

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 1st September, 2016

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: There is no quorum in the House. Can we have the Quorum Bell rung?

(The Quorum Bell was rung)

Okay, we may begin.

PETITIONS

Hon. Deputy Speaker: We have several Petitions. Hon. Omar Mwinyi, you can start yours on land. Yes, give him the microphone.

INVESTIGATION INTO ALLEGED LAND GRABBING IN CHANGAMWE CONSTITUENCY

Hon. Shimbwa: Thank you, Hon. Deputy Speaker. I rise to read the Petition on behalf of my constituents as follows:

I, the undersigned, on behalf of residents of Mbuyuni, Mazunguka, Dunga Unuse, Skembo, Hodi B and Ngare in Changamwe Constituency, draw the attention of the House to the following: -

THAT, the above Petitioners are the original and communal owners of Land Reference No. 430/R/MN/VI North Mainland, MN/VI/255/1/ in Mazunguka, MN/VI/1212R Chaani Ward and MN/VI/4948 & 4838, VI/MN/4929/, MN/VI/4931 and MN/VI/4930 Skembo;

THAT, since the year 1950, the Mbuyuni Community owned and resided on parcel Land Reference 430/R/MN/VI North Mainland. Recently, Kenya Pipeline Company Limited has alleged that the parcel of land belongs to the Corporation;

THAT, in 1950, the families of Mr. Ali Dzaya, Mr. Kahindi Ngoa and Suleiman Said owned the Land Reference MN/VI/255/1/ in Mazunguka. However, in the year 2000 the Kenya Petroleum Refineries Limited claimed ownership of this particular parcel;

THAT, in the year 1960 the Dunge Unuse Community occupied Land Reference MN/VI/1212R located in Chaani Ward and that several groups of unknown people have attempted to evict this community in the years 2010, 2012 and in 2015;

THAT, this has created uncertainty and anxiety to these communities and is also derailing development of infrastructure in Changamwe Constituency;

THAT, several appeals have been made to the Ministry of Land, Housing and Urban Development and the National Land Commission to resolve these long outstanding land ownership issues but have been fruitless; and

THAT, the matter presented in this Petition is not pending before any tribunal or court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands: -

- i. Recommends immediate investigations into the alleged land grabbing and irregular allocation and determine the validity of the current allocations and ensure corrective action is taken;
- ii. Ensures that the Petitioners' plight is addressed; and
- iii. Makes any other order or direction that it deems fit in the circumstances of the case.

And your Petitioners will ever pray.

Thank you, Hon. Deputy Speaker. I rest my case.

Hon. Deputy Speaker: Let us have a Petition by Hon. Samuel Moroto on unwarranted police barriers. Is he in the House? He is not in. Is there anybody who has a comment on Hon. Mwinyi' Petition? I see Hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Deputy Speaker, for giving me an opportunity to comment. I would like to state that Changamwe is an area where Kenyans from all walks of life and from parts of Kenya live. It is really cosmopolitan. The residents of the coastal area generally have had a long history with land issues. It is strange for land which is already occupied by residents and which already belongs to the people to be alienated or a State corporation purports that it wants to own it. In fact, the State corporation, assisted by the parliamentary committee, could find a method of making sure that these residents are not landless and have a place to live. There are people who have been landless for a long time and they have no hope for the future. So, this Petition provides an opportunity to make sure that the people from that particular area of Changamwe have land and have a place they can call home.

I support and thank you for giving me the opportunity.

Hon. Deputy Speaker: Hon. Opiyo Wandayi. Do you want to speak to this Petition?

Hon. Wandayi: Yes, Hon. Deputy Speaker. I think the Petition is really important, bearing in mind that land has been a major issue of concern not only in Changamwe or Mombasa but in the entire Coast region. It is an issue that needs to be addressed with urgency so that Kenyans do not continue to suffer.

Hon. Deputy Speaker: Hon. Richard Tong'i.

Hon. Tong'i: Thank you, Hon. Deputy Speaker. The Petition is critical considering that it touches on people's lives because we all know the history of this country and how land is a very emotive issue. It is not just happening in Changamwe, it is happening everywhere. I come from Kisii, where land has become very scarce. We live in a rural setup but if you look at the structures and the demarcations of land, you will think you are in a slum. We have to do something about it. We need to engage ourselves to make sure that the land is used economically. If possible, we need to develop eco villages where people stay at one place and the other pieces of land are left for agricultural purposes.

