

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
THE HANSARD

Wednesday, 2nd October 2019

The House met at 2.30 p.m.

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

PRAYERS

PETITIONS

PLIGHT OF JOB SEEKERS IN OBTAINING CLEARANCE CERTIFICATES

Hon. Speaker: Hon. Members, I wish to report to the House, in accordance with Standing Order No.225(2)(b), that I have received a Petition submitted by one Mr. Machuka Nyarieko from Nyamasibi Location, Kisii County. The petitioner seeks to indulge the National Assembly to address the plight of citizens who are not able to gain access to employment in the public sector due to the stringent requirements set for accessing the opportunities.

The petitioner states that the requirements such as obtaining clearance certificates from the Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB), a tax compliance certificate from the Kenya Revenue Authority (KRA), an integrity certificate from the Ethics and Anti-Corruption Commission (EACC) and a Certificate of Good Conduct from the Police are impediments to poor citizens getting employed. The process of repeatedly obtaining the documents, which have an expiry period, is costly and even after the arduous task of obtaining the documents, there is no guarantee of landing a job. The petitioner is of the opinion that failure to obtain such documents should not be a hindrance in obtaining employment and, instead, employment should be given on merit to allow the citizens to meet the above obligations upon obtaining a source of income.

The petitioner avers that the issues in respect of which this Petition is made are not pending before any court of law or constitutional body. The petitioner, therefore, prays that the House, through the Departmental Committee on Labour and Social Welfare, intervenes by ensuring that Government agencies ease the rigorous documentation requirements for job applicants and to, *inter alia*, comply with Articles 55(c) and 56(c) of the Constitution.

I thank you, Hon. Members.

There is also a Petition by Hon. Shinali, Member for Ikolomani.

DELAYED COMPENSATION OF LAND OWNERS IN IKOLOMANI

Hon. Benard Shinali (Ikolomani, JP): Thank you, Hon. Speaker. I have a Petition regarding delayed compensation of land owners along the Sigalagala-Musoli-Bukura-Butere Road, No. D260.

I, the undersigned, on behalf of the concerned residents of Ikolomani Constituency, Kakamega County, affected by the expansion of the Sigalagala-Musoli-Bukura-Butere Road No. D260, draw the attention of the House to the following:

THAT, in 2013 the national Government, through the Kenya Roads Authority, embarked on construction of the Sigalagala-Musoli-Bukura-Butere Road, which is now 95 per cent complete.

THAT, the construction of the road involved expansion that encroached onto private property, leaving many residents residing along the said road displaced and their properties destroyed.

THAT, even though the expansion of the road and upgrading it to bitumen standard has opened up businesses, trade and growth of the region's economy thus improving the livelihood of our people, residents are concerned that their right to enjoy their property was violated without adequate compensation.

THAT, the affected residents and families aver that whenever infrastructure projects such as the Standard Gauge Railway (SGR) and roads encroach on part or the whole of any private land, owners are entitled to commensurate compensation for the land.

THAT, since 2013, the affected families who gave up their land for expansion of the road have not been compensated for their land and property with no clear explanation for the cause of the delay.

THAT, efforts to address the matter with the Cabinet Secretary and the National Land Commission to explain why there has been a delay in compensating the displaced people has not been successful.

THAT, the matters in respect of which this petition is raised are not pending before a court of law, constitutional or legal body.

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

- (i) investigates the matters raised in the Petition with a view to ascertaining why residents who were affected by the expansion of Sigalagala-Musoli-Bukura-Butere Road D260 have not been compensated for their land and property; and
- (ii) intervenes through the relevant Government ministry and agencies with a view to initiating the process of compensation to enable affected families to carry on with their livelihoods.

And your petitioners shall forever pray.

Thank you.

Hon. Speaker: The other Petition is by the Gimose, Member for Hamisi. Do not listen to the people who have ignored the rules of the House. We will have sympathy and allow you to speak from where you are. Look to your left.

SETTLEMENT AND COMPENSATION OF FAMILIES
DISPOSSESSED OF LAND IN VIHIGA COUNTY

Hon. Charles Gimose (Hamisi, FORD-K): Thank you, Hon. Speaker for this opportunity to present this Petition.

I, the undersigned, on behalf of the community displaced from Vihiga, Sabatia and Hamisi sub-counties in Vihiga County and settled in Kipiri Forest, draw the attention of the House to the following:

THAT, over 800 families were forcibly evicted from Vihiga, Sabatia and Hamisi sub-counties in Vihiga County and settled in Kipiri Forest in 1985 to pave way for the construction of present-day Vihiga County Headquarters, Vihiga County Hospital, Vihiga County Prison, Vihiga Regional Police Headquarters, Mbale Police Station, Moi Girls Vokoli Secondary School, Mudete Tea Factory, Sabatia Hospital and other office complexes for public utility.

THAT, this resettlement also affected members of the Tiriki Community who were living adjacent to schools and other Government facilities.

THAT, the displaced families were relocated to Musunji Village in Hamisi Sub-County which previously formed part of the Kipiri Forest, being part of the larger Kakamega Forest Reserve, with each family member being promised compensation of twice the size of land they had initially owned in Mbale Village as well as financial compensation arising out of the compulsory acquisition of their land and the resultant displacement.

THAT, the authorities undertook to degazette the land set aside from the forest area, conduct survey on it and finally issue title deeds to the relocated families who settled in Kipiri Forest as directed, started subsistence farming, built homes and planted trees in order to sustain their livelihoods.

THAT, failure by the authorities to compensate the families, conduct survey and issue title deeds as initially promised has led to constant harassment of families that are adjacent to the Kakamega Forest Reserve by forest officers who treat the relocated families as squatters and illegal settlers yet their relocation was a Government undertaking.

THAT, the Rural Electrification Authority and the Kenya Power companies have erected electricity poles and transformers in the area occupied by the relocated families without seeking way leave nor providing compensation on the grounds that the relocated households do not have title deeds to the land they currently occupy.

THAT, the Kenya Wildlife Service and the Kenya Forestry Service are currently erecting a perimeter fence which will eventually lock out the relocated families from the land they are currently occupying.

THAT, the relocated families now live under constant harassment and threats of eviction from Government administrators.

THAT, efforts by the affected community to establish normalcy and peaceful coexistence, as exemplified by letters written to the Provincial Administration and Ministry of Lands seeking urgent intervention, have not borne fruit, and,

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

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands and the Departmental Committee on Environment and Natural Resources:

- (i) Inquires into the relocation of the affected families from Maragoli and Hamisi sub-counties in Vihiga County with a view to facilitating the de-gazettement of the occupied areas expropriated from Kipiri Forest of the larger Kakamega Forest Reserve; the surveying of the area and resultant issuance of title deeds; compensation for the compulsorily-acquired private property; the establishment of a settlement

scheme in the occupied area having social amenities and physical infrastructure, and establishment of a buffer zone having a police station to boost security in the area;

(ii) Makes any other recommendations it deems appropriate in the circumstances of the Petition.

And your petitioners will forever pray.

I thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Gimose, I am informed it is your maiden Petition. It became very difficult for many of us to follow what you wanted, but suddenly you said you want it directed to the Departmental Committee on Lands. That suffices. Because it is written, people will follow and pick out what it is they should deal with. Nevertheless, it is appreciated.

Hon. Members, before I allow comments to be made, let me recognise the presence of students and constituents from the following places: Precious Brains School, Kasarani Constituency Nairobi County and those from Muthoka Secondary School, Mwingi Central Constituency, Kitui County and also some constituents from Gatundu North Constituency courtesy of the Hon. Member, Annie Kibeh Wanjiku, Kiambu County. They are all welcome to observe the proceedings in the National Assembly.

Hon. Members, those have been three Petitions and I will allow minimum comments. Let us have Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. Most of us who sit here are getting alarmed by the large number of petitions related to land occupation and compensation related matters. Probably these are indictments on the just disbanded National Land Commission (NLC) because it failed to execute its mandate in dealing with the historical land injustices and historical land issues. They seem to flout the Constitution which clearly states that whenever you are acquiring personal property and compulsory acquisition or voluntary resettlement, compensation should be prompt, fair and just.

We hope and pray that the new NLC that was approved yesterday by the National Assembly will rise up to the task and address these numerous issues that have emerged in the land sector. It is high time we corrected our issues because land is such an emotive issue.

I am also concerned that the number of petitions coming to the Departmental Committee on Lands might be too much for them to handle. Probably it might be time for you to look at alternative ways of expeditiously processing these petitions. The members of the public who petition expect the National Assembly to address their issues. If time ends or lapses, they feel cheated and that is why we continue to have negative perception about the ability of the Members of Parliament to deliver.

Thank you, Hon. Speaker.

Hon. Speaker: But the committees are at liberty to seek leave of the House for more time. Member for Malava.

Hon. Moses Injendi (Malava, JP): Thank you, Hon. Speaker. I rise to comment on the matter concerning the Sigalagala-Butere Road. I recall when there was public participation, the residents were assured about the compensation. Therefore, this is not a bother to the Member because we are neighbours. The affected persons are always going to his home to ask for the compensation. I urge the Government, when it comes to the matter of compensation, it must come out clearly. It should prepare a list of the persons to be compensated and those receiving

the compensation. This should be communicated officially and publically so that we can know who is not being compensated.

I recall a similar situation with the power line from Jinja to Nairobi. I was also affected in Malava and went around talking to residents about compensation. They were moving from the old line to a new one and this affected people's farms. Some were compensated and others were not. Up to now, they still come to my home asking for the same. Therefore, we need improvement on the issue of compensation.

I support the Petition. Thank you, Hon. Speaker.

Hon. Speaker: Member for Ugunja.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I want to comment specifically on the Petition by the Member for Ikolomani, Hon. Shinali, for two reasons. Firstly, that road is not just Sigalagala-Butere. The complete name of the road is Sigalagala-Butere-Sindindi, which is also in my constituency. The issues that affect his constituency also affect mine as well.

Secondly, the Public Accounts Committee (PAC) is grappling with the land compensation issue as we speak. Even though the law on compulsory land acquisition is clear, I may want to invite the Committee on Delegated Legislation to look at the regulations that support this law if they are there. Since, I have not had occasion to look at them, one thing that needs to come out clear is: At what point is the compulsory land acquisition process said to be complete? Is it simply at the point when the NLC gazettes or when the original owners of the land have been adequately compensated?

What is the role that governs implementation of projects on compulsory acquired land? Is it that the implementing agencies are at liberty to commence implementation even before the acquired land has been compensated? Or they have to wait for the owners to be compensated before the project can commence? As we speak, there is total confusion. You find projects being undertaken on land whose owners have not been compensated, yet in other projects we are told they cannot commence until compensation is completed. So, we are at a loss.

I suggested that these petitions be taken before a joint committee. Perhaps, the Departmental Committee on Lands and the Committee on Delegated Legislation or Departmental Committee on Justice and Legal Affairs and any other relevant committee. So, we can deal with this matter once and for all.

Thank you, Hon. Speaker.

Hon. Speaker: Maybe you need the entire House and not just committees. I think there is another issue: Do we need the roads? Everybody will claim they need a particular road to go through a village to another and not just Sindindi. What is the cost? Maybe the problem starts there, when we begin costing, perhaps we do not factor compensation.

I think the country as a whole needs conversation because we need development and where that development has to happen perhaps is on individual private-owners land. So, we have to balance between development and this element of what adequate compensation is. I think since we passed the Land Value Index Bill recently, this matter should be addressed much more robustly. Hopefully, now that we are almost at the tail end of putting in place a new NLC, they should invite all stakeholders to make contributions. On one hand, when people are told we are doing wind power, they say our cattle graze below the wires and so, we need compensation. But the grass is still growing notwithstanding the wires. This is something we must address.

As a country, we have taken this issue of compensation to another level. This may, in itself, impede that still desired development in its various facets. I agree there is need for many

more people to be involved in the discussions and negotiations about how to handle this whole issue of compensation and not just about land. You know we passed a law on compensation to the families, relatives and kin of people who suffer injuries by wildlife or even lose lives. What is adequate or enough? So, I agree with you, Hon. Wandayi, that there is need for minimal stakeholders to be involved in discussing this issue. Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I stand to support the Member for Ikolomani and Member for Hamisi on the issues they have raised pertaining to their constituencies. On a general principle, I think it is high time as a House we looked at methods of processing petitions. Many Kenyans have been presenting petitions to the House and more so concerning the issue of compensation.

In the Departmental Committee on Energy, we have issues about wayleave. Just as you have put it, Kenyans have taken this to a higher level. I think there must be a just way on how we can arrive at resolutions. Under Article 95 of the Constitution, we are mandated to provide solutions and give way forward in resolving matters of public concern to our people.

This issues about compensation especially where Government is putting up structures like roads, schools, wayleaves and others are pertinent issues affecting Kenyans. Many Kenyans are living for many years without getting the justice they require. As you are aware, the process of approaching the courts takes many years for an issue to be resolved. Therefore, I think it is high time we looked at how petitions are brought to this House and the quickest time possible to resolve them and give a solution.

The House should not do this in futility, but committees spend time and resources to visit constituencies, listen to the opinions of the people, take issues affecting them and try to give solutions. We come here and table a report, which often is not discussed or debated. We do not have resolutions apart from what the committee decides at its level. If we had a way, as a House, of resolving some of these issues, we could do something that can help Kenyans.

With those few remarks, I support the petitions that have been presented.

Hon. Speaker: The results of the investigation of some of the petitions are supposed to be communicated directly to the petitioners without coming to the House. It is only a limited number of petitions that require the resolution of the House. They are provided for in certain other legal frameworks. Let us have the Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Speaker. In Makueni Constituency, I have just gone through a difficult time with compensation of people affected by the Thwake Dam. I agree with Hon. Wandayi that we have a gap within the law. The Constitution is clear and we have several other laws which apply. The National Treasury makes a request to the NLC. Between the ministry and the NLC, there are a lot of challenges. At times, once the people have been compensated, the ministry issues guidelines as to how they should move. I believe that is not in any of the regulations or part of the work we do as the Committee on Delegated Legislation, to which I am a Member.

I believe we need to relook at the whole issue again. We can come up with a process whereby the law will be sufficiently effected. The Secretariat of the NLC also has a lot of challenges because of the way it has been constituted. I believe the new Commission will restructure the secretariat because that is where a lot of other issues arise and a lot of money is lost. Also, people being compensated claim that money is demanded upfront before they are given their own money.

I thank you, Hon. Speaker.

Hon. Speaker: I also remind the House that as you raise the issue of processing of Petitions, it is within your powers, even within the sessions, to propose different methods that you think would be of greater value to the manner in which we process Petitions. The final overhaul of the Standing Orders will come at the tail end of this Parliament, but even within the life of this Parliament, you have the chance and the opportunity to propose amendments to the Standing Orders if you think they may be impeding the way you conduct business of Petitions.

Finally, let us have the Member for Igembe North.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I want to comment on the Petition concerning youth employment *vis-à-vis* the long list of requirements and actually put it that it is not a problem for the youth to raise those documents. The documents that are listed include an identity card, a Certificate of Good Conduct, a Kenya Revenue Authority Tax Compliance Certificate and other things that identify who you are employing as an organisation. I wanted to mention that the petition that is before the House about youth employment should be before the Treasury.

You notice that immediately we passed the Budget, a circular came from the Treasury saying that they were freezing employment for the next two or three years yet in the Budget that we have passed, many departments had put provisions for youth employment. It looks like the Treasury has veto powers it uses to overrule the National Assembly, which has passed the Budget. We need a provision for addressing that kind of danger with regard to the youth when it comes to employment. It is the National Treasury. When the Government is not spending, the economy is paralysed. I do not know who does economics for them. That is where the problem is. I think it is a good Petition. It should open other issues to be discussed.

Hon. Speaker: The Petitions are referred to the relevant committees of the House to which they are directed.

We move to the next Order.

PAPERS LAID

Hon. Speaker: Let us have the Whip of the Majority Party.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

The 2018/2019 Annual Public Debt Management Report from the National Treasury and Planning.

The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June 2018 and the certificates therein: Butere, Vihiga, Kisumu East, Matungu, Mumias West, Sirisia, Subukia and Tongaren.

Thank you, Hon. Speaker.

Hon. Speaker: Next is the Chairperson of the Committee on Delegated Legislation, Hon. Shollei.

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

The Report of the Committee on Delegated Legislation on its consideration of –

(i) The Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (Legal Notice No. 88 of 2019); and,

(ii) The Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (Legal Notice No.92 of 2019).

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

NOTICE OF MOTION

ADOPTION OF REPORTS OF COMMITTEE ON DELEGATED LEGISLATION

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

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (Legal Notice No.88 of 2019); and the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (Legal Notice No.92 of 2019), laid on the Table of the House on Wednesday, 2nd October 2019 and, pursuant to the provisions of Section 18 of the Statutory Instruments Act 2013 and Standing Order No.210(4)(b), annuls in its entirety the said regulations.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Likoni, Hon. Mishi Mboko.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER 33

THE LIKONI FERRY TRAGEDY

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Hon. Speaker, pursuant to Standing Order No.33(1), I seek leave for adjournment of the House for purposes of discussing the recent Likoni Ferry tragedy.

Hon. Speaker, in the recent past, a vehicle containing a mother by the name Mrs. Kighenda and her daughter by the name Amanda, slid off one of the Likoni Channel ferries, *MV Harambee*, into the Indian Ocean. The bodies are yet to be retrieved, but I want to confirm that there are some operations going on to ensure that they have retrieved the bodies of the two persons.

Over the last few years, similar incidents have occurred with more lives lost, and seemingly no preventive action has been taken. It is very unfortunate that such tragedies continue to recur yet there are various arms of the Government present and operating along our marine waters. The Kenya Ferry Services (KFS), the Kenya Ports Authority, the Kenya Navy, and the newly formed Kenya Coast Guard Services are all in operation, but they seem to be

uncoordinated and unprepared to handle ferry disasters when passengers or vehicles fall into the Likoni Channel.

There is an urgent need to have a disaster management system in place, safe and working ferries, and emergency rescue teams, including professional divers, on the ferries and at the shores, to conduct timely rescue operations and ensure the safety of passengers crossing the Likoni Channel. It is for this reason that I seek leave for the adjournment of the House in order to deliberate on these weighty matters, formulate solutions and chart a way forward.

Hon. Speaker: Do you have the numbers?

(Several Hon. Members stood in their places)

The problem is that Members do not pay attention to what others are saying, therefore, you could very well find you have no numbers, Hon. Mishi. Very well. You have the numbers. The Member for Gem is explaining to the Member for Kwanza what the matter is all about. Member for Mvita, what is it you want to say before we move on.

