it was because rulers - past and present - were mentioned in that chapter on land. So, if it was about marginalization, you do not just apologize and cuddle. We are not that petty. It must be backed with justice. So, you retribute not only those who were victimized, but also restore those you have taken from. If we are to accept that apology, let us hope that he can deliberately move not to issue titles to peasants, so that he can win cheap political capital. The titles that we are looking for are those that are in their wardrobes and safes.

Madam Temporary Speaker, unless we get a Government of courage not just rhetoric--- The Jubilee Administration is incapable of healing this nation and implementing the TJRC Report. To heal this nation, it requires a Government of guts. You do not have those guts, Sen. Keter.

Thank you, Madam Temporary Speaker, for the opportunity.

Sen. (Prof.) Lesan: Madam Temporary Speaker, thank you for giving me the opportunity to contribute on the President's Speech. As a young boy in 1965, a report was issued in the National Assembly known as the Gachathi Report. This is the report---

(Loud consultations)

The Temporary Speaker (Sen. Ongoro): Order, Senators! Let us listen to Sen. (Prof.) Lesan.

This is a report in which, for the first time, the first civil servants realized that by trading with the Government, they could make a lot of money. Out of that report of 1965, Acts of Parliament were passed where civil servants engaged in business. Fifty years down the line, we are drowning in corruption that has emanated from the simple Act passed in 1965 and implemented throughout the country.

I am a bit concerned because 50 years later, we made the same mistake when we established devolved governments without looking at the laws that will guide the assets in the devolved units. We are now facing the same problems with county governments where we are losing a lot of resources through corruption. Let me just go back to the President's Speech.

I would like to address the health sector. Last week, we were in the Ministers' Health Conference in Kampala and statistics displayed were shocking. Out of the East African countries including Rwanda and Burundi, Kenya lagged behind in statistics especially in maternal health. There are 360 deaths out of every 100,000 births. This is the highest figure in all the countries in East Africa. Counties like Rwanda are down to 100 or 125 deaths per every 100,000. This is causing a lot of concern as to how we take care of our public. I say so because the act of corruption has contributed to these figures even with the high investment in the health sector.

I will take this opportunity to congratulate Her Excellency the First Lady, Margaret Kenyatta, for her "Beyond Zero Campaign" which has contributed to reducing these figures from 400 deaths to 360 per every 100,000 births. I hope that the process is going to go on to support mothers and not be infiltrated by corruption.

Madam Temporary Speaker, I also think that we should look at the policy regarding matters of health so that we can put further emphasis on primary health care and education. We are spending a lot of money on health due to lack of knowledge in our population. This can only be done if we go back to primary health care and put some weight on it. Some of the biggest challenges we have now on health are things to do with lifestyle, climate change, toxic environment and so on. We need to be serious in addressing these challenges because they are soon going to pose serious challenges.

Therefore, we must be very factual and look for information about Genetically Modified Organisms (GMOs). We know the controversies surrounding these GMOs. We know that this is one of the areas that we will be concerned about in terms of health more particularly because nowadays, there is an increasing amount of cancer cases in our country. All other unverified information suggests that cancer might be coming from the Genetically Modified Organisms (GMOs). Factual information must be presented so that we deal with that very easily.

Madam Temporary Speaker, in the areas of cash transfers, I am aware that the Government is currently transferring some cash to the vulnerable groups; the elderly, people living with disabilities and other groups. However, there are challenges. There are signs of corruption coming in to deny vulnerable groups their rightful and constitutional share which we have given them. We need to have very stringent Acts of Parliament to guide and identify the vulnerable groups in our society and document them so that we know who they actually are, where they are and what sort of need they have. As it stands at the moment, this is an area that is challenging. This is because, even as we speak now, we lose a lot of money meant for the vulnerable groups in our society.

Madam Temporary Speaker, we have our foreign missions abroad. For a very long time and up to today, the foreign missions have served as residences for Kenyans who represent us abroad. I would expect that as a nation that is preparing itself to play a role in the international arena, we should use our embassies to play a much more significant role. These should be centres of consultation and centres where we discuss ideas with our foreign partners. They should be in permanent areas. In fact, as it stands at the moment, our embassies are in rented premises. I see no reason why our embassies should not be properties of this country abroad because we would want them to deal with permanent issues.

Madam Temporary Speaker, in this country, we have products like tea which does not go anywhere yet we have embassies abroad which do nothing else other than to receive visitors. The embassies have no trade missions within them that deal with commodities like tea and coffee and which can get an appropriate trade environment that is commensurate to give us the true prices for commodities in this country. Our embassies should play a much more significant role than they are playing at the moment in order to secure our position as a developing economy that is prospering robustly as the President said.