In Kisii Town, where I am the Member of Parliament, some land has been grabbed and we have already raised that concern with the leadership concerned. We need the Government to move with speed to ensure that, that challenge is addressed. If we do not do it now, we are sitting on a time bomb which can easily explode and kill our people in many other ways.

We are happy with the structures the Government is putting in place. We ask the President and the leadership to ensure that we move with speed so that whatever needs to be done is done in good time. We all know that justice delayed is justice denied. We do not want to be accused of having delayed the process. We now have a piece of land that we are demarcating in Kisii, which was initially occupied by a primary school. The Land Registrars in Kisii have taken forever to ensure that the demarcation is complete and it is all because of corruption. We have been given a Kenya Medical Training College campus and the demarcation has taken forever. The Technical Training Institute (TTI) in Nyaguta has taken forever to be demarcated. We ask the Cabinet Secretary (CS) concerned to ensure that these things are done properly.

I am grateful that my friend has come up with a very good Petition, which is in many ways going to address the pleas of the people of Mombasa but also the people of Kenya who are suffering and hurting.

Hon. Deputy Speaker: Lastly, let us have Hon. Chris Wamalwa.

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. Matters of land are very critical and we know very well that land is a factor of production. It is my humble request that as this Petition is committed to the Departmental Committee on Lands, they must move with speed. We have had a ruling before that Petitions should be prosecuted within 60 days. This is in line with Article 95 of the Constitution, which says that this House deliberates and resolves issues that affect the people. The Members of Parliament who are here are the representatives of the people. So, it is key that as they look at the matters of land, they should also move to other regions, particularly in Trans Nzoia County. We have had land issues there and Petitions have come here but we have not seen Reports coming for purposes of debate. I call upon the Departmental Committee on Lands to move with speed so that we can implement what is resolved.

Hon. Deputy Speaker: Just to remind you, Hon. Chris, we have a mechanism on how Petitions are prosecuted in the House. Reports are brought into the House for comments or information to the Members. This Petition is committed to the Departmental Committee on Lands.

Hon. Deputy Speaker: Yes, Hon. Chepkong'a.

Hon. Chepkong'a: I thank you, Hon. Deputy Speaker. I have a Paper to lay on the amendments to the Election Laws (Amendment) Bill. We sat until very late yesterday. So, the amendments are still being worked on. Please allow me to table them by 11.00 a.m.

Hon. Deputy Speaker: To table the amendments?

Hon. Chepkong'a: Yes, to table the Paper itself with the amendments

Hon. Deputy Speaker: To table the Paper with the amendments to be included in this afternoon's Order Paper.

Hon. Chepkong'a: Yes.

Hon. Deputy Speaker: In relation to what you have said, we have a further communication on the same. Whose communication is that? If there are any proposed amendments to the Election Laws (Amendment) Bill, they should be submitted by 1.00 pm, latest. Hon. Chepkong'a says that he has some.

Hon. Leader for the Majority Party!

Hon. A.B. Duale: Hon. Deputy Speaker, there was a communication you made last week in which you said that any amendments to these laws or to the Report must get the concurrence of the leadership of the House. Does that communication stand?

Hon. Deputy Speaker: Yes, it does.

Hon. A.B. Duale: As you said, those who wish to bring amendments must consult me and the Leader of the Minority Party.

Hon. Deputy Speaker: True, that is very much in order. Hon. Chepkong'a, clarify. Are we talking of different laws?

Hon. Chepkong'a: Hon. Deputy Speaker, Article 94 of the Constitution is very clear that there is no person who can enact any legislation which has the force of law except this House. As you know, when we discussed the Report last time, we agreed that the amendments could be brought, but subject to the agreement of the two leaders.

However, this is a Committee of the House. When a Bill is referred to a Committee, the Committee has powers to propose amendments. I have spoken to the Leader of the Majority Party. We have pleaded with him. We discussed this matter in the Committee and agreed that as long as they are not amendments that will negative the Report, we should accept them. If any amendment is intended to improve the Report, we should accept it. You will see that the amendments are very good. They seek to improve this Report. This is the Committee that deals with electoral reforms. It is important that we carry all these reforms. We should not do piecemeal reforms, we need to do it in a holistic manner so that we do not have to come back. We need to implement them.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chepkong'a, is this the Committee Report on the Election Laws (Amendment) Bill and Election Offences Bill? Okay. Hold on Hon. Wamalwa. Let us have Hon. Simba Arati.