Hon. Abdullswamad Nassir (Mvita, ODM): Asante, Bwana Spika. Wakati mwingine ulitoa amri ya kuwa kwa vile niko katika Kamati ya Uwekezaji wa Mitaji ya Umma, itakuwa si sawa kuyazungumza yale ambayo yanazungumzwa ndani kabla hayajakithiri zaidi. Naomba nipewe ruhusa kuzungumzia jambo moja tu. Katika Ripoti ya *Auditor-General* ya 2016/2017 alitaja hili jambo na akasema kuwa hizi *pulleys* nyingi sana za hizo *ferry* hazifanyi kazi. Alielekeza ya kuwa hizi *ferry* ni hatari ambayo iko njiani. Baada ya pale, kuna barua zilizopelekwa kwa Wizara.

Kwa sababu ya nyadhifa ambazo Bunge ilinipatia kama Mwenyekiti, sitoweza kuyazungumza sana sasa hivi mpaka niilete ile ripoti. Naomba wenzangu ya kuwa ile ripoti ikija, haya mambo yatakuwepo ndani yake. Na yakiwepo, ni muhimu ile Kamati ya kufuatiliza ifanye hivyo ili wale ambao walihusika na wakaambiwa kuwa athari fulani iko njiani...

(Hon. (Ms.) Eve Obara handed water to Members)

Hon. Speaker: The Member who has become a waiter, please, you know the rules. You may think that you are vertically challenged but do not...

Hon. Abdullswamad Nassir (Mvita, ODM): Tumsamehe, Bwana Spika.

Hon. Speaker: No Member is allowed to become a waiter in the Chamber. Do not assume the role of serving others with water. Those who get thirsty can see where the water is. Your constituents are watching you. They see you serving others with water. So, they think that is why they do not hear him or her because she is busy serving water. You must be careful about perception.

Proceed.

Hon. Abdullswamad Nassir (Mvita, ODM): Asante, Bwana Spika. Tayari ilidokezwa kuwa kuna athari kubwa sana ya hizi *ferry*. Wizara iliambiwa hamna jambo lolote limefanyika. Lile la kusikitisha zaidi ni kuwa, baada ya jambo hili kutokea, mita kadhaa kutoka hapo kuna *base* ya Navy. Mita kadhaa kutoka pale kuna *base* ya *Kenya Coast Guard*. Lakini yote haya ikijumulishwa, tumeshindwa kuondoa gari moja ambalo kwa kusikitisha, ndani kuna mama anayetoka katika eneo la Mvita na mwanawe. Baada ya siku nne tumeshindwa kutoa gari lile. Jambo hilo linatuuliza swali gumu. Hili jambo limeletwa Bungeni na Mbunge mwenzangu, dadangu Mishi. Pengine angeuliza Kamati inayohusika na mambo haya iulize: Hii nchi

imeshindwa kuokoa gari moja peke yake? Tutaweza kweli athari kubwa ikitokea katika Kenya hii?

Hon. Speaker: I can see the Member for Lungalunga also wants to comment. It is not debate time yet. Now you want to make it look like it. I can see the Member for Nyali also wants to comment. It will not be possible to debate at this hour. Remember Standing Order No.33.

Proceed. Just say what you want to say very briefly.

Hon. Khatib Mwashetani (Lungalunga, JP): Asante sana Mheshimiwa Spika.

Kwanza, jambo la kusikitisha ni kuwa ukiangalia sababu ya wao kutoweza kulitoa lile gari pale lilipozama ni kwa sababu wameshindwa kupeana hewa ya kununua ambayo itakwenda mita 60 chini. Hewa walionayo ni ile ambayo inaweza kwenda mita 30 chini. Kule sehemu tunazotoka kama Vanga, kuna vijana ambao ni wenyeji wazoefu na wanaweza kwenda mita kama 60 chini na wakakaa kama masaa mawili bila kuwa na *oxygen* ya kununua.

Sababu ya mambo kama haya kutokea ni pengine wale wanaojiriwa pengine wana uzoefu wa kuogolea kwenye mabwawa au *swimming pool* lakini hawana uzoefu wa kuogolea kwenye maji. Mbali na hivyo, ile sehemu ya Likoni ambayo tunaizungumzia ni sehemu ambayo ina papa. Nafikiri kila mmoja ana utamu wa roho yake. Ikiwa umekuzwa katika hali ya kuwa uko ndani ya bahari kila siku, basi nina imani ni sawa na maasai ambaye yuko kichakani. Maasai anaweza kuwa amesimama hapa, simba yuko pale na hana wasiwasi. Mimi na wewe ambao hatujazoea, tukiwa ndani ya gari na simba yuko nje, tuko na wasiwasi. Ni kama yule *diver* ambaye amezoea na hakusoma kufika *Form Four* lakini ana uwezo wa kuingia pale ndani akasaidia janga kama lile. Ni muhimu sana tulipatie nafasi jioni ili tulizungumzie kindani na liweze kueleweka.

Hon. Speaker: Nitawatengea muda jioni kwa sababu haya mambo ni mazito ya hewa kiasi hicho umesema.

(Laughter)

Nitawapa muda wa kutosha. Hao wengine kama Mheshimiwa Angwenyi na Mheshimiwa Mbarire waweze kuelewa kabisa ni kiasi gani cha hewa kinatakikana kuingia ndani ya maji mita zile. Mheshimiwa Mohammed Ali, nitakupa dakika moja. Najua watu wa sehemu hiyo wanaogopa lile jambo linaitwa bonga *points*. Basi nitakupa dakika moja lakini.

Hon. Mohamed Ali (Nyali, Independent): Shukrani sana Mheshimiwa spika kwa kunipa fursa hii. Ningependa kuwaunga wenzangu mkono na kuungana na taifa nzima kwa ujumla kutoa rambirambi zetu kwa marehemu Mariam Kighenda na mtoto wake, Amanda. Licha ya hayo, umesema ya kwamba utatutengea muda tuzungumzie jambo hili kwa sababu, iwapo hakutakuwa na suluhu, tutakuwa na matatizo chungu nzima katika siku za usoni.

Kwanza kabisa, inaelekea kuwa siku ya tatu Serikali ikiwa imenyamaza na kuangalia tu bila usaidizi wowote. Leo Waziri wa Uchukuzi amemuamrisha Katibu wa Kudumu katika wizara afike pale na kusaidia katika shughuli za kupata maiti. Pesa nyingi zimetolewa katika Huduma ya *Kenya Ferry*. Karibu Ksh78 milioni zimetolewa kuweka CCTV ya kuangalia kwamba iwapo kutatokea janga lolote, wao wanakuwa wa kwanza kuona matatizo hayo.

Kwa kumalizia, safari hii Serikali imefeli. Vifo vya Mariam na mtoto mdogo, Amanda, vimesababishwa na Serikali ya Jamhuri ya Kenya. Ni sharti Serikali ilipe familia ya waathirika na vile vile iwajibike kuhakikisha ya kwamba kivukio cha *ferry* hakitadhuru mtu yeyote katika siku za usoni. Watu watatu ndio wanafaa waeleze taifa hili jambo hili limetendeka vipi. Wa kwanza ni Bakari Gowa, Mkurugenzi Mkuu wa *Kenya Ferry*, Brigadia Mstaafu Vincent Naisho

Loonena ambaye ni *Director General* wa *Kenya Coast Guard* na Meja Generali Levi Franklin Mghalu, *Kenya Navy Commander*. Hawa ni watu ambao wana uwezo. Walikuwa karibu na wangeokoa mtoto huyo mdogo mwenye miaka minne na mamake. Ilichukua takriban dakika 20 watu hao kutafuta usaidizi pasi na kuupata. Kifo cha Mariam Kighenda na Amanda kimesababishwa na Serikali ya taifa na ni sharti walipwe.

Shukrani.

Hon. Speaker: *Basi. Hayo yote na Zaidi, itakuwa saa...* Are there many Members interested? It seems the desire of the House is that I give you two hours to discuss this issue. Is that the desire of the House?

Hon. Members: Yes.

Hon. Speaker: Very well. Hon. Mishi, at exactly 5.00 p.m, you will move the House to adjourn to debate this matter. Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Speaker: There is a Question by the Member for Tigania West, Hon. John Kanyuithia Mutunga.

Question No.433/2019

EFFECTS OF DISARMAMENT OF NATIONAL POLICE RESERVISTS

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Speaker for the opportunity to ask Question No.433/2019 to the Cabinet Secretary for Interior and Co-ordination of National Government. My Question comes in two parts:

(i) Could the Cabinet Secretary address concerns that crime levels have generally escalated in areas where the National Police Reservists (NPRs) were disarmed?

(ii) Are there any plans by the Ministry to compensate farmers who have suffered losses through cattle rustling, which has been a direct result of NPRs disarmament?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Administration and National Security. The next Question is by the Member for Tharaka, Hon. Gitonga Murugara.

Question No.434/2019

DELAYED RELEASE OF ELECTRIFICATION CONSTRUCTION MATERIALS FROM THE PORT OF MOMBASA

Hon. George Gitonga (Tharaka, DP): Hon. Speaker, I ask Question No.434 of 2019 directed to the Cabinet Secretary for Energy.

(i) What measures have been put in place to resolve the inordinate delay in the release of electrification construction materials imported into the country by Kenya Power Company's

contractors due to the National Treasury's delays in issuing duty-free permits for the release of the said materials at the Port of Mombasa?

(ii) What steps is the Ministry taking to avert a similar crisis in future which may negatively affect rural electrification initiatives?

Hon. Speaker: The Question is referred to the Departmental Committee on Energy to prioritise for the Cabinet Secretary to answer. The next Question is by the Member for Kipkelion West, Hon. Hilary Kosgei.

Question No. 435/2019

STATUS OF THE CASE AGAINST POLICE CONSTABLE REBECCA MORAA

Hon. Members: He is not in the Chamber.

(Question deferred)

Hon. Speaker: The next Question is by the Member for Butere, Hon. Tindi Mwale.

Question No.436/2019

SHORTAGE OF POLICE OFFICERS IN BUTERE CONSTITUENCY

Hon. Nicholas Mwale (Butere, ANC): Hon. Speaker, I rise to ask Question No.436 of 2019. The Question is directed to the Cabinet Secretary for Interior and Coordination of National Government:

Could the Ministry consider increasing the number of police officers in Butere Constituency which is currently experiencing an acute shortage of officers as a result of transfers effected in the last four months to curb the increased cases of insecurity in the constituency?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Administration and National Security.

Question No.435 is deferred to another date. There is a Statement by Hon. Koinange.

STATEMENTS

FORCEFUL EVICTION OF RESIDENTS OF MOWLEM AREA

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. The Member for Endebess Constituency, Hon. (Dr.) Robert Pukose, had requested for a Statement on the alleged forceful eviction of residents of Mowlem Area and the killing of a minor, Ms. Daisy Cherop, by police. The Member specifically requested to be informed on the following:

(i) Action being taken against the Sub-County Police Commander for the unlawful and forceful evictions of residents of Mowlem Area, Endebess Constituency, despite a court order being issued against evictions of residents;

(ii) Actions undertaken to ensure that investigation leading to the shooting and killing of the minor, the late Daisy Cherop, are carried out and action being taken against the police officer who shot and killed the said child; and,

(iii) What measures are in place to ensure court orders are respected and in case of eviction, they are done in humane and orderly manner in the county, including not being used as punishment of local residents.

I wish to state that the disputed LR No.5335/25 is situated in Mowlem Village, Kiptogot Sub-location, Endebess Sub-county. The land has a protracted court case between the proprietors, Mr. Richard Satia and Partners & another Samson Sichangi & another. The first eviction order was issued way back in 1991 and it was implemented. However, the evictees returned to the land after the plaintiffs failed to occupy the land. Subsequent evictions were done in the years 2001 and 2004, but the evictees still managed to return.

On 30th April 2019, the High Court in Eldoret issued a warrant of arrest against the Sub-County Police Commander in Endebess through the County Police Commander in Trans Nzoia for failure to execute an eviction order vide Eldoret Civil Suit No.141/1/1991 in Environment and Land Court Case No.42/205 on 23rd July 2014. On 5th September 2019, the Sub-County Police Commander visited the area to establish the number of structures and subsequently prepared for the eviction exercise. On 10th September 2019, the Sub-County Police Commander and a team of officers went to Mowlem Area and found some of the evictees already having moved their properties out of the houses while others were removing the iron sheets, windows, shutters and doors from the semi-permanent buildings. After the residents were through with removing their properties, the plaintiff, using hired casual workers, started demolishing the structures while the police were providing security. The exercise was carried out in accordance with the law and ended peacefully at about 12.30 p.m.

The Sub-County Police Commander and his team returned to the station at about 3.30 p.m. A group of evictees and some hired goons invaded the plaintiff's homestead and burnt down his six houses. Police officers left for the scene, but unfortunately, they were blocked by the goons who pelted them with stones. The officers dispersed them by use of blank bullets and tear gas. The Sub-County Police Commander in Endebess acted within the law by enforcing a court order after the High Court in Eldoret issued a warrant of arrest against him for not enforcing a court order which was issued on 23rd July 2014. The minor, Daisy Cherop, otherwise known as Daisy Chepkoech Chepkemboi, was hit by a speeding motorcycle about two kilometres from the scene of the disturbance. The postmortem conducted on the body did not indicate gunshots as the cause of the death. I wish to table a copy of the postmortem report.

An inquest into the death of late Daisy Cherop has been opened and will be submitted to the Director of Public Prosecutions (DPP) for perusal and advice after completion of investigations. Police officers are required by law and the Constitution to obey and enforce all court orders served on them. Police officers do not execute eviction orders, but only provide security and oversee the exercise to ensure it is conducted in a humane and orderly manner. Similarly, during such exercises, police officers ensure human rights of both parties are respected and upheld.

Thank you.

Hon. Speaker: Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I thank the Chair for the effort he has put. Unfortunately, we have discussed the Report, which has been tabled, with the Chair. There are some inaccuracies which I pointed out to him. One, nowhere in that

document do the police or the Cabinet Secretary refer to the Environment and Land Court Case No.100 of 2018 in which Hon. Justice Mwangi Njoroge, who is the judge in Kitale, on 6th September gave orders that applications and submissions be served within 40 days in which the status quo was stayed. The same orders were given by Hon. Justice Mwangi Njoroge which were preventing evictions from being carried out because the case is in court and is alive. Therefore, the orders that had been given in 2014 had to be stayed on.

The other issue which I raised with Hon. Chair is that it is not true that Daisy Cherop was a student two kilometres away. In fact, the school, St. Andrews, is within Mowlem Centre and the student was killed because the police were shooting live bullets and the children were running away. Unfortunately, she was hit by a motorcycle. That is the position. The motorcycle that hit her is unknown. It is the police shooting that caused people to scamper in different directions. It is not true that the eviction orders which were given in 2014 were still to be enforced yet the plaintiffs had got orders that were staying the order that had been issued in Eldoret. This is a case in the Kitale Environment and Land Court. The orders that they got were from Eldoret. The two judges have given conflicting reports. Therefore, it would have been proper for police to look at the two orders that had been given by the judge. They only looked at it from one side and enforced an order that had been given in 2014 and refused to enforce an order that had been given on 6th October 2019. We feel that was unfair and it should not have happened that way. Therefore, we agreed with the Chair that he needs to further consult with the Ministry and a proper report be done because this Report is unsatisfactory.

Hon. Speaker: Except that 6th October 2019 is this coming Sunday.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you for the correction. It is 6th September 2019 that Hon. Justice Njoroge gave orders in the Kitale Environment and Land Court.

Hon. Speaker: Have you agreed that you need further consultation?

Hon. Paul Koinange (Kiambaa, JP): Yes, Hon. Speaker. As a matter of fact, the time the order was issued on 6th September 2019 is also the time that you requested my Committee to prepare a Statement. That order has superseded what you had already asked us to do, but we will work together with him to make sure that we make the situation right.

Hon. Speaker: Next Statement?

INCREASED INSECURITY IN LAIKIPIA WEST CONSTITUENCY

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. The Member of Parliament for Laikipia West Constituency, Hon. Patrick Mariru, requested for a Statement on increased insecurity in Laikipia West Constituency. The Member informed the House that in the last three months, armed bandits have been terrorising the residents of Sipili, Eighteen, Lobere, Wagwachi, Kamwenje, Milimani and Matwiku areas. This has resulted in migration of residents and closure of schools. The Member specifically requested to be informed on the following:

1. The Government's commitment to protect the lives and property of the residents of Laikipia West Constituency especially those who reside in Githiga, Ol Moran and Rumuruti wards.
2. The mechanisms put in place to end this menace including a possibility of rearming the NPRs in the area.

Hon. Speaker, I wish to state as follows: During the last three months or so, four cases of stock theft were reported in Ol Moran, Wagwachi, Lobere, Kamwenje, Matwiku and Ngaramare

areas of Laikipia West. During these incidents, a total of 240 herds of cattle, four donkeys and 68 sheep and goats were stolen by suspected armed Pokot tribesmen. However, security personnel deployed in the area have recovered a total of 171 herds of cattle. Efforts to recover the remaining are underway. The families who were affected by raids have been assured of their security and the recovery of the remaining animals.

The Government is neither aware of any families or persons who have been displaced or migrated nor any school closed due to the isolated incidents of insecurity. However, to forestall further incidents in the area, formed up units based at Kamwenje, Wagwachi, Mwiteta, Laikipia Nature Conservancy and Lonyek areas have enhanced patrols along the borders of Baringo and Samburu counties. The alleged gap left as a result of withdrawal of NPR firearms has been addressed by deploying officers from Kenya Police Service.

Hon. Speaker, following the intervention of the Administration Police Service Officers and the Kenya Police Service, adequate security personnel have been deployed to provide security in areas which are prone to cattle rustling. Security *barazas* have been held frequently to sensitise the locals on the importance of sharing information with security agencies. The community policing initiative has been reactivated in order to partner with police on security missions.

In addition, the following measures have been put in place to ensure that this menace is eradicated:

(i) Holding frequent joint security committee meetings with members of the peace committees from the neighbouring counties.

(ii) Carrying out regular joint operations to flash out and disarm the cattle rustlers from their hideouts.

(iii) Conducting regular patrols along Baringo and Samburu borders.

(iv) Encouraging members of the public to provide information regarding movements of criminals, particularly, cattle rustlers within the area.

There are no plans to re-arm the National Police Reservists in the area as adequate security personnel have been deployed.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mariru. He is not present. He can get the Statement later. The other Statement was requested by the Member for Laikipia County, Hon. Waruguru. Is that right?

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, I have it.

Hon. Speaker: Is she in the Chamber? For the convenience of the House, just table it so that we finish with it that way.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. The Member for Laikipia County, Hon. Catherine Waruguru had requested a Statement on issuance of work permit to foreign nationals. She specifically requested to be informed...