Madam Temporary Speaker, matters of national security are very significant. It will be much more significant as we continue to prosper because we will need to protect our people and our properties. Therefore, national security is of concern. In the last few years, this and previous governments have faced the security issue by simply recruiting more individuals, buying more Land Rovers and running around with trucks. Technology is here and our country must be secured using the best knowledge that is available. I

understand that there is a suggestion to build a wall along the Kenya-Somalia border. However, I am sure we can build better walls.

Today, there exists unmanned crafts; they are called drones. They are cheaper and can patrol our borders. They can form a better wall. We can invest in them cheaply rather than having to have the hardware that will be around with us for a long time and yet we will not be secure. There are a lot of things in terms of technology. These are the kinds of things that we would want our security agents to get involved in to bring in new knowledge to safeguard our borders and our security.

Madam Temporary Speaker, paragraph 95 of the President's Speech worries me a lot. The President says explicitly, in this paragraph, that he has no confidence in the Ethics and Anti-Corruption Commission (EACC).

It reads in part:-

“The Ethics and Anti-Corruption Commission is now embroiled in infighting and finger-pointing, a state of affairs likely to cripple the investigative capacity of the institution with the likely outcome of subverting the course of justice.”

I am afraid that in this statement, the President did not go further to say what else we can do if this is the Ethics and Anti-Corruption Commission (EACC) that we are giving 60 days and we have no confidence in it. What else can we do to squarely face this enormous challenge of corruption in this country? I am not confident enough that the current EACC, as constituted, will do for us any fair game in the next 60 days. I am sure that this is going to be one of the easiest escape routes for the mentioned individuals, whose cases are going to be investigated. Unless we do something about the EACC in this country, then we might not achieve as much as we would wish in terms of tackling corruption.

Madam Temporary Speaker, the Auditor General is one of those to be investigated for financial impropriety. For investigations that deal with finance to be done, you will need to do an audit. If the Auditor General is one of those to be investigated, I am just wondering whether we should not really be looking at another body that would probably consider difficult cases like that involving the Auditor General. It is probably going to be useless to try and get the Auditor General to audit himself. Secondly, it is stated in this report that it is the Auditor General who is being investigated. But it does not state exactly which Auditor General is being referred to. Is it the one who served in 2010 or 2011? I think it is an individual who commits crimes and not the office itself. So, this must be specified so that we can deal with the issue squarely.

Madam Temporary Speaker, I want to talk about devolution. We have devolved governments and this is the best thing that ever happened to this country. But, unfortunately, at the moment, it is the most fertile ground in this country for corruption. We allocated Kshs216 billion to the county governments and we thank God for some of those counties which have done something. But I can say without any fear of contradiction that all the monies that we have put in some counties – like the one that I come from – has not done anything to help the public to achieve the very aspirations that they had in terms of devolution.

Perhaps, this is because there is a lacuna in the law. We must look at the law again with regard to how an elected individual, playing a very significant executive role can hold a large amount of public money and yet, they are only accountable to the

county assemblies, which have in most cases been manipulated by the governors. We have lost the goodwill of a very good system of government and have not served the public as we should have.

Madam Temporary Speaker, there are issues that we should be able to address. The President's Speech has touched on some of them, but the challenge is upon us to deal with them. The officers who have been mentioned are innocent until proven guilty. They should not only look at this issue from a legal point of view, but also from a moral perspective. This is because it is the moral responsibility of those who lead to derive their right to lead other people by being morally upright and be trusted. So, I expect the governors to be morally obliged to step aside, so that we can look at the figures and declare them morally ready to rule the people and develop the devolved governments which we have put in place.

Madam Temporary Speaker, I wish to note the President's Speech.

Sen. Mohamud: Madam Temporary Speaker, thank you for giving me this chance to note the President's Speech. From the outset, I would like to applaud the President for the good speech. It was quite encouraging and I cannot exhaust the 108 points that he mentioned because time is not on our side.

I would like to mention some few points like the electricity connection to all the public primary schools, the free primary education, the free examination fees, the maternal mortality health that the Government has promised; I think the Government deserve a clap. When the President was addressing us, he stated that our nation is secure, I do not concur with that because as we are aware, we have threats through terrorism. I am sure we are aware of what happened in Mandera County, when the Governor's convoy was attacked. When the Government is saying the border should be closed, I would like to encourage that it should be opened, so that we can get some revenue because there are many contrabands goods that come through the Somalia border and the Government is losing on revenue.

On the other hand, I would like to applaud the President for apologizing for the wrong doings of the past Governments and also for his Government. I would like him to be specific on this issue. He should state what he is apologizing for. I know there are so many things that happened; one of them is the Wagalla Massacre, which happened in my county. I am also one of the victims because some of my close family members lost their lives. We would like the President to come out clearly and give us the criteria on the issue that he mentioned about the composition of the Kshs20 billion. I know there are many citizens who have suffered in this country.