Hon. Arati: Hon. Deputy Speaker, with a lot of respect to the Chairman of the Departmental Committee on Justice and Legal Affairs, when you gave the ruling last week, we expected him to respect the ruling and his leadership in this House, who happens to be Hon. Duale. Hon. Chepkong'a is known to be a destroyer.

(Laughter)

He destroyed so many commissioners around and now he does not even respect his own leadership in the House. Let him forward any amendment he has to Hon. Duale for him to bring them to the Select Committee. That is what we agreed.

Hon. Deputy Speaker: Hon. Members, just for clarification, I remember that my last week's communication was in respect of the Select Committee's Report. That is why I was trying to seek clarification. We are now talking of a different Report. We are talking about the Committee's Report on the two Bills. There are the Majority Party Report, the Minority Party Report and Hon. Chepkong'a's Report. I do not know the new name that you have been given of being a destroyer. I am sure that amongst the Leader of the Majority Party, Leader of the Minority Party and the Committee, you will discuss and come to an understanding.

Let us hear the Member for Ijara. Hon. Wamalwa, please give other hon. Members a chance to speak.

Hon. Abass: Thank you, Hon. Deputy Speaker. We are often told that this is a House of rules and procedures. Nowhere in the rules and procedures of this House does it say that a

Member--- Forget about the Committee as it has every right to bring any amendment it wants. Even Hon. Members have the right to bring amendments. As you ruled, by 1.00 pm, any Member who has an amendment to any of these laws should bring it to your office.

Thank you.

Hon. Deputy Speaker: To my office? Hon. Member, clearly you do not give me a job which is not mine. We have our Committee here. You know that this is a sensitive Report which is party sponsored. Can we just follow the agreements that we made? I said this is a different Report from the one I ruled on last week but nonetheless the Leader of the Majority, the Leader of the Minority Party and the Chairman of the Departmental Committee on Justice and Legal Affairs can come to an agreement amongst themselves on how to prosecute the amendments.

Hon. Members, let us not bedevil it.

Yes, Hon. Cheptumo!

Hon. Cheptumo: Thank you, Hon. Deputy Speaker. I listened to Hon. Arati and I thought he made a very serious statement. Is it in order for him to refer to the Chairman of the Departmental Committee on Justice and Legal Affairs, who is a learned colleague of mine and of this House, as a destroyer of commissioners or of commissions? That is a serious allegation made on record. Although the Departmental Committee Chair has not complained, Hon. Arati made the allegation in front of television cameras. As we transact business in this House, we are guided by the rule on decent language. You need to give direction. My opinion is that he should withdraw that comment.

Hon. Deputy Speaker: I did not hear the Departmental Committee Chair make any comment on the statement that was made about him. I do not know whether he accepts the title. Hon. Chepkong'a, I never heard you protest against being referred to as a destroyer. That is why I did not make any comment either.

Hon. Chepkong'a: Hon. Deputy Speaker, I have a lot of respect for Hon. Simba Arati, as a Member of Parliament, but not in his individual capacity. I have stopped engaging in quarrels in life because I have discovered that you do not go far. I believe in decency and integrity of people. However, he appears to be lacking those attributes, which he knows is obvious to everybody. I do not want to waste time with somebody who knows that what he says is not taken seriously beyond where he comes from.

I rest my case.

(Laughter)

Hon. Deputy Speaker: Okay, I am not going to take any more time. Hon. Simba Arati, you know that that is not in order. Let us not dwell on a matter that is a non-issue.

Let us hear Hon. Wamalwa. What is your point of order?

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. We need clarification because this is a House of rules and procedures. It is true that you had ruled in terms of the Report of the Parliamentary Joint Select Committee on matters relating to the IEBC? Hon. Chepkong'a is my good friend. I do not want to say that he is a destroyer. He is here as a legislator. In line with Article 94 of the Constitution, we know very well that the legislative authority of this country belongs to this House. Every hon. Member has the right to bring any amendment as far as legislation of this Report is concerned.