Hon. Speaker: Just table it, she will come and look for it in the Table Office, Room 8.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. I am more guided. When she comes, I will make sure she is given the Statement accordingly.

Hon. Speaker: Yes, she can go and read it.

Hon. Paul Koinange (Kiambaa, JP): Yes, she can be able to read it. Maybe, if she has any query, she can contact me.

Hon. Speaker: Very well.

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, she wanted to be informed...

Hon. Speaker: No, no, we do not even need to know. Just table it for the convenience of the House. There are some more businesses that we need to transact before we become fewer than we are. Hon. Members, the business of Statement requests has been concluded.

Next Order!

(Hon. Paul Koinange laid the Document on the Table)

BILL

Second Reading

THE EARLY CHILDHOOD EDUCATION BILL

(Hon. Julius Melly on 26.9.2019)

(Debate Concluded on 26.9.2019)

Hon. Speaker: Hon. Members, debate on this Bill was concluded yesterday. What remained was for the Question to be put. Having confirmed that the House still quorate, I now put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Next Order!

MOTION

RATIFICATION OF AGREEMENT FOR ESTABLISHMENT OF INTERNATIONAL ANTI-CORRUPTION ACADEMY AS AN INTERNATIONAL ORGANIZATION

Hon. William Cheptumo (Baringo North, JP): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Instrument for Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization, laid on the Table of the House on Wednesday, 26th June 2019, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012 approves the Ratification of the Agreement for the

Establishment of the International Anti-Corruption Academy as an International Organisation.

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

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

Hon. Temporary Deputy Speaker, the Agreement was laid on the Table of the House by the Leader of the Majority Party on 18th October 2018 and thereafter committed to the Departmental Committee on Justice and Legal Affairs for consideration and report to the House.

Hon. Temporary Deputy Speaker, it is important for me to set out the relevant provisions of Section 8 of the Treaty Making and Ratification Act (Act No.45 of 2012), under which the Committee's Report was prepared and tabled.

Hon. Temporary Deputy Speaker, allow me to quote Section 8(1) of the Act, which says as follows:

“8 Where the Cabinet approves the ratification of a treaty, the Cabinet Secretary shall submit the treaty and a memorandum on the treaty to the Speaker of the National Assembly”. Subsection (3) of the same Act provides that the relevant parliamentary committee shall, during its consideration of the treaty, ensure public participation in the ratification process in accordance with the laid down parliamentary process.

Subsection 4 provides that the National Assembly may approve the ratification of a treaty with or without reservations to specific provisions of the treaty. That is the relevant section of the Act that enables the House to entertain the ratification or otherwise of that Agreement.

Hon. Temporary Deputy Speaker, it is also important for me to give the House some background of this Agreement. It is important for the House to understand the basis of this Agreement. An Agreement was signed between the International Criminal Police Organisation (Interpol) and the United Nations Office on Drugs and Crime in Vienna, Austria, on 13th October 2008 to establish the International Anti-Corruption Academy. The Academy is to be located in Luxembourg, Austria, which is designed to be a centre of excellence in anti-corruption, education, research and professional training. It has two prompt missions - to develop a curriculum and training tools and to conduct training courses and anti-corruption education. It is, therefore, important for this House to understand the basis and the functions of this Academy.

Hon. Temporary Deputy Speaker, corruption is becoming complicated and technical every day. There is need to undertake further research on how we should be able to fight corruption. Therefore, it is a critical institution in ensuring that nations who are parties to that particular Treaty fight corruption more efficiently in their countries. Thereafter, Kenya became a signatory to the conference on 2nd September 2010 when the Minister for Justice and National Cohesion and Constitutional Affairs then, signed the Agreement during the International Anti-Corruption Academy High Level Founders Conference held in Vienna Austria. On 16th March 2018, the Agreement already had 67 parties and 53 signatories. That was the reception by the international community. By March 2016, we already had 67 parties to that body.

The Cabinet approved Kenya's ratification of accession to the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organisation on 6th April 2017. It is important for this House to know that the Cabinet of the Republic of Kenya approved the ratification of accession to this Agreement in April 2017. During the meeting, the

Cabinet directed the Attorney-General to facilitate the submission of the memorandum to Parliament for approval. That is why today we have this Motion of approving the ratification as proposed by the Cabinet. The subject matter of the instrument was Establishment of the International Anti-Corruption Academy as an International Organisation to facilitate provision of anti-corruption training programmes for member states and other interested parties. This would give the academy necessary immunities, privileges and recognition amongst State parties and other international organisations.

Hon. Temporary Deputy Speaker, allow me to briefly outline the purpose of the academy. As per Article 11(1) of the Agreement, its purpose is to provide effective, efficient prevention and combating of corruption by:

- i) providing anti-corruption education and professional training.
- ii) undertaking and facilitating research into all aspects of corruption.
- iii) providing other relevant forms of technical assistance in the fight against corruption, and
- iv) fostering international cooperation and networking in the fight against corruption.

Our own institutions in Kenya that assist in fighting corruption have always had a chance to visit other jurisdictions to share experiences and apply them in our country. So, this institution is going to be useful. All the stakeholders in various state parties to this Agreement will converge together and share experiences unlike now where we have countries visiting other jurisdictions to find out how they fight corruption. This is a body that is going to bring all the countries together. It is an important step in the right direction for us as a country. We will be part and parcel of the global programmes.

The stakeholders' views and ratification of the treaty were obtained and none raised objections. Among the stakeholders who gave views were the Minister for Justice, National Cohesion and Constitutional affairs, the EACC, Office of the Director of Public Prosecutions (DPP), State Law Office, the Judiciary and the Ministry of Foreign Affairs.

Under Article 118 of the Constitution, public participation is no longer optional. We must listen to Kenyan institutions on a matter of this nature. When we advertised this - as I will show you shortly - there was no objection from any institution on the establishment of this institution. The ratification of the instrument will not offend any provision or principles of the Constitution of Kenya. In fact, it will promote Article 10 on National Values and Principles of Good Governance and Chapter Six on Leadership and Integrity. It will facilitate the actualisation of integrity provisions provided for under the Constitution and various ethics, anti-corruption and integrity laws.

The ratification of the Agreement will not contravene any policy or law or necessitate the amendment of the existing policies of law. Therefore, none of the Agreement's provisions negates or contravenes any of our written laws, especially the supreme law of the land - our Constitution. As a Committee, we could not have agreed to any of those provisions. So, we were satisfied, as a Committee, that none of the provisions under this Agreement contravenes our Constitution and any other written law. I say so because Section 8 of the Treaty making and Ratification Act 45 of 2012 provides as follows:

“The National Assembly shall not approve the ratification of a treaty or part of it if the provisions are contrary to the Constitution, nor shall the House approve a reservation to a treaty or part of it if that reservation negates any of the provisions of the Constitution even if the reservation is permitted under the relevant treaty.”

We were very careful to ensure that we also comply with Section (9) of that particular Act. Therefore, I want to report to the House that we were satisfied that none of the provisions of the Agreement contravened our Constitution.

The implementation of this Agreement is expected to result into several outcomes. We need to ask ourselves: If we approve this Agreement and become a party, how is it going to benefit the country? I will mention a few of them:

- 1) Coordinated and integrated approach to the fight against corruption involving all stakeholders. There are many agencies fighting corruption. We should not have those agencies fighting corruption separately without coordination. The ultimate aim is to ensure that we sort out corruption in our country. This Agreement allows us to have a coordinated and integrated approach in fighting corruption.
- 2) Research and documentation on all aspects of corruption and how to tackle various situations. Currently, we have two levels of Government - The national Government and the county governments. We have been told that corruption has been devolved to the county governments. So, there is need to do a lot of research and documentation so that we can see how we can fight it.
- 3) Enough personnel trained to deal with the corruption menace.
- 4) It enhances political support in the fight against corruption.
- 5) Fostering international cooperation and networking in the fight against corruption.
- 6) Strengthen legal and international framework in the war against corruption.
- 7) Intensified and targeted efforts to fight corruption in the devolved system of government.

The Agreement implementation review shall be carried out at national, county and institutional levels to account for social, legal, economic and political dynamics while *ad hoc* reviews on fundamental changes in the legal policy and international framework will also be undertaken periodically. So, as I said earlier, corruption in our institutions of governance and the county governments and so on... Those are the areas that this Agreement is going to enable us... That is because as we train staff and as we borrow experiences from other jurisdictions, it will help us fight corruption.

Pursuant to Article 118(1)(b) of the Constitution of Kenya, the Committee, through newspaper advertisements in the local national daily newspapers on 20th March 2019, invited the public to make representations on the instrument and no memorandum was received on the same. As I said earlier, we have no option but to involve Kenyans to give their comments. The Committee considered the instrument on its sitting of 15th June 2019 during which the Attorney-General of the Republic of Kenya and the CEO of the EACC appeared and made submissions supporting the approval of the instrument by the House for ratification by the Cabinet. Upon considering the instrument and the submissions by the AG and the CEO of EACC, the Committee made the following observations:

(i) That presently - and I think this is very important - there is only one institution that trains personnel from various institutions to deal with corruption. The Government of Kenya, through the Ministry of Education, established the National Anti-Corruption Academy for training employees of organizations dealing with ethics and integrity. The establishment of the institution was necessitated by the fact that, previously, there was no such institution in the country and employees had to be trained out of the country, which was very costly. So, at least, now we have a body or an institution that is training our citizens.

(ii) The ratification of the instrument will not offend the Constitution of Kenya. In fact, it promotes Article 10 on national values and principles of good governance and Chapter 6 on leadership and integrity.

(iii) The current fight against corruption has been hampered by lack of coordination of all agencies involved in the fight against corruption.

(iv) The ratification of the Agreement and establishment of this body as an international organization will impact positively on the fight against corruption.

The Committee is thankful to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to it during the sittings. The Committee wishes to thank all the stakeholders for their participation in the approval process. Finally, I wish to express my appreciation to members of the Departmental Committee on Justice and Legal Affairs for their useful contributions during the Committee proceedings in fulfillment of the Committee's mandate, and to the secretariat for exemplary technical and logistical support.

With those remarks, therefore, I beg to move that this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the instrument for ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an international organization and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Agreement for the establishment of the International Anti-Corruption Academy as an international organization. It will benefit the country. I want to request Members that let us support this particular Motion. It is going to help our country to fight corruption.

I would like to request Hon. George Murugara, who is a member of the Committee, to second. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Murugara Gitonga, the Member for Tharaka, you have the Floor to second the Motion.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. I rise to second this very important Motion that is very timely and has come to us in the furtherance of the war that we have against corruption. I do associate myself with the remarks of the Mover of the Motion, the Chairman of the Departmental Committee on Justice and Legal Affairs. He has ably expounded on what exactly this Treaty is all about and what we, as a House of Parliament in Kenya, are seeking to do regarding an international agreement which we have ratified. It is important to note that once we ratify treaties, they are supposed to be domesticated so that they can become laws of the country - laws which are enforceable here.

Such an academy, which is being recognized as an international organization, is a very important entity. This will enable the organization to receive all the privileges, immunities and that which appertains to other international bodies which are given that recognition. We wish to extend this to Kenya so that we, as a nation and as a people who are quite desirous of fighting against corruption, can benefit from this Treaty and that organization.

First and foremost, it is important to emphasize that there was public participation and Kenyans were agreeable to the ratification of this Treaty. Therefore, what we are doing has the consent of the people of Kenya, pursuant to Article 118 of the Constitution.

This morning, we had a very interesting debate on proposed amendments to the Economic Crimes Act and other anti-corruption laws. While we all agreed that it is vitally important that we, as a House, assist the Executive in combating and fighting corruption, we were at a loss as to whether it is the laws that are inadequate or it is the penalties that are meted out. I do not think we were able to come to an agreement on this until finally a vote is taken. In

my own view, the country has sufficient laws to fight corruption. We do not think that it is penalties that are lesser. In fact, I think the penalties that we have are sufficient. However, what we lack is the culture of fighting corruption. Such an organization, which will have its seat in Luxembourg, is one institution that may assist our country in coming to terms with exactly what we should do as far as fighting corruption is concerned. We now have a national anti-corruption academy or an institution similar to that. But how much is it doing? Are we also supposed to devolve an academy such as this one so that we move it to the counties so that, in each county, we establish an organization like this to cultivate and inculcate in the people in that particular county the virtues that go against corruption? Therefore, we have a lot to learn from this international organization. As enunciated by the Chairman, there are various advantages to this.

One, we will learn from it so that we, as a country, are able to benchmark with what is taught in that international organization and make use of it here in Kenya. Two, we will be able to get professional training from them so that, as we talk about the anti-corruption crusade in the country, we know exactly what they do in other countries and why some countries have been able to succeed 100 per cent against corruption while others, including our own, are still reeling from the effects of corruption, which is not pleasant.

We will join the international community in undertaking research and other aspects of corruption. We will also, as stated, provide the other relevant forms and technical assistance and eventually, we will foster international co-operation and networking in the fight against corruption. This is exactly what our country needs and should invest in so that today, we debate in this House whether to enhance penalties regarding economic crimes or what are known as corruption crimes. Is that the problem we have or is it that we now even have to go to schools to educate our children from their tender age that corruption is a vice which should not be tolerated and, in fact, it eats into the society more than an ordinary malaise would do.

So, as I move to second this “Bill”, I urge the House to...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Is it a Bill?

Hon. George Gitonga (Tharaka, DP): Sorry! It is a Motion. As I second this Motion, I urge the House to move into the nitty gritty of this Treaty which, in my view and which view I share with the House, is a very important Treaty. We should domesticate it so that we learn from that international organisation.

With those remarks, I beg to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. I will allow Hon. Members who are making their way in to sit down.

(Question proposed)

Let me have Hon. (Prof.) Oduol, the first to contribute to the Motion.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to speak on this Motion.

At the outset, I would like to thank the Committee and say that, indeed, looking at the Motion and putting it in context, we can agree that, if we were to look at the benefits of this International Anti-Corruption Academy, we can list one; that of improved coordination.

Secondly, there will be a sharing that will bring all the different nations and groups together and we will find that we can make a difference to the existing National Anti-Corruption Academy.

Hon. Temporary Deputy Speaker, as I support the Motion I, however, does so with reservations because one of my greatest concerns... I have looked at the Report and indeed taken into account that a key ground for the Committee in terms of what we were presented with in the House for consideration is that Cabinet approved it.

Looking through and recognising that we do have only one institution the National Anti-corruption Academy that was set up through the Ministry of Education, in the Report, the only information that we get is that it was established seemingly because there was no such other institution. However, we do not see that despite the clear recognition that corruption is indeed a key problem. It is not presenting us, for example, with a new curriculum other than what has been existing to date in that particular institution that deals with anti-corruption strategies. It is not clear whether we have had any graduates or if we have had a way of getting employees from different sectors coming and what the benefits are.

Therefore, as we look at this, it begs the issue that even if we were to consider that getting into the international anti-corruption academy will provide Kenya with an opportunity to share and come up with best practices, I am not clear what exactly we are going to be taking from Kenya because this does not seem to have come through.

Secondly, I am concerned because as I look at the programme, I had a chance to look a little bit at the curriculum of the International Anti-corruption Academy module. I see that the module is indeed very useful in the sense that, if we look at it, we see that the module takes into account issues that are pertinent such as causes and motivations of corruption practices. Most importantly, there is a module that looks at specifics of culture and values and looks in particular at the way in which we need to look at the major compliance risks.

It is clearly indicated that the key risks range from gifts to hospitality and procurement to conflicts of interest. When I consider the kind of menace and cancer of corruption that we have, we can see that there is a second name that if you mention corruption, you are going to find procurement, donations and gifts in institutions that are seen to be of moral backing such as the religious institutions and churches.

Therefore, as I look at this Motion, I am of the view that the benefits that the Committee is telling us we will get would require that from the perspective of the Committee, we get a lot more grounding and better understanding of the particular contextual challenges that are surrounding corruption in Kenya.

The module seeks to ensure that our students, if they were to go from Kenya to join the other students from the globe, will need to not only to bring experiences from Kenya, but would be expected to be those who would provide interactive engagements. They would be those that would be seen to have thought through how it is that they would deal with the different institutions and be in a position to know what to do when things go wrong. In other words, when we will talk about corruption, when we will introduce institutions such as the National Anti - corruption Academy that we have for training employees, when we cite with a lot of pride that Article 10 on the national values and principles of good governance in the Constitution is pertinent, but we only seem to cite it by saying that it is not in contravention. But we do not in a way come up to indicate that even the manner in which Chapter Six on Leadership and Integrity does not seem to be something that is considered critical when we are dealing with sectors of different levels, including Government levels, then I feel that it does not allow us very serious room.

Therefore, as I support the Motion, I just want to also agree because I notice the Chair and the Seconder indicated that there would be a lot of lessons learnt. I wanted just by conclusion

to highlight that I recently had an opportunity to visit China and I did this under the banner of Parliamentarians against Corruption. There were key lessons that were learnt and which I hope that as we look at this Motion, we in the National Assembly will see that it is going to be of benefit in addressing this important issue. We should recognise that part of what enables programmes that address issues of corruption to be handled should not be limited to education, students' research and sharing different experiences and practices. Most importantly, it is to look at the economic factors, context and political arrangements.

As I conclude, I would like to say that in China, a key reason that seems to help is the commitment of the people of China... But most importantly, it is the manner in which the Communist Party of China was driving paramount framework of anti-corruption activities. As I support, I urge that corruption is not something we are going to solve through education in the classroom. We also need to get out to the political arena. I certainly would want to see a key stakeholder that is political parties coming in. If we do not get the political parties to not only own the commitments we have in Chapter Six of the Constitution and be in the driving seat, then we will not go very far with this.

Thank you, Hon. Temporary Deputy Speaker. I support, but with reservations.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): May I have the Member for Wajir South, Hon. Mohamed Sheikh.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, Hon. Temporary Deputy Speaker. I am quite happy to contribute to this Motion on the Anti-Corruption Academy which is very important and draws its strength and efforts on the issues to do with corruption that is rampant in many parts of the world and, particularly, in Kenya.

I am sure that the originators of this Motion have considered and examined the need for future leaders of this country and those from many other parts of the world who will come to benchmark in our international academy. They will see there is value to train, inculcate knowledge and experience in those who will be handling issues to do with anti-corruption.

The EACC Act of 2011 and the Integrity and Leadership Act of 2012 clearly spells the need for institutions to understand that, anti-corruption is a strength this country's legislation needs. This means that anti-corruption is something we are all ready to stand up for. This international institution or academy once it is established will ensure that people are well trained. Anti-corruption is something that is always in the ears and minds of many Kenyans. The reality is how to stop and handle it. It is another issue.