On the allegations that have been mentioned, I know that there are some discrimination because if I take the example of Garissa County, the allegation on the Governor states that he hired an ambulance or an helicopter. I am sure that is what is happening in other counties, mentioning him alone might be somehow discriminatory. I would like to state my concern, for example, on page 34, when we are talking about an accused person or a person who is mentioned, the allegation should match what has been said as has been stated by Sen. Kagwe, because a person is being mentioned and the allegation is directly targeting another person. I think in that point, there must be hidden things that we are not seeing.

With those few remarks, I will say that the Ethics and Anti-Corruption Commission (EACC) should come straight and facilitate all these things. The two months

ultimatum is impossible because we know what is happening in the country. I think two months may not be adequate and citizens should think very well and fight this issue of corruption. I would like to state to the nation that when you are mentioned in this list, it is not obvious that you have committed a crime because the law states that you are innocent until proven guilty.

With those few remarks, I would like to note the Speech of the President.

Sen. Bule: Madam Spika wa Muda, nakushukuru kwa kunipa fursa hii. Ningependa kutoa pongezi kwa Rais wetu wa Kenya kwa kutambua kwamba Wakenya wamedhulumika. Pia, nampongeza Rais wetu kwa kutambua kwamba mambo mengi yamefanyika katika nchi yetu na Wakenya wametatizika na kuumia kwa mikono ya viongozi na wakora waliopora rasilimali zetu.

(Applause)

Madam Spika wa Muda, sisi kama viongozi, ni lazima tuige mfano uliotolewa na Rais wetu, Uhuru Kenyatta. Hatua hii ya Rais ni ya kulisimua na kupendeza; yafaa kuigwa na watu wote. Sisi, kama viongozi, ni lazima tuzungumze ukweli na tufuate mwenendo mzuri kama huu.

Madam Spika wa Muda, kuambatana na habari iliyotolewa hapa na Rais kuhusu ripoti ya Tume ya Kupambana na Ufisadi (*Ethics and Anti-Corruption Commission*) iliyowasilishwa hapa, inasema kwamba ripoti hiyo sio ya ukweli; inasema kwamba ripoti hii imetayarishwa kwa njia ya mapendeleo. Tuko na uhakika kwamba kuna ufisadi unaofanyika katika kila pembe ya Kenya hii. Ufisadi sio wa watu fulani peke yao; ufisadi umemea mizizi mpaka huko vijijini.

(Applause)

Madam Spika wa Muda, kuna baadhi ya watu waliotajwa hapa kwa tuhuma za ufisadi lakini hatuoni ni ufisadi gani uliotajwa dhidi yao. Kwa mfano, katika Kaunti yangu ya Tana River, kumetajwa watu kadhaa hapa kama Ismail Jillo, Salim M. Dame, Hassan Bare Kuno na Swaleh Salad Abashora. Mmoja wao ni *County Executive Committee (CEC) Member, Finance*; mwingine ni *CEC, Water*; mwingine ni *CEC, Sanitation* na mwingine ni *CEC wa Education*. Huyu Bare ni *CEC wa Education* na ametajwa pamoja na Swaleh, na yale ambayo yanatajwa juu yao yote ni tofauti. Kwa hivyo, hii inaonesha wazi ya kwamba kuna ukora ndani ya ripoti hii.

Madam Spika wa Muda, mimi nasema kwamba yule aliyetayarisha na kuwasilisha hii ripoti ni mkora.

(Applause)

Ukora wenyewe huanzwa hapa. Gavana, ambaye ni mkora mkuu Tana River, hakutajwa na ametajwa mtu ambaye hakuhusika. Tunataka ukweli upatikane Kenya hii kwa sababu kuna watu wanaofanya ufisadi usiweze kuchunguzwa na *Auditor-General* ama EACC. Ukora unaanzia hapo.

Madam Spika wa Muda, ningependa kuwaomba Wakenya msamaha kwa sababu tumelala. Tumezungumza mambo mengi lakini hatujafika kule tulikokuwa tukitaka

kufika kwa sababu ya wakora kama hawa wanaotuletea habari za uongo za kuwadanganya Wakenya na kuwafunga macho. Kwa hivyo, namwomba Rais Uhuru Kenyatta achukue hatua madhubuti, hata kama ni kuleta wachunguzi kutoka nchi za nje. Hatuwezi kuthamini ripoti kama hii kwa sababu haina mwelekeo au thamani yoyote.

Asante, Madam Spika wa Muda.

The Temporary Speaker (Sen. Ongoro): Sen. Bule, you still have 10 minutes to continue tomorrow.

Sen. Bule: Thank you, Madam Temporary Speaker.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, it is now 6.30 p.m. It is time for interruption of the business of the Senate. The Senate stands adjourned until tomorrow, Wednesday, 1st April, 2015, at 9.00 a.m.

The Senate rose at 6.30 p.m.