Your ruling was based on the Report, which we respect. The substantive Speaker, Hon. Muturi, yesterday, when I rose on a point of order, mentioned that this House has the authority to

legislate. That means we can amend. Therefore, we should allow Members to bring as many amendments as possible before 1.00 O'clock, so that this House can either reject or accept them. In any case, Hon. Duale has whipped his Members against party-hopping. Therefore, he should not be scared. However, if we come back at 2.30 pm, we want to remove that issue of party-hopping so as to conform to Article 38 of the Constitution. We are not going to work under duress, irrespective of what happened in Karen.

Thank you.

Hon. Deputy Speaker: Yes, it has been clarified to me because I was not in the House when the Speaker made the ruling. The Hon. Speaker made a communication to the effect that both the Committee's and individual Member's amendments will be allowed. That is why the ruling was in line with what I said earlier on. The amendments should be received by 1.00 O'clock. They can come here so that hon. Members can decide on them either way. That is why it is in line with what I had said earlier that by one O'clock, they can come and Members can make a decision either way. Yes, the Leader of the Majority Party.

Hon. A.B. Duale: Hon. Deputy Speaker, you know some of our colleagues are young members, and they know they will never be very close to their party leader's residence in Karen. He commands only 14 Members of Parliament to his House. I have no problem if this Report is amended or rejected, but my only concern was procedure. The substantive Speaker gave a communication which I have a copy. Unless, that communication is rescinded, I have no problem. Even, the Report can be rejected or amended.

I have no high premium interest in this Report. Furthermore, even if we reject it we will go back to where we were before. I want you to just speak on the communication that you made.

Hon. Deputy Speaker: Hon. Duale, I had earlier on clarified that my communication was in respect to the Report from the Joint Select Committee and not the Bills. I had not made any communication on the Bills but the Speaker did make a communication on the Bills. Do you want to make a clarification, Hon. Jakoyo?

Hon. Midiwo: Hon. Deputy Speaker, you have taken my words out of my mouth. It is true that both Hon. Duale and I walked to the HANSARD office and printed your communication. The only difference is that I read it and he did not.

Your communication is very clear and I read it for him. *Mimi ndiyo baba sasa*. What that ruling says is that at the level of the Report you are only going to allow the amendment of Hon. Olago and nothing else. The second step will be at the time of Second and Third Reading in which you did not overrule amendments. It is always good to put the record straight. You have said it correctly.

Hon. Deputy Speaker: Members, just to bring this to a close can we just agree that by one O'clock if there are any other amendments a communication will be given by the Speaker this afternoon of issues of admissibility and constitutionality? But go by our communication and let us get those amendments from the Committee and those other matters will be sorted out.

Next Order!

BILL

Second Reading

THE ELECTION OFFENCES BILL

(Hon. A.B. Duale on 31.8.2016)

(Debate concluded on 31.8.2016)

Hon. Deputy Speaker: Order, Members! Hon. Mutambu, you may leave or sit down. Order, Hon. Mwadeghu!

Hon. Members, this Bill had been sufficiently debated and what was just left with putting the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

MOTION

ADOPTION OF THE REPORT ON REMOVAL OF THE CHAIRPERSON OF THE ETHICS AND ANTI-CORRUPTION COMMISSION

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on a Petition for removal of the Chairperson of the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Tuesday, August 30, 2016, and pursuant to the provisions of Standing Order 230(5) finds that the Petition as submitted *DOES* disclose sufficient ground as contemplated under Article 251 of the Constitution for removal of Mr. Philip Kinisu as the Chairperson of the Ethics and Anti-Corruption Commission (EACC).

Hon. Chepkong'a: As you know, the Departmental Committee on Justice and Legal Affairs had deliberated on this matter and a majority had returned a verdict or recommendation to this House, which is contained in today's Order Paper.

There are events that have taken place since we last tabled our Report and I gave notice of Motion on the removal of the Chairperson of EACC. I have information that he has since tendered his resignation as the Chairperson of EACC. It was forwarded to the President and a copy has been sent to the National Assembly addressed to the Clerk of the National Assembly, dated 1st September, 2016. He has attached a letter dated 31st August 2016, addressed to His Excellency the President, Uhuru Muigai Kenyatta and it was sent through the Attorney-General of the Republic of Kenya and signed by Mr. Philip K.B. Kinisu and copied to Ms. Sophia Lepuchirit the Vice-Chairperson of EACC.

In light of the new development, I am left with no option but to therefore, withdraw the Motion as contained in today's Order Paper. It is, indeed, a very sad day and moment that we have to discuss this. When he appeared before us the first time, I was not persuaded that we should deal with it in the manner in which we did. But, thereafter because of the events that occurred, it became necessary that we deal with it in the manner we did.