For sure, we must have a starting point and one is to have an institution or academy to train people on how to handle that scourge. It will also contribute to our international relations. The community in other parts of the world will realise that Kenya is a serious country which is ready to institute the legal measures to avoid corruption. In the international world, they have established institutions that can understand the best way to train their personnel on matters that are against their legislation.

This institution is critical and will be transferring knowledge to the future generation as well. I support this Motion because Kenya will have a name and will be seen as a country that is improving for the better. Kenya's flag will fly higher on the international face. I support this Motion without adding much more because it is important and will contribute to our country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well the Member for Wajir South. I will now give the Floor to the Member for Funyula, Hon. Oundo Ojiambo.

Hon. Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Sorry because of scarcity of printing material. I have to share with my colleague and neighbour.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Oundo Ojiambo, Member for Funyula, you know Parliament went digital and we were all trained. So, you can find it in your computer.

Hon. Wilberforce Oundo (Funyula, ODM): Sorry, Hon. Temporary Deputy Speaker. Technology found me, so I have been struggling to master. But I am trying and will manage in due course. I think the laying of this Motion on the Floor of the House is most timely. In the sense that it is time, as a country, we seem to have awoken and realised that corruption is a serious cancer. Unless we tackle it, we will take this country into...

Hon. Jared Okelo (Nyando, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member for Funyula before you continue, I have an intervention from the Member for Nyando, Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Speaker, I am intending to contribute after him. So, this is just a way of catching your attention and it has worked. So, give me an opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): We do not do that. You are actually out of order!

Hon. Jared Okelo (Nyando, ODM): I have to catch your attention! I have been here for a decade and I have not spoken.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes, but do the right thing!

Hon. Jared Okelo (Nyando, ODM): Can I continue so that he can follow me?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Order! You are out of order. When you go to intervention, it means something is out of order and you want some information. From that point, the Speaker is at liberty to find out what it is. But if you want to contribute you are not very far. I have seen you and you have caught my eye. The Member for Funyula, continue.

Hon. Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I hope you note that I have been interrupted. Laying this particular Motion on the Floor of the House is timely in the sense that, as a country, we have come to the realisation that corruption is destroying this country.

Indeed, and many of us agree that the issue of corruption is not a matter to be tackled by way of harsh punishment. It is a matter of values, principles, training and upbringing. That is why we must put our efforts towards this particular aspect. From the outset, I think it is important to train our small children and teachers who teach young boys and girls that you can still make it in life without seeking to use corrupt means.

In as much as we could have enhanced punishment and harsh laws and impose high sanctions on people caught committing acts of corruption, unless we address the core root of corruption in this country, we will not move anywhere. That is why any form of training institute or academy that can drill the workers and citizens of this country at large, on the perils of corruption and importance of earning an honest pay, is a welcome process. We sincerely hope that the international academy will partner with the institution that is established and the Ministry

of Education to try as much as possible to inculcate in our workers, public officers and our citizenry the need to avoid acts of corruption.

Data prevailing in the country, whether reliable or not, indicate that probably almost a quarter or 30 per cent of the annual budget, be it development or recurrent, is lost through corruption. That is a colossal sum of money that could have been used to move this country forward. It is even said that many of our jobless youths, our graduates and many of our men and women who are jobless are jobless because of acts that border on corruption. They are jobless and they lack any sense of employment or income generation because they have been denied an opportunity simply because they were not ready or they have no capacity to get involved in corruption. Nepotism, favouritism and giving people positions they do not deserve is all corruption. It is, therefore, important that, as a country, we must literally relook at Chapter Six on Leadership and Integrity. We must look at that particular Act that normally states what the requirements of leadership and public office are, to see whether we can strengthen those particular policies and regulations to deter any opportunities to commit corruption.

I hope this institute in collaboration with the current institute will mainstream the discussion and training on the issue of Public Procurement and Asset Disposal Act so that all members of the public and those who work in the public sector, be it national Government or the county governments, are in a position to studiously follow the provisions of that Act to avoid cases where we bend the rules and laws in order to benefit a particular group of people. It is a shame that in this country, we say normally that corruption starts at the budgeting level. We hide corruption in our budget, be it recurrent or capital expenditure. It is, therefore, important for those of us who sit in various committees to make all efforts to scrutinize every single entry to those budgets to smoke out any tendencies to conceal corrupt practices through the budget-making process.

Secondly, I am encouraged that the Liaison Committee and the House leadership has developed or is about to develop a framework that allows committees to generally scrutinize, on quarterly basis, the performance of the various ministries and state agencies. We hope this is not just hot air or PR talk. We hope it will come to fruition so that, as committee members, we can receive those quarterly reports and evaluate performance, be it financial, administrative or managerial, to try and flag out any aspects of corruption. As much as we are going to fight corruption at the national level, it is also a call to the county assemblies and the Senate that we should not wait to become morticians as we have always said, but we must really be like doctors who diagnose any signs of sickness or illness on a patient so that we address those issues good enough. It is important that the Senate knows its role in the fight against corruption so that it can focus on that particular area. The Senate should avoid looking for supremacy battles with the National Assembly and yet, there is massive looting at the county level to the extent that, literally, most of the counties have no development record to show and yet, they have gobbled lots of billions since devolution came into being.

I come from Busia County where the other day, a mysterious fire targeted the revenue office where records were kept and burnt all the records relating to contracts and payment vouchers. This is how far corruption cartels have gone. We hope that the training institute and academy will help address those challenges.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Floor goes to the Member for Kisumu County, Hon. Rozaah Buyu Akinyi, who was here earlier than the Member for Nyando.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Kindly, let the Member for Nyando know that when I stand to speak, I speak as a Member of Parliament for his county and Nyando Sub-County is part of Kisumu County. So, he should just be calm. I am speaking for him actually.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Buyu, you cannot speak for him, but we appreciate that his constituency is in Kisumu County.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Hon. Temporary Deputy Speaker, I thank you for giving me this opportunity to speak about anti-corruption. We all know the effect corruption has had in our economy and we know the effect corruption has had on the lives of Kenyans. We know the sort of efforts that the Government and the people of Kenya are putting towards fighting corruption. When you talk about the handshake, the first thing you think of is the fight against corruption. So, when I stand to talk about anti-corruption, I am happy that the President and the Right Honourable Raila Amolo Odinga, through their handshake, actually laid the emphasis on the fight against corruption.

We know that Kenya is not an island, but one of the countries in the world. By Kenya agreeing to establish the International Anti-Corruption Academy, it will be playing its role as one of the countries in the world and actually joining hands in the efforts to fight this vice that is prevalent in all the countries of the world, and especially Africa. Through the International Anti-Corruption Academy, we will have more Kenyans being professionally trained to be on the lookout for corrupt dealings. Right now in the country, when you talk about corruption or fight against corruption, apart from thinking of the two principals, the only other two people we think are supposed to fight corruption is the Director of Criminal Investigations (DCI) and the Director of Public Prosecutions (DPP). However, now with the academy, we will have more professionals trained on this fight. I dare say that this will act, even if it is on a very small degree, as a deterrent measure to Kenyans. Why? This is because they will not hide from two eyes. There will be more eyes to hide from.

So, I support this Motion. I also would like to say that, as we talk about the anti-corruption academy, we are looking at improving the lives of very many people who have been affected by the effects of corrupt dealings. The speaker who has just sat down has actually elaborated on how Kenyans have suffered from corrupt dealings. I would like to say that it is not only Busia County that has had the effects of corrupt dealings where financial documents have been burnt to enhance corrupt dealings in those counties. Many more counties have had such effects. I support Kenya's participation in the International Anti-Corruption Academy.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Ndhwa, Hon. Martin Owino, you have the Floor.

Hon. Martin Owino (Ndhwa, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this. I support it. But I also want to say that theory does very little in the prevention of corruption in this country. I wish we could go back to the basics when we were growing up. I had the opportunity to see one of the villagers who stole a chicken and the hands were lit with fire. As kids, we could not even envisage or think of stealing. We should go back to our culture, values, commitments and things that used to bind our communities together to sustain morality in the society. Those are things we have lost. Not to mince my words but, those who are currently stealing in our country are very educated. They pass the integrity test and are well-placed. They go free in their big cars whenever they do those things. That academy will do very little to that segment of the population. I was going through

what the academy is all about. I found out that they take students from post-Form IV. It is already a firmed-up opinion. I wish we could do what we saw happening in China as stated by Dr. Adhiambo. Children are mentored from a young age so that they can grow up with values. If we were to bring down that academy to a level where it would be effective, it should be cascaded to the constituency levels so that we get kids into those academies, influence them, mentor them and instill some good values. This is how we will eradicate corruption in this country. It is not an overnight game. It might take a generation in order to get it right. We should not shy away from doing that.

The Motion is okay because they will develop the curriculum. They will also develop training materials and conduct training. This is very relevant especially when it comes to stealing through technology. The Integrated Financial Management Information System (IFMIS) is one of them. We still have old folks who do not know the internet well and they approve things they do not understand. Then those who are elite in those areas get an advantage. I wish we could do more to prevent wastage because corruption is not only about bribes. It is also other ways of wasting resources. Relevant tools are okay.

I wish we could also reward them. There is something we are missing even though we are preparing to train and equip them. We are losing the concept of rewarding people who are doing well and are honest at their jobs. That concept should also be enhanced.

Lastly, if we ratify this, it is fine. We should also tweak it into our own culture. The training materials that they will develop are of global standards. For us to catch a thief, we need to employ another thief. We should also have our own tailored materials and training methodologies to deal with Kenyans. Kenyans are very unique. We can have all those international development materials, put them on the shelves and still behave as if we do not know and yet we do. We must domesticate whatever we will be doing.

I thank the Committee. It should remain committed. We are wasting a lot of resources through malpractices and many people are suffering because of that. In addition, the budgeting process was also alluded to by Dr. Oundo. We are not very clean as a House when it comes to vetting the budget, line item by line item. Most of the Government theft comes through here. We approve them. We do not look at them critically. The budget-making process is an area that needs capacity building.

With those remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Ole Sankok David *alias* 001.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support the work of this Committee. They have done a well thought-out job.

When the new Constitution came into place, we thought we had devolved resources to the common *mwananchi*. Little did we know that we have devolved corruption! We have decentralized corruption. We have created sharks, lions and tigers with a very huge appetite for public funds. Our corruption level is beyond any human thinking. In counties for instance, apart from creating the 47 demigods who feel that they are “Their Excellencies” and need chase cars, entertainment allowances and all the allowances under the sun - real or imagined - through their hunger for power, they have embezzled a lot of funds. Those of us who come from regions where there is sand harvesting and building stone harvesting are aware that there are parallel receipts. There are those that are genuine and make up 10 per cent. They will be declared as collected revenue. There are also receipts that are manufactured at River Road and look just like those ones of the county government and are issued to the owners and drivers of lorries, sand

harvesters, building stone harvesters and transporters of our farm produce. This money ends up in the pockets of a few who we have created through devolution.

This particular law has come at the right time so that we tailor-make it. Each country has its own unique challenges. Ours is more of a culture that we have built from childhood and nursery schools. It is a culture where you send a child to buy sugar, but you have to bribe them with Kshs5 to buy sweets or biscuits for themselves. This culture has entered into our veins. Removing it requires not only education, but even religious intervention. That is why some of us from the *Tanga Tanga* wing support donation of money to churches.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is a point of order from the Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Speaker, to the best of my knowledge - and I would like my colleague to clarify - we have various political parties in this House, that is, the Jubilee Party, the Orange Democratic Movement (ODM) and those other small ones. Is the Member in order to introduce another party that does not appear in the official records of Parliament?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Did he say that it was a party? Hon. Sankok, the Member wants to know what it is. Maybe, you can just explain to him.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I did not speak about parties. In any case, there is only the ruling party, which is Jubilee and the opposition party which is the Amani National Congress (ANC) and another amorphous political NGO called ODM.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, it is good to listen. You cannot just be the one to speak. It is good to listen. A Member rose on an intervention. If I were you, I could just clarify in the best way I understand. He did not say that it is a political party. You are free to contribute and say anything. But if a Member seeks clarification, pronounce yourself.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I am in the *Tanga Tanga* Movement and we support donations to the churches. Even if you carry money using sacks and those of you whose faith limit you to carry money in paper bag, the church cannot refuse to take it. Come with the money, even if it is in wallets and it will be accepted.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Carry on.

Hon. David ole Sankok (Nominated, JP): I have just elaborated what is *Tanga Tanga* Movement.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): That is enough for the Member who wanted a clarification.

Hon. David ole Sankok (Nominated, JP): The fight against corruption can be won if we pass the relevant laws and make sure that all of us are genuinely ready to fight it.

Hon. Omboko Milemba (Emuhaya, ANC): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is an intervention by Hon. Milemba Omboko. What is out of order? In future, you will have to quote the Standing Order you are rising on.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker. We are discussing corruption which is a very delicate and sensitive issue to Kenyans. However, when you look at Hon. Sankok, he is playing with it, cracking jokes and simulations

about it as he talks about *Tanga Tanga* Movement. Is it in order to show that is the perspective that Parliament should have and the image to the country when we are dealing with corruption?

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Point of information, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I want to protect the Member who is responding to the intervention of the Member. He did not explain what *Tanga Tanga* Movement is. From where I sit, I may not tell whether he is playing or not. If he is using that for his debate and it is adding value to it, it is very well.

There is a point of information from Hon. Oduol Odhiambo. I overheard you. Pronounce yourself. Give her the microphone because this is a House of records.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Hon. Temporary Deputy Speaker, I would like to inform Hon. 001 with his concurrence.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, do you want to be informed by the Member?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, she is a professor who is full of knowledge. I will accept her information.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. Very well, Hon. (Prof.) Oduol.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker and Hon. Sankok. I want to inform Hon. 001 that donations are highlighted as key enablers of corruption. If Hon. Sankok were to care to check the modules of the International Anti-Corruption Academy, he will find that the major risks, as Hon. Temporary Deputy Speaker had indicated earlier, are donations. I want to inform him that it might not work in his interest to pronounce himself as a Member of the *Tanga Tanga* Movement in this House on donations, especially on anti-corruption issues.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Sankok, you are informed by Hon. Oduol Adhiambo.

Hon. David ole Sankok (Nominated, JP): Thank you very much for the information. That is why we are debating in Parliament to see the cons and pros of such an instrument, so that we can accept and reject others.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Carry on with the debate because you have been informed.

Hon. David ole Sankok (Nominated, JP): In the fight against corruption, we need both interventions. It is through the enactment of laws and domestication of that international instrument. We also require religious support so that they can pray for our country. That way, this culture of corruption can be fought from the early stages.

As I have told you, the parents begin this culture of corruption by bribing their children when they send them to buy sugar. If you beat a child today and he cries, you have to bribe him so that he can keep quiet.

(Hon. Martin Owino spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is over. Let me have the Member for Kabondo Kasipul. Member for Ndhiwa, are you shouting? Do you want to thank Hon. Sankok? Every time you are addressing any other Member, please, pass through the Hon. Temporary Deputy Speaker.

The Member for Kabondo Kasipul, you have the Floor.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I too stand to support the Motion from the Departmental Committee on Justice and Legal Affairs. First and foremost, I looked up at what this International Anti-Corruption Academy does. I found out that it is set up to facilitate anti-corruption education training for professionals and practitioners from all sectors. I have just learnt a few things from our good professor, which were directed to Hon. Member 001. I too had a few lessons to learn today when one act of kindness was misconstrued to mean that I have changed my profession.

The question that we need to ask ourselves is the co-operation opportunities in relation to the education programmes and activities that the Academy offers. What are the opportunities which will help our country? I read it up and picked up a few points.

(Hon. Khatib Mwashetani and Hon. Danson Mwashako consulted loudly)

There are Members who are making a lot of noise behind me. Hon. Temporary Deputy Speaker, you need to stop them.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Obara. You are protected. Hon. Mwashetani and Member for Wundanyi, you are out of order! Please consult in low tones. We must listen and hear what Hon. Obara Akinyi is saying. There is a point of order from Hon. Millie Odhiambo. Hon. Obara Akinyi, resume your seat when the other Member is contributing. Hon. Millie, you have the Floor.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Is Hon. Obara in order to suggest that Members are making noise? Members do not make noise but they consult loudly. Even as you give a ruling, direct that Members may consult in lower tones, but they do not generally make noise.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Millie Odhiambo, if you listened to me, I ordered the two Members to consult in low tones. That is the ruling that I gave. I am sure that you did not hear, but I am sure she has been advised on parliamentary language.

(Laughter)

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Millie. They were certainly consulting, but rather loudly that it sounded more like noise.

(Laughter)

I said that I checked on the Academy and found that it provides research and platforms for dialogue and networking. It also provides continuous sharing of experience and best practices. After graduating from the Academy, it is expected that the graduands will be

ambassadors across the globe. They will become a growing group of anti-corruption ambassadors. We are in Kenya. Unfortunately for the last six months, what we have witnessed in this country on the corruption issues that have been unearthed is very sad. There have never been those kinds of reports in this country since inception. Some of us have been around long enough to know that.

At the outset, I want to say that the problem in this country is about attitude. We need to go back to our culture and value systems where nobody was taken to an academy to know what was right or wrong or the do's and don'ts. We have found ourselves at this point where it does not matter anymore, where everybody is looking for a short cut to richness and where richness from corrupt deals in this country is glorified to the extent that our children think that there is a short cut to riches and hard work does not pay anymore.

I support and say that it is coming at the right time. We hope that once it is established, some of the vices that we have seen or gone through will reduce and we will go back to where we were. I am saying with a lot of confidence that this is not where we were before. The country has moved to a point where it is strange to almost everybody that we will go back to the point where we used to be where everybody valued our culture of not stealing and taking what does not belong to them.

From the Report, it is a very good idea that that academy is devolved down to the counties because, for the last five years or so, what we have read or seen in the counties is most disappointing. Corruption has also been devolved to them. I wish, as my colleagues have said, that academy too be devolved down to the sub-counties.

I once again thank the Committee for a job well done. I look forward to the day when we will start rolling out the first ambassadors of that academy and be part of the growing *alumni* of the academy and set out some of the best practices that we have seen in several other countries internationally.

Thank you. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, pursuant to the directive that was given by the substantive Speaker that today, Wednesday, 2nd October at 5.00 p.m. we will have an Adjournment Motion on a definite matter of urgent national importance, we will put a closure to the debate on this Motion on ratification of the agreement for the establishment of the International Anti-Corruption Academy as an international organization. We will have a balance of one hour and 45 minutes on the same Motion.

As a guidance on the Motion for Adjournment, pursuant to our Standing Order No.33, every Member speaking to the Motion will have five minutes. But the Mover, Hon. Mishi Mboko, has 10 minutes in moving. Hon. Mishi Mboko, you can move your Motion.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33

LIKONI FERRY TRAGEDY

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Hon. Temporary Deputy Speaker, pursuant to Standing Order No.33(1), I seek to move this Adjournment Motion of the House for the purpose of discussing the recent Likoni Ferry tragedy.

In moving my Motion, I wish to bring to your attention the fact that Kenya Ferry Services (KFS) currently ferries over 300,000 pedestrians and more than 6,000 vehicles daily across the channel. Using this channel are not only the residents of Mombasa County but Kwale County,

tourists and trans-boundary passengers and stewards from Tanzania. Mombasa, being a cosmopolitan city county, also hosts visitors from multiple counties and countries.

Following the tragedy that happened the other day, the bodies of Ms. Kighenda and her daughter Amanda are yet to be retrieved. I have heard a report that the operations are now ongoing to retrieve the bodies and the vehicle, which is lying 60 metres deep in the channel.

The challenges which we have been told as to why the bodies have not been retrieved up to today is because of lack of adequate oxygen and that the KFS are in consultation with the Kenya Navy officers to ensure that they do that operation and retrieve the bodies of the deceased.

Let me talk on some issues which need to be looked into, one being the ramps. The ferries' ramps are wrecked and the chains used to block vehicles from rolling back are no longer there. I have personally witnessed ramps partially submerged into the water as we crossed the channel. They have remained un-repaired. What we see are sisal ropes being used to block vehicles from rolling backwards. This poses a big danger for the users of the ferry. The KFS has been running those services for decades. It defeats logic when we are told that there is little provision for rescue measures. How can the Ministry of Transport and Communication oversee such a delicate service without equipping KFS with multiple purpose rescue tugboats? With no marine ambulance or 24-hour rescue and divers, does KFS not receive budgetary support from the Ministry of Transport? That is a question we need to pose. If they do not have that budgetary allocation then, as Members of this Parliament, we need to do something.

Another question we may ask ourselves is: Where are the coast guards? How can there be no speedboats at hand with emergency services at the channel? You remember just the other day, His Excellency the President launched the Kenya Coast Guard (KCG) and one cardinal function of it is to provide public safety for the people crossing the ferry channel. Twenty Five years ago, we witnessed the Mtongwe Ferry disaster where 272 men and women perished along the Kilindini Channel. That was MV Mtongwe bound for Mombasa Island that capsized just 40 metres from the mainland, killing 272 of the 400 people on board. Following that disaster, it was reported that the capacity for the ferry boat was only 300. Up to date, some families of those who perished in the Mtongwe tragedy have never been compensated.

I just want to inform the Members of the few incidences which have happened at the Likoni Channel. In October 2012, a heavy truck loaded with oil products crashed in the ocean while in February 2013, some people died and several others were seriously injured after a lorry lost control and rammed into the passengers boarding a ferry at the Likoni mainland crossing channel. Last year, a Probox car carrying one passenger who was an employee of Kenya Ports Authority (KPA) working as an accountant also slid into the sea and it was unfortunate that he was not rescued and he died.

Let us ask ourselves whether we have learnt from our past mistakes and if there are proper mitigation measures that have been set up. Going forward, are our ferries in good condition to transport people and goods? Are they regularly serviced? Is overloading a thing of the past or does it still occur? These are pertinent questions that must be addressed on this issue of the ferry. Time is now ripe for the establishment of domestic ship safety code in the country. The domestic ship safety code should be developed immediately and approved by the Kenya Maritime Authority (KMA), if we are to have safe ferries. KFS must be run by sea time experienced and efficient maritime maintenance experts and operators to avoid the frequent midstream stalling that we keep on experiencing.

Apart from that, there is need to review the structure and operations of the company with a view of ensuring that it has the capacity to enforce the necessary safety standards that are set by

the International Maritime Organization (IMO). KFS as it is constituted today cannot adequately fulfill its public mandate. There is a need to establish a Kenya Ferry Corporation to oversee the management, operation and maintenance of ferries in the most efficient way in all waters of Kenya. By doing so, KFS will relieve the country of many problems currently experienced in the maritime transport sector. It is critical that we interrogate the insurance of the ferries. There is urgent need to ensure that there is compulsory insurance for both ferries and passengers. This way, in case of accidents, the company will be obliged to compensate everyone onboard, including cargo. I am saying this because to date, as I said earlier, there are some families who have never been compensated from the MV Mtongwe tragedy.

Hon. Temporary Deputy Speaker, the entire fleet of ferries at the Kenya Ferry Services (KFS) at Likoni mainland jetty should forthwith be taken for dry-docking on a regular basis at the Kenya Ports Authority (KPA) yard for maintenance. KPA dockyard is the only fully equipped dockyard where first class marine engineers with sea time experience are readily available.

Hon. Temporary Deputy Speaker, in the past several years, the fleet of dilapidated ferries that link Mombasa Island to the Southern Mainland of Likoni have been breaking down at an alarming frequency that require urgent attention. The frequent breakdown of those ferries at the Likoni Channel raises fear of major disaster in the making. Also, the KFS need to build drums at the Mtongwe Channel since the pantoon and wooden bridge is in critical condition and pose a danger to the commuters. I, personally, raised this issue to His Excellency the President of the Republic of Kenya during our meeting at State House Mombasa, together with other Hon. Members. I hope the Cabinet Secretary, Mr. Macharia, will effect this.

Hon. Temporary Deputy Speaker, are we waiting for a maritime disaster to happen? There is urgent need to introduce stringent measures that will ensure human, vehicles and cargo safety. The time for action is now. If we are to avoid the anguish of hundreds of thousands of people risking their lives using the channel at Likoni, measures should be put in place to ensure that we are prepared for any emergency. It could be a rescue team comprising of qualified divers who will be on standby at the channel, both at the island and mainland sides. An effective disaster management committee should be put in place to oversee any eventualities. There must be proper and effective coordination of the five institutions under the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works – the KFS, KPA, Kenya Maritime Authority (KMA), Kenya Navy and the Kenya Coast Guard Services so that they can complement on safety issues.

Hon. Temporary Deputy Speaker, in the last Parliament, I was a member of the Departmental Committee on Transport, Public Works and Housing. We had budgeted over Kshs1.5 billion so that the Government can procure two ferries for Mombasa Likoni channel. I wonder where the second ferry is. To date, we have only received one. We have been asking this question many times. I even posed a question here and the Minister for Transport, Infrastructure, Housing, Urban Development and Public Works was summoned to Parliament. He promised that in a few months, we were to get a second ferry. To date, we have not seen it. We demand for the second ferry which was promised.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is public demand from Members to speak to this Motion. I will still give Hon. Mishi an extra minute to wind up on what she is articulating.

Hon. (Ms.) Mishi Mboko, (Likoni, ODM): In fact, I have just finished. I was just rewinding. My last point was to propose and second the issue of having a bridge at the Likoni

Channel. The people of Mombasa County, Coast at large and even Kenyans are really waiting for that initiative of having a bridge. I want to call upon Hon. Mwashetani to second me on the same.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Mishi, you had ten minutes. Pursuant to Standing Order No. 33(4), any other Member speaking to this will have five minutes. However, as a matter of procedure, we do not second such a Motion. Hon. Vice-Chair, Departmental Committee on Lands, kindly resume your seat. The Member for Lamu County, the Floor is yours.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante sana, Mhe. Naibu Spika wa Muda. Tuna masikitiko makubwa. Kile KFS imetufanyia ni ya aibu. Ukiangalia ile picha au video ambayo ilionyeshwa, lile gari lilikaa karibu dakika kumi na tano ilhali hakuna hatua za haraka zilichukuliwa. Hilo linadhihirisha udhaifu mkuu. Kampuni ya feri ingelikuwa na wapiga mbizi. Inadhihirisha wazi kuwa walioko hawana moyo. Niliuliza vijana kule Lamu vile wangepanya wangukuwa karibu na ile feri lile tukio likifanyika na jibu lao ni wangechukua kamba kwenye feri, waruke na kulenga kuifunga lile gari. Je, kufunga kamba kwenye lile gari liliwashinda vijana wenye vyeti ilhali vijana wengi walio na ujuzi wamekaa tu kule mtaani na kizingitini? Watoto wetu sasa wamechoka na wamesema wenye vyeti sasa wafanye kazi. Naeza kukueleza ni kina nani kizingitini wanaeza fanya hiyo kazi ya diving haraka. Tunayo Adhamani Mbarauzi, Lali na wengineo wengi chap chap hata wanaeza fika ishiringi. Lakini, mkitangaza nafasi za kazi, mtachukua runners muwapeleke pale nasisi tukuwe watu wa kupanda kofi. Basi, wazamie na wao pia wafanye ile kazi kwa sababu sisi watu wa Lamu hatuwezi kusema tupelekwe tuwakilishe Kenya kwa mbio. Nchini Kenya kuna wanaokimbia – Sisi hatuwezi kazi hiyo. Jamani, hayo maji hamuyawezi. Msitafute hizo nafasi za kazi mkaua watu maana wale waliochukua zile kazi ndio walioua wale.

Mhe. Naibu Spika wa Muda, pale kwetu hiyo ni kazi ndogo sana. Lakini, mtakapo advertise nafasi za kazi kule Coast Guard, mtaona wengi wakidai zile nafasi. Ingekuwa rahisi Serikali iwape njia... Mkitaka kuandika kazi kwenye Navy ama Coast Guard, msem tu walete vijana wa vizingitini. Inabidi tu muwaingize kwenye feri na mkiwa katikati ya bahari, muwaambie waruke muone vile watafanya kwanza ndio waandikwe. Wale walioko pale kwa sasa, natoa challenge kwao. Tuwachukue wao nao tuwarushe pale baharini ili tuone ni kina nani watafanya ile kazi.

Mhe. Naibu Spika wa Muda, ni mambo ya kusitikisha. Watoto wetu wanachukua pweza wakienda kuzamia ndani mita hata sitini bila kutaka gesi wakiendea kamba ambayo kwa lugha ya kizunguni ni lobster. Ni kitu wamezoea. Wanachukua jahazi na kuelekea kule deep sea kuvua samaki. Wakifika pale, wanaruka na kuacha jahazi na mtu mmoja. Kuna watu wamezoea zile kazi jamani. Hapa, tutalaumiana eti Kenya Ferry Services, Coast Guard, Kenya Navy... Kenya Ferry Services yenyewe yafaa iwe na kitengo chao. Wale mabouncer mumewachukua waende disco maana sio kazi yao –hawawezi ile kazi. Wangelikuwa wanaweza, ile kazi ndogo tu ya juzi... Mmoja angejirusha akiwa amebeba kamba na kuifunga lile gari na wangesave maisha. Mpaka sasa, kutoa gari imewashinda ilhali siyo kazi kubwa. Inabidi uende na mitungi ya 200 litres ya fuel kule chini, uifunge ile gari na litatoka lenyewe. You do not need rocket science. Kazi hiyo itakuwaje mpaka sasa hivi bado haijafaulu? Inasikitisha ya ukweli. Jamani, wacha tufanye kazi. Hizo certificates hazitupeleki mahali maana skills pia ni muhimu.

Ahsante Mhe. Naibu Spika wa Muda.

Hon. Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Ahsante sana Mheshimiwa wa Lamu. However, in future, you have to follow your Standing Orders. Nimeona

vile umekasirika mpaka umechanganya lugha. When you start your debate in Kiswahili, you finish in Kiswahili. Please, observe that in future. Let me give the Floor to the Member for Wundanyi, who is next in my request list. I can see he is not in. Let me see who is next. It is Hon. Mwakuwona Mwashako, kindly take the Floor.

Hon. Danson Mwashako (Wundanyi, WDM-K): Ahsante Mhe. Naibu Spika wa Muda. Nasimama kuunga mkono Hoja hii ambayo dada yangu Mhe. Mishi wa Likoni ameleta Bungeni. Maswala haya tunayoyaongelea hapa kama Bunge la Taifa ni maswala mazito. Tunaongelea swala la mmoja wetu na mtoto wake kupoteza maisha. Kwanza, naomba Mwenyezi Mungu aziweke roho za hao watu wawili mahali pema peponi. Aibu kubwa imetupata kama nchi. Mimi nimekuwa nikipiga mtazamo kuwa mambo haya yangetokea katika nchi zilizoendelea, taifa jirani kama Tanzania ama mahali ampapo kuna vijana ambao dada yangu kutoka Lamu amewataja na wapewe ruhusa ya kufanya kazi mahali kama pale, leo hii hatungepoteza roho hizo mbili.

Asubuhi kulikuwa na Mswada hapa wa kuongeza hukumu ya wale ambao wanafanya ufisadi. Mswada ule, kwa mtazamo wangu, ni Mswada uliokuja wakati mzuri. Haya tunayoyajadili ni mazao ya ufisadi nchini Kenya. Tumwekuwa wafisadi kufikia kiwango cha kwamba hata kifo hatukiogopi. Ufisadi umetufikisha pale ambapo watu wafa maji ilihali kuajiri mpiga mbizi ni rahisi kwa malipo yake, kuliko kupeana zabuni kwa kampuni zinazoweka usalama pale Feri. Ukienda kule Feri, utapata kuna wanaume waliokula wakashiba. Wako pale wakijitapa. Mkasa huu umetuonyesha kuwa hawana kazi pale. Badala ya kuandika kazi watu ambao wanaweza kuokoa maisha, Feri na Bodi yake yote imeona ni vyema ipeane zabuni na kandarasi kwa vitu ambavyo si vya msingi.

Maisha ni kitu ambacho ni lazima tukilinde. Juzi nilimwona Mkurugrzi akisema kwamba hawana wapiga mbizi. Mara wanasena hawana gesi ya kushuka chini ya maji kizitoa zile miili. Ufisadi umemaliza nchi hii. Ni wakati mwafaka kwa Bunge hili la Taifa kusema ni lazima tupigane na ufisadi kwa njia zote tukianza na Kenya Ferry na kwingineko. Hata mahospitalini watu wafa kwa sababu ya ufisadi. Wapiga mbizi wanajeshi walioko pale Mtongwe, kama kilomita moja ama mbili kutoka pale Feri, wana tajiriba. Wanatambulika dunia nzima. Lakini, hakukuwa na mawasiliano baina ya Kenya Ferry na wao kuwatoa waje kuokoa maisha. Hili ni jambo la kusikitisha. Leo, tumewapoteza watu wawili katika janga lile. Si mara ya kwanza tumepoteza watu pale.

Pale ni eneo Bunge la Mhe. Mishi Mboko. Ni lazima tupatiwe ripoti kamili ya kile kinachoendelea ndani ya Kenya Ferry. Tumechezewa ya kutosha. Kila mara kinachofanyika pale ni njia ya watu kujitajirisha. Tulitarajia wakati kama huu Waziri...

Ingelikuwa ni maswala mengine yametendeka kwingineko, Waziri wa Uchukuzi angekuwa amefika mahali pale. Leo hatujamwona Waziri. Tumemwona Mwenyekiti tu, Mwazo...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Hon. Millie Odhiambo Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to stand together with the family and the people of Likoni for the loss of the mother and her child. Indeed, it was a terrible tragedy that should not happen at this time and place in this country. I watched the video of the accident and there are two things that stood out. One, that was a case – and I agree with Hon. Member who was agitated and annoyed – that, if we were prepared, it should not have happened. You could see that the car was near the ferry and people watched it. That speaks about the state of our disaster preparedness. When we deal with

disaster preparedness, it is not about training technical people with degrees. Sometimes, it is about training the people who are in the locality as the Hon. Member has said. I come from a place with a water body. I, therefore, know that the locals are able to deal with such incidences. So, why are we not investing in training locals to be able to deal with disaster cases? Even within the ferry, what was there to help the people who were in the ferry to deal immediately with disaster? This was a case of one car. Assuming the whole ferry went under, how would they have assisted?

As leaders, we are failing this country. I am saying that as a member of the Budget and Appropriations Committee. If you see the money that we budget for things that do not matter! Yesterday, I was shocked to see an *expose* on Child Welfare Society of Kenya. I am not saying that there is corruption there but, if you see the amount of money we are giving an organization whose origin we do not know... In some instances, over Kshs100,000 was given per month and yet, we cannot put money in disaster preparedness when it comes to genuine cases. As the Budget and Appropriations Committee, we need to be serious. We should look at issues that touch on Kenyans.

The other issue that I saw and that was astounding and shocking is that in the face of that tragedy... What we do nowadays as Kenyans is to become experts in the social media. Everybody was busy taking pictures and sharing them online. It was like they were in a competition of who will break the news first. We have all become media experts. I know it is important to cover news but, as Kenyans... If you see the reaction of the people who were asked whether they thought the victims can be given a rope to get rescued, they all remarked: "Too bad! We cannot do anything else", as soon as the car went under. They stood and took the video of the car going under. I want to advise Kenyan that, despite the likes that one can get on social media, there are families that are sad and grieving and you are showing them their own kin going under. Let us be sensitive about the information that we want to share on social media. We may have wanted to show people that it was sad, but we affected other families. It is a tragedy and, as leaders, we need to own up that we are failing this country.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Let us have the Member for Alego Usonga.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Deputy Speaker. First, I want to send my condolences to the family of Miriam, who perished in the ferry incidence. This is a question of failed leadership. I think we must be honest, as Hon. Millie has said. Parliament must take the blame for this incident for two reasons. One, we have failed in properly allocating budget for relevant institutions that are supposed to safeguard our lives, especially in case of disasters. But more fundamentally, this House continues to approve people to public offices who are clearly incompetent; people who cannot perform or deliver. When names are brought here for Members of this House to ventilate and interrogate, the best we do is to make noise and shout, "Let us pass, let us pass". So, what do we expect these incompetent people to go and do? We are giving Kenyans a raw deal. So, I blame this House. The incompetence in public service is something we cannot continue to tolerate.

If we are going to have MDs from our ethnic backgrounds, who we clearly know cannot serve Kenyans and we clap for them, we are going to have more disasters. Let this House wake up. Yesterday, we approved land grabbers to take care of our land. What were we doing? Tomorrow when disasters emerge from those offices, we will come here to lament. Let us wake up. Let the watchdog committees of this house take lead in the oversight of public officers. If public officers will commit offences, or be corrupt and show us complete ineptitude, we will

obviously come here to lament and make noise, yet we have instruments in our hands to ensure that these people perform.

This is a case of incompetence of public officers. I think the MD of KFS, I do not know who he is, should have already resigned. There is no reason why he is in office. What is he doing in that office? Let us be clear and vigilant. Let us ensure that names of our tribesmen are not brought into this Parliament to be passed and when they mess up you come here to make noise.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Mbarire Cecily, you have the Floor.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. Let me also add my voice to those colleagues who have spoken before me, and start by sending a message of condolence to the bereaved family of Miriam and Amanda. They lost their lives due to negligence and failure by people to take their work seriously. It is sad that in this day and age, we lose lives on things that can be prevented. Having listened to the Mover of this Motion, it is clear that safety is the last thing in the minds of the KFS. They just provide their service. They never imagine that one day there can be an accident. That is besides the fact that we had a very serious accident in the past, where we lost hundreds of Kenyans. Their disaster preparedness is wanting. We have the Coast Guard Services, which Bill we passed and it was signed into law by the President and even commissioned in the coastal area. Where were they when these people were drowning?