Again, as a lawyer, it is difficult to avoid dealing with issues in the manner we did. The law is very clear and if you are in breach of the law we have no choice. I qualify as a Judge of the Supreme Court. As you know Hon. Njoki Ndugu was one year behind me. So rulings that we

make in that Committee have a force of law. You know Senior Counsel Aluoch who is here is a respected jurist.

This Committee operates in accordance with the law. The only thing we asked ourselves is who will be the most suitable person to be the Chair. Maybe in the next advertisement we should indicate that the Chair of EACC, under criteria and qualifications, should be a Member of Opus Dei. We should be assisted by Hon. Wamalwa because it looks like we can only deal with an Opus Dei person as the Chair of EACC because they are impartial.

Hon. Deputy Speaker: Hon. Chepkong'a, you are now discussing and yet you had already indicated that you have withdrawn. Can you make a decision on which one it is.

Hon. Chepkong'a: I was just making a recommendation to the appointing authority.

Hon. Deputy Speaker: No! You have withdrawn.

Hon. Chepkong'a: With those few remarks, I would like to thank Mr. Kinisu for the services he offered to EACC for the time he was there. I therefore withdraw the Motion.

(Motion Withdrawn)

Hon. (Dr.) Simiyu: On a point of order.

Hon. Deputy Speaker: Order, Members! He has withdrawn. Hon. (Dr.) Eseli.

Hon. (Dr.) Simiyu: On a point of order, Hon. Deputy Speaker. He intends to withdraw the Motion and then he goes into other side shows which are not useful! As Hon. Arati said, he has accomplished his mission as a destroyer. He has destroyed the illustrious career of a very senior person in this country.

(Loud consultations)

Hon. Deputy Speaker: Order, Members!

Hon. (Dr.) Simiyu: That is the third person from Bungoma County. You will come there for votes and I will meet you.

Hon. Washiali: On a point of order.

Hon. Deputy Speaker: Order, Members! This is a Committee Report. Hon. Washiali.

Hon. Washiali: On a point of order, Hon. Deputy Speaker. Even though the powers of withdrawing this Motion are in the hands of the Chair, I think this should have been upon the entire House to decide. This is a Motion that is already appearing on the Order Paper. What is very clear is that the Chair of EACC, Mr. Kinisu, resigned under duress. Therefore, as a House, I think it is important that we debate why he resigned. This House has been misused even in previous cases. From the time the Kenya Anti-Corruption Authority (KACA) was formed in 1991 to fight corruption in this country, we have had Ringera who was bundled out, PLO Lumumba who was bundled out and Matemu who was bundled out. Today, we are bundling out Kinisu.

Hon. Deputy Speaker: Hon. Washiali, now you are discussing the Motion.

(Loud consultations)

Order, Members! Stop discussing the Motion when it has been withdrawn.
The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Deputy Speaker, the Chair has raised a substantive procedural matter. The Motion was for the removal of Chair Kinisu. Now, the Chair of EACC could not wait for the House to decide. He has resigned. So, there is no need to debate that Report. Hon. Eseli should not be very bitter.

Hon. (Dr.) Simiyu: I am bitter.

Hon. A. B. Duale: Are you bitter because he is your relative?

Hon. (Dr.) Simiyu: Yes.

(Laughter)

Hon. Deputy Speaker: Order, Members!

Hon. A.B. Duale: Your relative has eaten NYS money. That is the problem.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! Order, Members! Order, Dr. Eseli!

Hon. Cheptumo.

Order, Members! Give Hon. Cheptumo an opportunity, please.

Hon. Cheptumo: Thank you, Hon. Deputy Speaker. I would like Members to listen to me.

Hon. Deputy Speaker: Order, Members! This is a House of decorum. Let us have order.

Hon. Cheptumo: Hon. Deputy Speaker, there is a problem. This country is watching this House. A Kenyan yesterday made a decision to resign. The intention of that decision is to tell Members of this House that he is not interested in you debating this Motion. What we have done today is to revisit an issue on which the Chair of EACC has said he would rather resign than subject himself to this debate.