The buck must stop somewhere. We cannot just sit here, debate, ventilate our anger and nothing happens. We want the person in charge of KFS, the person in charge of the Coast Guard Services to be made to account for this act of negligence. If we do not do that, nothing will happen. They say we Kenyans forget very easily. We have made noise for the last four days and within the next one or two weeks we will have forgotten there was a disaster ever.

I also want to ask the Ministry of Transport to seriously consider financing the construction of a bridge across that channel. There are too many vehicles crossing that channel every day. I heard Hon. Millie talk about over 2,000 vehicles per day, if I am not wrong. I am wondering how much longer we can continue using that archaic mode of transport for over 2,000 vehicles every day when we know that we can do better.

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

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

Madam Speaker, if I look back even at the effect of that same mode of transport on tourism...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! It cannot be Madam Speaker.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Mr. Temporary Deputy Speaker, I had not noticed that the previous Chair had moved and a new one came on board. I recognise you are a Mister, since I see you wear trousers all the time. So let me refer to you as you should be: "Mr. Speaker".

I really hope that we can begin to prepare to build a bridge. It also affects tourism in the South Coast. I hope today we will not just debate and leave it there, but the relevant Departmental Committee will take up this matter, investigate and bring a comprehensive report with findings.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is your point of order, Hon. Akinyi?

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Is the current speaker in order to suggest that you are a “Mr. Speaker” because she always sees you wearing trousers? I have always seen her wearing trousers. Does that make her also a “Mister”?

(Laughter)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Akinyi, you are taking a very slippery route because you want to make the Chair the subject of discussion. It is not possible. That debate looks and sounds uncomfortable, even to the Chair.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker, for protecting me from Hon. Rozaah’s mischief. You are known to be a man. You are a man.

I was saying that we must get a comprehensive report with recommendations from the committee so that we can do something about this matter. We should not just ventilate and make noise and lay blame. We should come up with resolutions that will save Kenyans who use that channel. In future, Kenyans should not suffer the fate of Miriam and Amanda.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, remember you have five minutes to organise your thoughts together. Shall we have Hon. Joshua Kimilu? I also take note of Members from the Coast and, indeed, all the Members because this is a matter of national interest.

Hon. Joshua Kivinda (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to the discussion on the Likoni tragedy. I want to stand with the family and send my condolences to them. It is a big loss and shame to the country. It is now over 72 hours and yet rescue efforts are still going on. Seventy-two hours is a long time. The families of the deceased persons are waiting to get the bodies. As a country, we are also waiting to get a report on what happened.

As a country we have failed. In 1993, when I was young, there was a ferry tragedy in the same area. We should have learnt a lesson from that tragedy and mitigate other accidents in the same area. But it is like we have not even done anything about accidents in that area. There is someone who is sleeping on the job. This is the time to fix our issues. We need to do something in that area. I join my colleagues from the coast who are agitated because of this tragedy because the Navy is less than one kilometre away. I remember when I was watching the video; the incident took over 15 minutes. That is enough time for them to come and rescue. There must be a problem because as a country we need to know why this is happening. Again, it is high time we changed the ferry services, structures, operations and the management. I do not see how an accident can happen for 15 minutes and we do not see any effort by Kenya Ferry Services to rescue the two people.

As Members of Parliament, this is the time we need to come up with a structure. We also need to add our voices and advocate for these people. Those who are sleeping on the job must be

fired and we employ our boys at the coast who know how to swim and can rescue drowning people. As I was watching news, I saw some boys saying that they have been requesting for such jobs, but they cannot get them.

I remember five years ago there was an MP who suggested that we do something, even if it means paying one shilling to improve disaster management. If we have no funds, we can even charge such an amount. That can be used to employ experts who can save lives at Likoni Ferry. It is high time as a country we said the truth. We need to get a report. Most of the time we discuss issues here and after a year the story dies. This time we need to see a good report and the people need to get their rights. We need to allocate money for Likoni Ferry.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is the intervention Hon. Ali Athman?

Hon. Ali Sharif (Lamu East, JP): Thank you, Hon. Temporary Deputy Speaker. Due to the time remaining and it looks like many Members are interested in speaking to this Motion, is it in order for the time to be limited to three minutes, instead of five per Member?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Well, your suggestion can only be considered as being persuasive to the Members. You are persuading them to speak within the three minutes, but we cannot reduce the time for each Member midway the debate. That should have been done earlier. Nevertheless, you have made a point and it is good. So, let us see. Maybe Members will be persuaded to speak for fewer minutes so that more can get an opportunity.

Let us have Hon. Mohammed Ali and see whether he has been persuaded.

Hon. Mohamed Ali (Nyali, Independent): Shukran sana, Mhe. Naibu Spika wa Muda. Pia mimi ningependa kuchangia na kusema kwamba hii ni aibu hapa nchini Kenya iwapo baada ya kutokea kile kisa cha Mtongwe bado hatujajifunza lolote. Ni aibu kubwa iwapo leo Serikali itatangaza na kusema kwamba haina hewa ya kutosha ama gesi ya kuweza kufika kule chini. Leo Kenya, hatuna fedha za kununua hewa, lakini tuna fedha za kununua vitoa machozi. Leo Kenya, hatuna fedha za kununua hewa, lakini tuna pesa za kununua makumi ya magari kwa viongozi. Leo hii katika Kenya, hatuna pesa ya kununua hewa, lakini tuna pesa za ufisadi.

Hii ni aibu na ni sharti sheria ichukue mkondo wake na kuhakikisha kwamba wahusika wote ambao wamekaa kimya wakiangalia marehemu Mariam Kighenda na mtoto Amanda Mutheu wakiangamia na kufa kifo cha polepole, ni sharti wachukuliwe hatua za kisheria.

Mhusika mkuu, Waziri wa Uchukuzi Bwana Macharia, achukuliwe hatua. Mkurugenzi Mkuu wa Kenya Ferry Services, Kenya Ports Authority (KPA), Maritime Authority of Kenya na Kenya Coast Guards (KCG) wote wachukuliwe hatua za kisheria, maana hii itakuwa ni hekaya za abunwasi. Tutakuwa tunarudia haya miaka nenda miaka rudi.

Katika Mtongwe Ferry tulipoteza makumi ya watu na tulidhani labda tutajifunza mengi na kuhakikisha kwamba tumeweza kuwa tayari kwa matukio kama haya.

Hon. Kassait Kamket (Tiaty, KANU): On a point of order.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order Hon. Ali. What is it Hon. Kamket? You look very agitated. What is out of order?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Deputy Speaker, you have heard the Member for Nyali alleging that in Kenya we have money for corruption. I would like him to substantiate how much of that money he has benefitted from.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order Hon. Kamket! You are stretching Hon. Ali's space to contribute to this too far. It does not seem to offend any Standing

Order, but the way you look at him, it is like you have something to say about him. However, that is for another place not here.

Proceed Hon. Ali.

Hon. Mohamed Ali (Nyali, Independent): Asante sana. Kama anataka nizingumzie pesa ya ufisadi nitampatia. Shilingi bilioni moja nukta nane iliweza kutolewa kununua feri mpya mbili. Hizo pesa hatujui zimeenda wapi. Ferry mpya hatujapata mpaka sasa. Shilingi milioni 78 zilitolewa kwa Kenya Ferry Services iweze kuweka camera za CCTV ili wale ambao wanakaa mahala na kuangalia matukio yote yanayotokea, wakiona shida yeyote wanaweza kuwafikia wananchi kwa haraka. Hizi ndizo pesa ninauliza ziko wapi na zinafanya nini?

Nilikuwa ninazungumzia kujiuzulu au kuwachishwa kazi kwa wahusika wote wakuu kama nilivyokuwa nimewataja hapo awali.

Pia, nitazungumzia masuala ya kazi. Vijana wengi wa Pwani hawapewi kazi. Inapofika ni wakati wa kuandika wanajeshi wa maji, vijana wengi walio na ujuzi hawapewi nafasi. Inakuwa ni kupeana kazi kwa kujuana. Bahari ina wenyewe na wenye bahari wanafaa wapewe kazi hii.

Pia, ningependa kuzungumzia katika siku za usoni waanze kufanya mikakati ya kuhakikisha kwamba wameweka kivukio cha daraja ili kuhepusha majanga kama haya.

Mhe. Naibu Spika wa Muda, ninasema kwamba leo ninaomba Mariam Kighenda na Amanda Mutheu watusamehe kwa sababu tumefeli kama nchi na tutarekebisha tuweze kuhakikisha kwamba matukio kama haya hayataokea tena katika siku za usoni.

Mungu alaze mioyo yao mahali pema, panapo lazwa wema.

Asante.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mbogo Menza, you have the Floor.

Hon. Mbogo Ali (Kisauni, WDM-K): Mhe. Naibu Spika wa Muda, asante sana kwa kunipatia nafasi hii niweze kuchangia huu mkasa uliotokea katika eneo letu la Mombasa, Kaunti ya Mombasa.

Kwanza, ninatoa pole zangu kwa jamii ya marehemu Mariam na mtoto Amanda na kujulisha Bunge hili, ijapokuwa walifariki katika kivuko cha Likoni, ni wakazi kutoka eneo la Bunge langu la Kisauni na hivi tunavyozungumza, tumeanza mipango ya kuchanga pesa katika kusaidia mazishi. Kwa hivyo, ninaomba Wabunge wenzangu pia tuweze kusaidiana kwa njia moja au nyingine. Wale wataweza kuchanga, tutashukuru zaidi ili tuweze kufikisha msaada ule kwa jamii ambayo imepata mkasa huu.

Kwanza kabisa, hili ni janga la kitaifa. Ni janga ambalo limeonyesha udhaifu mkubwa kwa taifa la Kenya. Ni aibu ikiwa mkasa huu ulitokea siku ya Jumapili jioni na mpaka leo, mili haijatolewa. Jumapili ilikuwa ni tarehe 29 mwezi wa tisa, leo tumefika tarehe mbili mwezi wa kumi, siku tatu, na mpaka sasa tunavoonea, hakuna kitu ambacho kimepatikana. Imetuonyesha udhaifu kuwa kama taifa hatuko tayari kupambana na majanga kama haya. Ijapokuwa wakati tokeo la kihuni la wale magaidi litakapotokea katika sehemu hiyo, tutaona vitengo vya usalama vinavyohusika kupambana na magaidi vinavyojitahidi. Lakini leo, jeshi letu la wanamaji limeonyesha udhaifu mkubwa. Wamefundishwa na wanaujuzi wa kushugulikia maswala ya ndani ya maji. Lakini, kwa siku tatu wameshindwa kuokoa wale maiti ambao wako pale ndani na kutoa gari iliyozama katika kivuko cha Likoni.

Kama Taifa, hii imetuonyesha hatuko tayari kabisa. Kivuko kile cha Likoni kinavukisha magari elfu sita na watu zaidi ya laki tatu kwa siku. Je, ingekuwa kama kwa bahati mbaya feri ile ingezama? Ikiwa tukio la mtu mmoja limetushinda. Je, kama feri ile ambayo inabeba watu elfu nne mia tano wakati inavukisha kwa safari moja ingezama? Je, tuko tayari kwa swala kama

hilo? Hatuko tayari. Hii imetuonyesha tuko na kazi ya kufanya na kama taifa ni lazima watu wawajibike. Ningekuwa Waziri anayehusika na maswala ya usafiri ningekuwa nimewacha kazi kuonyesha imenishinda. Mkurungezi mkuu wa Kenya Ferry, Bw. Bakari Gowa angekuwa tayari ameenda nyumbani na yuko korokoroni. Haya ndio mambo yanayofanyika katika nchi zilizoendelea. Maisha ya Mkenya mmoja ni sawa na kupoteza umma mzima. Huyu ni mama na mtoto wake.

Ukiangalia mwaka wa 1994 katika kivuko cha Mtongwe tulipoteza maisha ya Wakenya 272, na kivukio kile kiko mita 40 kutoka kambi ya wanajeshi wa maji. Hiyo feri ilikuwa imebeba watu 400. Watu 128 waliokolewa na wavuvi na wapiga mbizi wa mtaani. Lakini kikosi cha Kenya Navy kilishindwa kuokoa maisha. Leo imetuonyesha vilevile udhaifu walionao. Mashirika ya Kenya Ports Authority (KPA), Kenya Maritime Authority (KMA) na Kenya Coast Guard Services (KCGS) ni vitengo tunapatia pesa nyingi. Tunajua pesa tunazopitisha katika maswala yetu ya bajeti katika mambo ya usalama. Ni pesa chungu nzima tunazopatia pande lile. Lakini, leo wameshindwa kuokoa gari moja na maiti zilizo ndani kwa siku tatu mfululizo. Hili ni jambo ambalo linatusikitisha sana kama watu wa Pwani, Mombasa na Jamhuri ya Kenya.

Tukiangalia yale ambayo yametokea, ninafikiri kuna umuhimu ile Kamati ya Usafiri iweze kushugulikia swala hili na kulete ripoti hapa katika Bunge la Kitaifa ili tupate kujua kiini cha kilichotokea na kusababisha ajali ile. Pia, kitu gani kitafanywa kwenda mbele ili tusije kupata madhara makubwa. Kitu ambacho tunaangalia sasa ni kwamba tutakuja kupata majanga makubwa ambayo tutashindwa kujiondoa kama taifa.

Asante sana, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Patrick Mariru): To my right now, Hon. Lentoimaga Musa.

Hon. Alois Lentoimaga (Samburu North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. First of all, I want to send my condolences to the family of the deceased. This is a very unfortunate incidence. I want to support my colleagues for being united and strong in supporting this issue.

This is an issue of laxity, carelessness, recklessness and negligence. It is only being reactive and forgetting what has happened before. The one thing I realised when watching on television is that the ramp is always lowered all the time even in the middle of the channel. This is unfortunate, I do not know why it should not be lifted as it used to before. If it is not working why not even use a simple barrier? This will help so that when a vehicle drifts down it can be stopped by the barrier or a simple rope like what ought to have happened to avoid this tragedy.

This is not just an issue of the Coast or ferry services in Mombasa. It is all over the country. Kenyans forget and organisations are only reactive. We forget tragedies that have happened easily. We can blame the Kenya Ferry Services, the Navy and all Government institutions in this country. For example, in Northern Kenya, we also get drought almost every two years. We know it is coming when the rains fail, but we do not take any measures. We start lamenting when the drought is already here.

Hon. Temporary Deputy Speaker, we come from the same region. Look at insecurity in the North in Laikipia, Baringo and Samburu. We deliberately disarmed the local people who used to support police in fighting cattle rustlers and bandits in those areas. They did this without caring. In the last two weeks, more than seven people have been killed in my constituency and animals driven away. Those killed include a teacher in Baragoi Town.

The security forces were told there was marauding bandits who were coming and had been seen and intelligence was all over the place. But the security agents forgot, they did not care

or were lazy. We have careless institutions. The bandits came killed and ran away. They can come even twice or thrice and we only start running up and down when people have already been killed and livelihoods destroyed. This is an issue which, as a House, we need to address so that something serious is done to show we are proactive, we care and take action before a disaster like the Likoni Ferry happens.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Katana Kahindi.

Hon. Paul Katana (Kaloleni, ODM): Asante sana, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Members do not worry because you are speaking for five minutes. You will still get your space. I can guarantee you.

Hon. Paul Katana (Kaloleni, ODM): Asante sana, Mhe. Naibu Spika wa Muda. Kwa niaba ya wakazi wa Kaloleni, ningependa kutoa rambirambi zangu kwa jamii ya mama Mariam na mtoto wake Amanda. Ni jambo la aibu sana katika nchi hii kuona kwamba mtoto na mamake wanapoteza maisha kwa uzembe wa watu ambao walitwekwa jukumu la kutoa huduma katika nchi hii.

Inaonekana Wakenya hatuko tayari kuona kwamba kukitokea janga tunaweza kusaidia wananchi wetu. Kuna vijana ambao wanauzoevu wa kupiga mbizi katika eneo la Likoni. Lakini ni jambo la kushangaza kwamba hawajapatiwa nafasi ya ajira katika Shirika hili la Kenya Ferry. Tumekuwa tukiajiri watu kwa sababu ya makaratasi tunasema wamesoma. Lakini kuna wale hawajasoma na wanauzoevu wa kupiga mbizi kama kijana anayelitwa Musa. Amekuwa akiokoa maisha ya watu na sasa ameomba kazi kwa Shirika la Kenya Ferry kwa miaka zaidi ya kumi na tano na hajapata ajira.

Tungekuwa tumewapatia hawa vijana nafasi wangeweza kuokoa maisha ya wananchi katika feri. Tumeona kwamba hatuwezi kusaidia kukitokea janga. Pengine shule iungue. Je, tuko tayari kusaidia wananchi wetu? Kumekuwa na Tume ambayo lilibuniwa baada ya ajali ya Mtongwe. Tulijifunza nini kutoka kwa ile Tume?

Jambo la kusikitisha ni kwamba jeshi letu la wanamaji, ukipita kwa feri, utalionga linafanya mazoezi ya maandalizi ya Mashujaa Day. Sasa wanapita pale na hawawezi kuokoa maisha ya yula mama na mtoto wake. Utaona tarehe 20 Rais akiwa pale utaambiwa hiki ni kikosi maalum cha wapiga mbizi. Sasa tujiulize, wanapiga mbizi wapi. Wanapiga mbizi kwa bwawa la maji au kwa bahari. Itakuwa aibu hata kwa Rais kuwakubali wapiga mbizi ambao tutawaona tarehe 20 kupita mbele yake kwa sababu wameshindwa kuwasaidia wananchi ambao walistahili kusaidia. Gari lilielea kwenye maji kwa muda wa dakika 20 lakini unasikia sasa Mkurugenzi Mkuu wa Shirika la Feri anasema hakuna wapigambizi ama wapigambizi hawana hewa ya kuingia baharini. Hii ni aibu kubwa kwa shirika kama hili.

Umefika wakati Bunge hili lichukue hatua za kisheria dhidi ya watu hao ambao wanazembea katika kazi zao. Hata tukisema wananchi wafidiwe, hatuwezi kuokoa maisha yao.

Asante, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall have Hon. Odoyo.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Speaker. I thank you very much for this opportunity. At this moment, I am a very disturbed Kenyan. I am very disappointed by what has occurred. I bow my head in great shame to be called a Kenyan today.

What we have witnessed on social media that captured this occurrence real time is quite disappointing to the effect that even as the car slowly sank, we had absolutely no recourse as a

country to save it from the catastrophe. That speaks a lot in terms of our disaster preparedness coming at a time when we are also expanding the horizon of our maritime transport. In a few months to come, Kisumu City will be carrying out a comprehensive maritime transportation along Lake Victoria to Uganda and Tanzania. If what we have seen in Likoni is anything to go by, where public officers demonstrate absolute dereliction of duty, then we are afraid that in due course we will lose a lot more.

If this happened in a developed nation like in Europe or the United States of America, the Cabinet Secretary (CS) responsible for the line departmental and everybody else would have resigned. But, because we are in Kenya, up to this moment, the Cabinet Secretary has not seen it fit to travel to Mombasa to even empathise with the families that have lost their loved ones. I remember that barely three weeks ago, we lost a former president of a South African nation. Even before that country's government declared a mourning period, our government gave an order for all flags to be flown at half-mast in his honour. Our country was already doing it. Are we much more in love with foreigners to the chagrin of our own nation? Even up to now, we have not heard our President speak about the disaster that happened in Likoni. Are we on our own? That speaks a lot to the welfare of this country in general. I challenge those who are concerned. It is now over 50 hours and we are only saying that we have no enough oxygen to help our divers go deep down to find where the car is stuck. You can only imagine the shrilling wailings from this mother, together with her daughter, in great shock that they were not in a position to send a message or even call any relative. That did not just happen to that family. It can happen to anyone of us.

I thought when one gets into a ferry in a car it is only prudent to come out of the car and when it docks then at that point you move into your car and drive it out. That must be made a law. However, even more bizarre is the fact that this ferry did not have an embankment. I thought that once all the cars have moved in; there should be an embankment that comes up so that even if a car slides, then it can still be stopped. This speaks a lot into the welfare and the usage of our ferries. That is not the first accident that is being reported from Likoni ferry. At some point we lost so many more that we even lost the numbers.

Hon. Temporary Deputy Speaker, this is something that our Government must carefully look into. Even before the Kisumu maritime transport takes effect, these are fundamental questions that we must ask ourselves as a nation.

I thank you for giving me the opportunity.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I get to my right, let us have Hon. Kingi.

Hon. Michael Kingi (Magarini, ODM): Asante, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi ya kuchangia mada hii ya leo.

Kwanza, ninatoa pole zangu kwa familia ya mwendazake, Mariam, pamoja na msichana wake Amanda. Nikiwa nimesimama hapa, nimejawa na huzuni kutokana na tukio ambalo ni lazima kama Wakenya au Wajumbe katika Bunge letu tujiulize maswali. Je, jambo kama hili lishawahi kutokea mwanzoni katika kivuko cha Likoni? Ukiangalia, ni kweli lishawahi kutokea. Je serikali imechukua hatua gani.

Ukiangalia kwa kina zaidi utagundua kwamba ijapokuwa majanga haya yanatokea mara kwa mara katika kivuko cha Likoni utaona kwamba Serikali haijatalia mkazo katika kuhakikisha kwamba majanga kama haya yanapotokea watu wanaweza kuokolewa. Jambo la pili tunafaa tujiulize ni ajali kama hii ikitokea, je watu wangeweza kuokolewa? Ukiangalia, katika ajali hii

ingekuwa rahisi kabisa kuokoa watu lakini idara inayohusika ya uchukuzi haijajitayarisha mwafaka kuhakikisha kwamba majanga kama haya yakitokea watu wanaweza kuokolewa.

Ninajiunga na Wabunge wenzangu ambao wamesema kwamba feri nyingi hazina vizuizi mbele na nyuma ya feri. Unapoiingiza gari lako pale utaona mbele kuko wazi na hakuna kizuizi na gari inaweza kusukumwa mbele ikaingia kwa maji ama ikarudi nyuma na ikaingia kwa maji. Hili ni jambo ambalo Kenya Ferry au idara husika ya uchukuzi ingetilia maanani kuweka vizuizi. Haigharimu pesa nyingi lakini kwa sababu hawajaona umuhimu wa maisha ya wananchi wa Kenya ninafikiri ndio maana wanaishikilia legelege. Wakati huu waziri anayehusika inapaswa saa hii tunapozungumza ndani ya Bunge hili tayari awe amejiuzulu. Kama hatafanya hivyo, mimi ninamuomba Mheshimiwa Rais ikiwezekana amchukulie Waziri hatua. Hatua ya kwanza ambayo inafaa kuchukuliwa huyu Waziri ni kuhakikisha kwamba ameachishwa kazi. Ninamuomba Mheshimiwa Rais alitekeleze ombi hili.

Tunaweza kumlaumu mkurugenzi wa ferry. Kwa sasa siwezi kusema kwamba ninamlaumu kwa sababu sijui kama alikuwa anapeleka mapendekezo haya kwa Wizara inayohusika na kama alikuwa anapata msukumo kutoka kwa idara inayohusika. Kwa hivyo ikibainika pia kwamba mkurugenzi mkuu huyu labda alikuwa anapendekeza ama hapendekezi mwafaka ambao unataikana kufanyiwa katika feri hizi, basi yeye pia hana budi ajiuzulu. Hali ya majanga Kenya hii imekuwa ikitokea mara kwa mara. Lakini ni kama Serikali haiko tayari. Mfano mbali na huu, katika eneo Bunge langu, juzi kulitokea janga la mafuriko. Watu wengi waliokolewa na raia. Wale wahusika walikuja pale baada ya siku tatu. Mtu akizama maji tayari ufa kabla ya siku tatu.

Mheshimiwa Rais ana ile kalamu ya kuandika na kufuta. Naomba Mheshimiwa Rais awachukulie hatua mwafaka wahusika wote ambao wameaminika kutunza maisha ya wananchi na hawafanyi hivyo.

Kwa hayo, naomba tujiunge na familia ili tuomboleze vifo hivyo.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Jaldesa Dida.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support my sister, *Mheshimiwa* Mishi.

I would like to start by sending my condolences to the family, friends and relatives of the two beautiful souls that have left us. I join my colleagues in saying that somebody ought to have taken responsibility. I confirm to this House that I sit on the Departmental Committee on Transport, Public Works and Housing. I can confirm that all the allegations that were raised here regarding the management of the Kenya Ferry Services are true. This is one CEO who has never been able to address the challenges of the Ferry Services, including the Kshs1.8 billion of the new ferry that was ordered from Turkey. It is a complete failure in the management. If this House is serious in what it is saying, I expect the Committee that I sit in to take action with immediate effect by tomorrow when we meet the Cabinet Secretary who will appear before us to answer a Question.

It is so painful to watch a life disappearing right before your eyes and there is nothing you can do. I watched that video and cried the whole night. That is the most painful death anyone can be subjected to. It is so sad when we talk of lack of oxygen or a proper ramp. Instead of us giving ourselves a very ambitious agenda, namely the Big Four Agenda, we need to concentrate on just one agenda to ensure that we have a robust transport system in this country. When I say transport, I mean the ferry, railway and road. The number of lives we are losing is unbelievable.

As we discuss this sad incident, where are we as a country in terms of disaster preparedness? The only other time when disasters in this country are handled is when Abbas

Gullet of the Kenya Red Cross comes in. If the Government cannot address disasters, can it delegate that to the Non-Governmental Organizations (NGOs)? If we cannot have a clear direction, I am just left wondering what will happen, should one day, the ferry that carries over 3,000 people - God forbid - go under.

I assure my sister Mishu that as I go to that Committee meeting tomorrow, I will demand and speak on their behalf. If it means causing chaos there I will because this is so sad. I am just seeing a *tweet* that the CS has appointed Principal Secretary (PS) Esther Koimett to be in charge of the operation. She is a competent lady. This is too late. That is what should have been done on the very first day.

I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Jaldesa, be careful not to cause chaos in that Committee. You will be out of order. Your point is made. Let us have Hon. Kamoti.

Hon. William Mwamkale (Rabai, ODM): Asante sana, Bwana Naibu Spika wa Muda kwa kunipa nafasi hii.

Nitaanza kwa kutoa rambirambi zangu kwa niaba ya wakaazi wa Rabai kwa familia ya mama Mariam na msichana Amanda. Tuna imani kwamba Mungu atawaweka mahali pema peponi kule wameenda.

Ukweli wa mambo ni kama wenzangu walivyozungumza. Janga hili la feri limesababishwa na wafanyikazi wazembe, watu ambao hawataki kuchukua majukumu yao kama inavyotakikana. Tunajua kwamba kuna mgao wa pesa unaopatiwa kila shirika. Shirika la Feri kama mashirika mengine inagawiwa pesa.

Ukienda Likoni sasa hivi ama ukiwa mjini Mombasa, utaona magari mazuri mazuri ya Kenya Ferry. Utaona barabara pale karibu na ofisi zao zinang'arishwa. Lakini umuhimu wa Kenya Ferry ni kuangalia usalama wa watu wanaotumia kivuko kile.

Tunajua sasa hivi tutaambiwa kuwa tume imeundwa kuchunguza ni nini kilisababisha ajali ile. Lakini kila kitu kiko wazi kwa sisi ambao hutumia feri ile. Mimi mwenyewe nimewahi kuvuka na ile feri si mara moja au mbili. Mnafika mwisho wa safari kisha mnaambiwa feri mpaka irudi kinyumenyume, igeuke ndio iweze kushukisha abiria ama watu. Sababu ni kwamba milango haifanyi kazi. Feri ikiwa nzima au katika hali yake ya kisawasawa, huwa baada ya watu na magari kuingia ndani, milango ya feri inainuka na kufunga vizuri kiasi cha kuwa hata mtu akisukumwa hawezi kutoka nje au gari ikishuka kwa sababu pengine kwa sababu *brakes* zimekataa, halitaweza kufika nje, litagongwa na viziwi na kuzuiwa na milango.

Lakini katika feri zetu milango yote haifanyi kazi. Kufanya tu marekebisho ya milango imeshinda wakurugenz, imeshinda wafanyikazi wa Shirika lile. Naunga mkono wenzangu kwamba kama mtu hawezi kazi, msituharakishe kwenda makaburini. Msihatarishe maisha ya watu 6,000 wanaotumia feri ile kwa siku moja. Hapa ni mahali ambapo Serikali ingeangalia vizuri na kuhakikisha watu wake wanalindwa.

Wapigaji mbizi ni muhimu kwa Shirika kama lile. Inakuwaje kuwe hakuna wapigaji mbizi na tunajua chochote chaweza tokea ndani ya maji? Hili janga lilitupata 1994 na tulitarajia kwamba kungekuwa na mikakati kufikia sasa. Wakenya hungoja mpaka kitu kitokee; sio kwamba haikuonekana mambo haya hayatatokea.

Juzi kule Rabai, nimekuwa na ajali mbaya sana. Tumepoteza watu tisa mahali pamoja. Mahali pale tumeomba matuta yajengwe na Kenya Rural Roads Authority (KeRRA) na Kenya National Highways Authority (KeNHA), wakazembea kazi mwisho, tuakaambiwa KeRRA ndio wamepewa ile kazi mpaka watu wakaangamia. Sisi tuanambia wanaochukua majukumu ya

Serikali wawe wamejitolea. Usiende kuandikwa kama askari wa jeshi la maji kama wewe ni mwoga na hujui kuogelea. Tunaomba Serikali ichukue wale ambao wamejitolea. Wao ndio watatufanyia ile kazi. Wasituletee watu wenye Kizungu kingi na makaratasi mengi na wakati wa ajali ukifika, wanarudi nyuma. Maafisa wa Kenya Navy walikuwa katika uwanja wa Uhuru Gardens wakifanya mazoezi wakati ajali hii ilitokea. Tunashangaa kwa sababu hakuna hata mtu mmoja alifika pale baada ya dakika 15. Tunamuomba Rais angalie wakati...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. You had five minutes, Hon. Kamoti. Shall we now have Hon. Tayari?

Hon. Benjamin Tayari (Kinango, ODM): Asante sana, Mhe. Naibu Spika wa Muda. Nafikiri utaniongezea dakika moja. Nimesimama kuunga mkono Hoja hii ambayo imeletwa na Mhe. Mboko wa Likoni. Kwanza kabisa, wacha nichukue nafasi hii kupatiana rambirambi zangu kwa familia ya marehemu mwenda zake ambaye alituacha kwa sababu ya ajali iliyotokea pale Likoni.

Kusema ukweli, wafanyi kazi wengi wa feri hawana tajiriba ambayo inatakikana kuhakikisha kwamba wanafanya kazi ile vizuri. Wiki mbili zilizopita kabla ya ajali hii kutokea, feri moja ingegongwa na meli ambayo ilikuwa inapita. Watu wa feri walisema ya kwamba wanajua wanafanya nini na walikuwa tayari kwa lolote. Lakini kusema ukweli, ni Mwenyezi Mungu ambaye aliokoa ajali ile. Tungepoteza watu wengi sana pale Likoni wiki mbili zilizopita. Vile alivyosema mwenzangu, mwaka 1994 tulikuwa na ajali pale Mtongwe ambapo tulipoteza watu wengi sana. Ajali hiyo ilikuwa mita kadhaa na pale ambapo maafisa wa Kenya Navy wanaishi ama wanafanyia mazoezi yao lakini hakuna lolote walifanya mpaka tukapoteza watu wengi. Juzi tulipoteza dada yetu kilomita moja tu kutoka pale maafisa wa Kenya Navy wanakaa. Wakati gari lilikuwa linatokomea chini, walikuwa wanafanya mazoezi hapo wakizunguka kwa boti zao. Wao hufanya starehe hapo badala ya mazoezi. Najiuliza na nauliza wenzangu, hizi nguo nyeupe ambazo wale wenzetu wamepatiwa ni za kuonyesha kwamba haziingii uchafu ama ni za kufanyia kazi? Naona hakuna kazi yoyote wale ndugu zetu wanafanya pale kwa Kenya Navy.

Tutalaumu Mkurugenzi Mkuu wa Kenya Ferry Services lakini wale ambao wako na jukumu la kuhakikisha kwamba wanatetea ama wanaangalia maisha ya binadamu ambao wako katika vitengo vya maji ni maafisa wa Kenya Navy. Ningependa kuomba Waziri wa Usalama na Waziri wa Uchukuzi wachukue jukumu la kukiri makosa yale yaliyofanyika kama yao wala siyo ya wale ambao walikuwa pale. Hivyo ndivyo tutarekebisha mambo nchini mwetu. Hatutawalaumu watu wengine zaidi.

Pia, ningependa kujulisha Bunge hili la Kitaifa kwamba mambo kama haya yakitokea, Serikali haina mipangiliyo yoyote ya kuhakikisha familia ilioachwa inasaidiwa vizuri. Tangu juzi, tunaona kwa runinga familia ya Mariamu ikiwa imekaa pale chini. Wanalia lakini hata hakuna watu wa kuwasaidia kama vile Kenya Red Cross. Hii inaonyesha aibu kubwa kwa upande wa Serikali ya Kenya. Eti tunajivunia Coast Guards ilhali hatuwezi kusaidia wananchi wetu!

Ningependa kuomba Serikali, kama feri bado zitazidi kutumiwa, iwaajiri *life savers*. Ni lazima wawe mule kwenye feri. Hakuna mahali duniani palipo na huduma za kuvuka maji ambapo hakuna watu ambao kazi yao ni kuangalia usalama wa wale ambao wanatumia maji yale. Hata kwenye ufuo wa bahari, lazima kuwepo na watu ambao watasaidia ikiwa jambo litatokea.

Kenya Ferry Services inapaswa kuweka mikakati ya kuhakikisha kwamba watu wanatumia feri vizuri. Ikifika jioni ambapo watu wanaenda nyumbani, utawaona watu

wakikimbia kila mahali. Hii nikuonyesha kwamba wale walioajiriwa kazi ya usimamazi pale feri hawafanyi kazi yao vizuri.

Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi. Naunga mkono Hoja hii ambayo imeletwa na Mhe. Mishi Mboko.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Shaban.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Thank you very much, Hon. Temporary Deputy Speaker. I want to add my voice to this Motion and also thank my sister, Hon. Mishi Mboko, for bringing up this issue which has bothered many Kenyans. We are losing lives without caring that Kenyans were born in this country and they have a right to live here and a right to security.

I want to take this opportunity to send my heartfelt condolences and those of the people of Taveta to the family of Ms. Mariam and Ms. Amanda for the unnecessary loss of these lives. We lost two lives in Taveta in Lake Chala in this same week. There is a gentleman, Mr. Agostinho Karawa, who was buried last Saturday. Another young man in his 20's, Mr. Benjamin Marunde, was buried today after losing his life in Lake Chala. There are questions begging for answers. First and foremost, our Government is supposed to have a National Disaster Operation Centre. Well, I do not know whether it is just a name in books or it is operational.

Secondly, the Kenya Navy officers are supposed to worry about security in our ocean. If this is not a security issue, then what is it? These Kenya Navy officers were there when the accident happened. If it was one of their family members who drowned, how would they have reacted? Would they have pretended that they were waiting for some command from somewhere or would they have taken the necessary action? It is so sad especially when I look back at the Garissa University terror attack where there were a lot of deaths. Kenya Army officers were just there watching from the fence like some fans watching a football match while Kenyans were losing their lives. Something must be done about the policy of our security teams in this country.

I am asking His Excellency the President, being the Commander-in-Chief of the Defence Forces, to determine whether he will preside over a force which actually is absent when Kenyans are dying. They do not do anything. How many times do we go to war? However, we can be in a state of war amongst ourselves. If we are going to watch Kenyans dying and we do not care, then there is something wrong because it looks like we are in a state of war amongst ourselves. What do we think can be done to help our people? I believe that the Board of Kenya Ferry Services, led by one Hon. Dan Mwanzo, has a duty, which is to look at their needs. The most important need they have is to employ well trained divers, give them equipment and have some speed boats.

The Likoni Channel transports millions of people in a year. If it transports so many people, how much does the Kenya Ferry Services require to buy the speed boats which should be there on standby? Any ferry which is carrying people should be escorted. In the event that there is anything, the divers should be ready to come in and assist. It saddens me that we are watching as Kenyans die. You look at young families being wasted and I only pray to God every day that the ferry carrying all those thousands of people does not at any given time go under because if it does, it will be another major disaster like the 1994 Mtongwe Ferry one.

As we sit here in the 12th Parliament, our Budget and Appropriations Committee must consider it because if the Ministry of Transport and KFS do not think they should have money to be able to get those people's...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Commissioner, we have only five minutes for each of us. Next is Hon. Odour Ombaka.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving this opportunity. First of all, let me send my condolences to the family, friends and relatives of those who perished.

Last night there was a debate over this matter and the people who were brought on television to discuss it were experts of maritime systems. One of them said that the challenge they faced was bureaucracy, getting the Kenya Navy to respond on time. Bureaucracy is too much and they cannot respond on time. If what I heard is true, then something has to be done about bureaucracy. It means people who can save lives are not able to respond on time because some kind of bureaucracy must be followed for them to begin to take action. That was quite an unfortunate statement. Up to now, I keep on wondering whether bureaucracy is the reason why Kenya Navy never responded.

The second point is that whenever people travel in kinds of systems that we have, in the plane, ferry or in a steam ship, emergencies are likely to occur. There is always a way in which passengers are sensitised a few minutes before the plane takes off. They are taken through the emergency system in the plane – the security door, where the safety gadgets are and what happens when the plane lands in water. They tell you how to wear safety jackets. They even tell you the safety jackets that you should have. How come when it comes to the ferry, such jackets are not available? The passengers are not protected. They have no idea what to do when emergency occurs. This is a wake-up call. Passengers must be told the kind of accident that is likely to occur and what action they are likely to take. They should be told where life-saving jackets are kept. That is why when accidents occur in the ferry or anywhere else like boats capsizing in Lake Victoria, nobody is there to save lives. Lives are lost all the time because we are ill prepared to save them.

Finally, the social media, as my friend Millie Odhiambo said, is quite insensitive. I watched that video. As a lay person, I asked so many questions. The video showed clearly that the vehicle was floating on the water for quite a while before it sunk. That is the moment at which anybody who was keen to save lives could have stepped in. It took a bit of time and I was wondering how it floated. What happened to the vehicle? It was on the water for quite some time. Somebody should have stepped in to save lives.

A friend of mine in the US sent me a text and said that was so easy to save lives on that vehicle. We would have sent a plane to pick that vehicle and carry it over. Are we ready to save lives when it comes to such difficult emergencies? There are very many ways of saving lives. We must have not only the ambulance and the divers nearby, but also certain gadgets that may make us reach there on time and carry the entire vehicle on to the shoreline.

Let us be real, practical and move fast. Let us forget about bureaucracy that stops people who should be able to save lives, saving lives.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mwashetani.

Hon. Khatib Mwashetani (Lungalunga, JP): Ahsante sana, Mhe. Naibu Spika wa Muda kwa kunipa fursa hii kuchangia Hoja hii. Kwanza kabisa ninapeana rambirambi zangu pamoja na familia yangu na wana Lungalunga vilevile na Kwale kwa jumla.

Haya ni masuala ambayo yamejiri kwa muda mrefu. Janga la kwanza likitokea Likoni bado nilikuwa shuleni. Tulipoteza watu zaidi ya 200. Lamu ilitokea habari kama hii. Familia nzima ikapotea isipokuwa mzazi wa kiume aliyeweza kuogelea kwa masaa matano bila kupata usaidizi wowote kutoka kwa kitengo chochote cha kuangalia hali ya usalama katika nchi hii. Hili suala la kupeana kidole kwa Serikali naliona si suala sawa kwa sababu kila anayepewa nafasi ya

kuongoza katika shirika lolote, yeye kama mkurugenzi anatakikana apange mikakati ya kisawasawa na kuangalia vitengo ambavyo haswa vinatakikana vipewe kipaumbele katika mipango yake ya kuhakikisha anaendesha shirika lile.

Lile gari ambalo lilizama pale lilichukua karibu dakika 30. Wale wanajeshi wa Navy waliokuwa wakifanya mazoezi waliona likizama. Kama baharia – mimi uogelea – na ikiwa hujazoea hata kama wajua huna vifaa hauwezi kuruka kwenda kusaidia. Kwa hivyo, mimi kama Mbunge nilizungumza na wenzangu kule Vanga na hii leo tunavyozungumza, katika timu ambayo inazunguka na imeruka kule chini kuhakikisha wametoa miili, ni vijana wanne ambao hawakusoma, hawana elimu lakini kazi yao ni kuruka ndani ya maji na kuhakikisha wametoa vilivyo kule chini. Kwa hivyo, suala la kuajiri wafanyakazi haswa katika hivi vivuko ambavyo vinatumia madau ni lazima tuweke katika sheria kuwa katika hivi vivuko, lazima kuwe na watu wawili au watatu ambao wana tajiriba ya kisawasawa na ile ari ya kuingia kule ndani kusaidia wakati wowote.

Hili ni swali ambalo sisi tunajiuliza kama wakenya: Basi sisi kama Wakenya ikiwa hatuwezi kubuni basi kuiga pia hatuwezi? Ukiangalia nchi za kuendelea ambazo tunategemea kuiga mipango yao, katika kila sehemu hata zile sehemu ambazo vijana wetu wanakwenda kujivinjari za bichi, huwa tumeweka walinda usalama. Kukitokea janga lolote, wanaweza kuingia pale na kusaidia kwa haraka. Kwa hivyo, ombi langu, mbali na kuwa hili suala limekuwa suala nyeti, wale wote ambao wanahusika, sio kuhusika kwa kuwa walitenda, lakini kuhusika kuweka mipango kabambe, wajiuzulu ama Rais wa Jamhuri ya Kenya aseme kila mmoja ambaye amezembea kikazi ni sharti kukitokea jambo kama hili ajiuzulu. Hii italeta heshima katika haya mashirika ambayo yamepewa nafasi ya kuongozwa na watu.

Vilevile, nikienda upande wa usimamizi, leo ukiangalia sehemu kama ile, unakuta wakati feri inatakikana kushukisha, kabla gari halijatoka wananchi hupita. Leo ni baharini kesho utasikia kuna wananchi wamepandiwa na magari. Hii yote ni kwa sababu ya ukosefu wa usimamizi bora. Ikiwa hakuna usimamizi bora, majanga yataendelea kutokea.

Vilevile, ukiangalia uajiri wa watu, ukiajiri mkurugenzi, lazima awe na tajiriba ya usimamizi. Ukichukua mkurugenzi ambaye ni mhasibu au mhandisi, lazima awe na tajiriba ya usimamizi ili ajue kuna masuala kama *inventory*, masuala ya kuangalia *spares* za hiyo meli zinatoka wapi. Tulitoa shilingi billioni 1.8 kununua feri mbili. Ile feri ya kwanza ambayo ililetwa, azimio lilikuwa ni feri mpya, lakini iliyoletwa ilikuwa ishatumika. Kwa nini tutumie vifaa ambavyo vimeshatumika katika nchi zingine na hali tunaweka pesa za kisawasawa kuhakikisha tumepata feri za kisawasawa na zile pesa tumetoa ziwe ni haki kwa mwananchi ili apate huduma ya kisawasawa? Pili, hadi wa leo hizo feri hazijafika, hatujui pesa zimeenda wapi. Kama Bunge la Kitaifa, hayo ni maswala ambayo ni muhimu tuyaangalie kwa undani.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Hon. Ms. Mnene, the Floor is yours.

Hon. (Ms.) Haika Mizighi (Taita Taveta CWR, JP): Hon. Temporary Deputy Speaker, asante sana kwa kunipatia fursa hii nami niweze kuichangia Hoja. Yale yaliyotokea yametuumiza mioyo sana.

Naibu Spika wa Muda, kwa niaba ya wakaazi wa Taita Taveta, natoa rambirambi kwa familia ya Mariam na mtoto Mutheu, ambao walipoteza maisha katika mkasa huo. Hili ni jambo la aibu sana na la kusikitisha katika karne hii. Wakenya wanapoteza maisha kwa mambo ambayo yanaweza kuzuilika. Kuna utepetevu fulani na uzembe mkubwa katika shirika la huduma za feri. Ni lazima watu wawajibike kwa kazi ambazo wamepewa kuhudumia wananchi. Wakenya, na viongozi pia, ni lazima tutafakari ni vipi tumejiandaa kukabiliana na majanga kama haya

yanapotokea. Majanga aina tofauti tofauti yanaweza kutokea na ni vipi tumejitayarisha kukabiliana nayo?

Nikimalizia, naendelea kutoa pole zangu. Hili liwe janga la mwisho na kila mmoja wetu aweze kuwajibika katika majukumu ambayo amepewa – ayafanye vyema ili tusipate mikasa kama hiyo siku zijazo.

Asante sana, Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Athman, the Floor is yours.

Hon. Ali Sharif (Lamu East, JP): Asante Naibu Spika wa Muda. Kwanza kabisa, ningependa kuungana na wenzangu kutoa rambirambi zangu za pole kwa familia waliopoteza wapendwa wao. Vile vile, ningependa kumpongeza Mhe. Mishi kwa kuileta Hoja hii Bungeni.

Naibu Spika wa Muda, Waheshimiwa wengi wamezungumza kwa masikitiko makubwa na kwa kuzingatia yaliyojiri kutokana na kisa hiki cha hivi majuzi cha kupoteza ndugu zetu Wakenya katika mkasa wa feri. Vile vile, ni masikitiko makuu kwa Wakenya. Ni majonzi makubwa kwamba, hata baada ya tukio hili, mpaka sasa, hakuna juhudi zozote ambazo zimefanywa kusawazisha hii mahali. Kwa kweli, ni masikitiko makubwa, na ni aibu kwa nchi hii kwa jumla.

Naibu Spika wa Muda, tatizo kuu la Kenya ni kwamba tunasahau na hatuna ile imani ya kusikitikiana, na kadhalika. Ingawaje kifo kitamfikia kila mmoja wetu, na kila mtu ako na siku yake ya kufa, majanga na vifo vingine husikitisha. Kwa hakika, ni aibu kubwa kwa Serikali yetu. Leo hii, Serikali inazidi kuendesha zoezi. Feri huvukisha takriban abiria mia tatu na takriban magari 6,000 kila siku.

Naibu Spika wa Muda, ukweli ni kwamba chombo hiki kinatembea baharini lakini aibu ambayo hivi sasa imeonekana ni kwamba kwenye feri hakuna watu wenye uzoefu na uwezo wa kusaidia wakati ajali inapotokea. Haiwezekani kamwe chombo kama hiki kiwe kinafanya shughuli zake bila ya kuwepo kwa waokoaji wakati dharura inapotokea ilhali chombo kile kinahudumia watu kwenye bahari. Mbali na Kenya Navy inavozungumziwa, haya ni madharau na kutowajibika; nikutojali na kutoheshimu wananchi wa Kenya. Serikali ya Kenya yapaswa kuwajibika kwa haya yote. Hii ni kwa sababu wananchi wanalipa kodi kuhakikisha kwamba wanapata huduma. Leo ni siku ya tatu na Serikali nzima imeshindwa kuliokoa lile gari na maiti.

Ikiwa tutazungumza hivi kwa ajali ya mtu mmoja, ingekuwa na watu wengi je? Vilevile, mara nyingi twahisi kwamba haya ni madharau kwa upande wa Serikali. Ingekuwa ni mgeni kutoka Uingereza ama sehemu nyingine ya ulimwengu, pengine usiku ule ule kungefanywa kazi na shuhuli hiyo kukamilishwa. Ninaiomba Kamati husika ihakikishe kwamba wamelifuatilia suala hili kikamilifu na kuleta Mswada ama pendekezo kwamba haitakuwa sawa kwa KFS kutoajiri vijana ambao ni wapiga mbizi mahodari na wenye uzoefu mkubwa baharini. Tunao vijana hao Pwani.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker, for giving me this opportunity. May I start by sending my heartfelt condolences to the family of the bereaved and the people of Mombasa County. Losing Mariam and Amanda is shocking to this country.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Sankok! What is it Hon. Mwinyi?

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Temporary Deputy Speaker, I request that you reduce the number of minutes for each Member speaking so that you can at least accommodate those who are remaining for them to speak.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Earlier on, Hon. Ali asked for the same. It was a persuasive request from that Member. I may not be able to reduce at this time. However, the Member is just persuading that those Members who are speaking, if you can, speak for a few minutes so that others can also get an opportunity to speak. Let us see if Hon. Sankok is convinced.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, we have the Kenya Navy, the Kenya Army and the Kenya Airforce, who are supposed to be protecting us from the air, the ground and the sea yet we have had several attacks. During the Dusit Hotel attack, for instance, there were only four attackers yet they took the whole country hostage for almost 72 hours. During the Westgate Shopping Mall attack, four *Al Shabaab* militants shook the whole country until people thought that mattresses were burning for almost five days. Now, a car that floated on water for more than 20 minutes could not be secured to save the souls that were trapped therein. It also boils down to corruption. The sum of Kshs72 million should have been invested in CCTV cameras so that Kenya Navy can see what is happening wherever they are so that they can respond quickly, if need be. It is not known where that money went to. Almost Kshs2 billion was allocated for purchase of two ferries but only an old one came. I do not know where the rest of the money has gone to. The investigative authorities and the DCI are busy addressing the media but not following up to establish the whereabouts of this money. I do not know what our Auditor-General is auditing if more than Kshs2 billion is given and one ferry is bought but the other one is not. There is Kshs28 million for the repair of ferries at any given time. The provision is there, so that they can repair any ferry that has damages. The last repair on record was in 2013. They do not repair them throughout. That is why the lives of the 300,000 ferry users are at risk and 6,000 vehicles are at risk. We must think as a House and we must budget, but before we budget, we must give direction. The first direction is to make sure that those who are employed are people with experience in diving who can assist in case of such an emergency.

Now we have a spot for training the Kenya Navy in the Likoni Channel, as Hon. Mishi said. Whoever wants to be employed by the Kenya Navy should be thrown into where that vehicle sank. If they survive, they become Kenya Navy officers. If we can have money for Huduma Namba; are ready to get money for referendum; and are ready to get money to invest in the blue economy... A blue economy, my foot, when Kenyans are dying in the same blue economy that we are trying to establish. In fact, some Red Cross and people like Akothe respond to disasters better than a whole government.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Sankok used the five minutes. And that is fine. They were his minutes. Hon. Mwangi.

Hon. Jones Mlolwa (Voi, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. On the outset, I want to convey my condolences to the family of Kighenda and Amanda for losing their lives in such a cruel way. We cannot talk of 50 years of Independence, yet we do not have divers in the ferry. Instead, we have bouncers who are always throwing people around and cannot help in such disasters. We hear that the Cabinet Secretary has appointed the Permanent Secretary to spearhead the rescue efforts in this tragedy. How do you appoint somebody to do the work they are supposed to do right from the beginning? They are paid to ensure that the ferries are working. They are paid to

ensure the safety of the people, but here we see people being appointed three days after the disaster.

We also know that the Government spent Kshs78 million to buy CCTV cameras to ensure that they see what is going on yet up to date, no CCTV cameras have been fixed in the Likoni ferry. It is only trial and error every time we cross the ferry. What happens, for example, if the ferry was hit by a ship going to dock at the port? If we cannot retrieve bodies three days after the incident, then there is something seriously wrong in this country. We must stop corruption. If there was no corruption, I am sure the ferries would have been serviced properly and we would not be talking about this disaster. Going forward, it is important that some of those ferries are repaired before they get back to service.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mwinyi.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. First of all, I also join my colleagues in sending my condolences to the family of the deceased. I also want to air two points. The first one is, those who are concerned must own up. We would like to see people accepting that it is their mistake, at least for the first time in the country. Let us see whoever believes that it is his mistake owning up, first of all.

Secondly, as we speak, there is no order in the way people enter and leave the ferry. We even do not know how many people are carried in each trip ferry makes. This is because people simply go in like goats and there even is no head count to know how many are transported. I think that should also be done. The Departmental Committee on Transport Public Works and Housing should also be concerned about some of these activities that are within its docket. The Committee should play an active role so that safety is maintained.

We do not want to blame the Managing Director (MD) for the Kenya Ferry Services. We should blame ourselves as a country. I am sorry to say this because I am also a politician but we keep on dumping politicians who have lost in elections in positions they are not even trained for. What do you expect? We saw it happen yesterday. People did not qualify for appointment, but we said they are our colleagues and we should help them. So, if we are fighting corruption, we ought to lead by example. It is sad that the Commission that was passed here yesterday, most of the persons there do not qualify. Only a few qualify. It is not a balanced Commission. Most of them do not know much about land matters, but here we are. We have appointed people to the National Land Commission who do not meet the requisite threshold.

It is high time this country relooked itself. Just the other day a school collapsed and all of a sudden, all ministry officials and leaders began running around closing schools arbitrarily and yet we are approaching the Kenya Certificate of Primary Education (KCPE) exams. That is absurd. I beg to stop there and give my colleagues time to contribute.

I thank Hon. Mishi for bringing the adjournment Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): If you took less time than that we would have given a chance to a few more Members. However, let us see whether they can share the remaining few minutes.

Let us start with your neighbour, Hon. Mwadime.

Hon. Andrew Mwadime (Mwatate, ODM): Thank you, Hon. Temporary Deputy Speaker. First, I give my condolences to the family of the deceased.

Secondly, it is something surprising, mesmerising, astonishing and flabbergasting to see Kenyans losing lives just because our way of doing things is reactive as opposed to proactive.

The other day a school collapsed here in Nairobi. There have been many accidents, but all we do is to react. What happened in Likoni Ferry is very serious. The Kenya Ferry Services has no divers. We know that when you are dealing with water, the first security item should be divers. How come there were no divers and especially within the periphery of Likoni Ferry? There are so many divers there. I know it because I lived there. I personally used to be one of them. What is not happening to Kenya? Let me not talk much. I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Nyaga can speak in a minute so that I give opportunity to other Members from this side as well.

Hon. (Ms.) Beatrice Nyaga (Tharaka-Nithi, CWR, JP): Thank you, Hon. Temporary Deputy Speaker for this opportunity.

First, I give my sincere condolences to the family of the late Mariam and her daughter. This is a shame. It is embarrassing. As a country with a Government, it is three days now and the body is not yet retrieved? What are we talking about? We are telling the Cabinet Secretary Mr. Macharia to take responsibility. We have lost a very beautiful woman with her daughter. Somebody is sleeping on his job. They should wake up. We need a comprehensive Report from the Kenya Ferry Services and the Cabinet Secretary Ministry of Transport, Infrastructure, Housing and Urban Development. He should tell this country what he is doing in the office. He should have resigned like yesterday. We cannot continue like this. This is not the first or second time we have lost people at the Likoni ferry because somebody is not doing the right thing.

As I wind up, I want to ask the Government to compensate the family even though by doing so Mariam and the daughter will not come back. The Government is supposed to do something and be serious.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You took the minute I was to give to Hon. Nyenze, Oduol and others. Hon. Members, the time is 7.00 p.m., we had a few other Members who wanted to speak to this, but the time allocated is up.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Thursday, 3rd October 2019, at 2.30 p.m.

The House rose at 7.00 p.m.