As the Chair of this session, I would like to request you to make an order that we should stop discussing this issue because the Chair has resigned. If you read the content of this resignation letter, he says he wants EACC to proceed with its work. It will be very unfair for us to discuss this issue when the EACC Chair has resigned. It is very unfair to even refer to him as having stolen money from NYS. It may be true or untrue, but let us not expose this House to processes that are going to be unfair to the Kenyan people.

Hon. Deputy Speaker: Hon. Members, I think Hon. Cheptumo has made it clear. There is a good reason why that good Kenyan made the decision he made. Continued reference to that issue, especially after the Chair has already withdrawn the Motion, is not desirable. That matter now rests where it is. We move to the next Order.

MOTION

APPROVAL OF RATIFICATION OF DEFENCE COOPERATION AGREEMENT BETWEEN KENYA AND UK

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation,

laid on the Table of the House on Wednesday, 6th July, 2016, and pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation.

(Hon. Gethenji on 19.7.2016)

(Resumption of Debate interrupted on 19.7.2016)

Hon. Deputy Speaker: Hon. Rasso.

Hon. Dido: Thank you very much, Hon. Deputy Speaker. I rise to support the Defence Cooperation Agreement between the UK and the Government of Kenya. While this is an Agreement that has been signed, the relationship between the UK and Kenya is longstanding. It might stretch to over 100 years. This historical relationship between the two countries has to an extent been reinforced by having a formal document signed. It has always been military to military agreements or MoU, but this time round it has been taken further because of the new dispensation.

Training in Kenya for the British has been of serious benefit because they are able to train in arid, temperate, woodland and forested terrains. Kenya has provided to the British forces the best training grounds that they can find anywhere in the world. Through this MoU, one of the fundamental things that have been laid down is the issue of reciprocity; that the Agreement should benefit both Kenya and the UK in equal terms. One of the things that Kenya is likely to benefit through this Agreement is the training of our officers and soldiers in the UK. Our troops will have access to British military facilities.

This Agreement complies with Section 37 of the Kenya Defence Forces Act.

(Loud consultations)

Hon. Deputy Speaker: Order, Members. The level of consultations is too high.

Hon. Dido: Thank you, Hon. Deputy Speaker. This Agreement that has been brought to Parliament for ratification complies with Section 37 of the Kenya Defence Forces Act. It also complies with the Treaty Making and Ratification Act and the Constitution of Kenya.

Section 24 of this Agreement provides for an intergovernmental liaison committee that is able to look at complaints that arise as a result of forces operating in Kenya, whether it is on the training ground or on official duty or when they are off duty. When matters that might lead to litigation arise, one of the instruments that have now been provided is the liaison committee. If the liaison committee that is drawn by members from across the board and chaired by the State Legal Office is unable to resolve the issue, then arbitration can be done through diplomatic channels to make sure that matters of concern or interest to both countries are amicably resolved.

The other area is that of community relations. In 1998, the people of Samburu went to the British courts to make a formal complaint for reparation and compensation on various matters.

Hon. Deputy Speaker, that compensation was done out of court. Through this agreement, cases where individuals would go to great lengths to prove a matter for them to receive compensation will come to an end. One of the things that I wish to state as a Member of the Committee on Defence and Foreign Relations is this: once we have this matter resolved, and

once this treaty has been ratified, individuals who complain should have their cases taken up by the Government rather than them going to court individually for litigation.

There are many positives that we see as a result of this agreement between Kenya and the UK. I am one of the people who have benefited from sponsorship of the Government by getting trained in the UK many times. I, therefore, would like to propose that we should come up with a treaty that provides for equality so that when a Kenyan goes to court he is treated the same way a Briton is treated. We need to pass this agreement for the benefit of Kenya because it is in our interest to do so.

Under Article 95 of the Constitution, we are here to represent the people and raise matters on the Floor of this House that are of concern to our people. At the same time, we oversee the use of public resources by the Government. The people of Samburu, Isiolo and Nanyuki have occasionally come before this House to complain about the activities of the British training in those areas. On many occasions, their complaints were found to be genuine and of concern. By enforcing this agreement and by making it work for our people and our country, we will be moving onto the right track.

Finally, I want to say that in the olden days, the military tended to decide what the co-operating forces would do through a Status of Forces Agreement. Those are limiting documents that are of very little benefit. If they can be challenged, there is not much we can get out of them. However, I believe that if we ratify this instrument, then we will be in a position to represent our people effectively.

Hon. Deputy Speaker, I thank you.

Hon. Deputy Speaker: Hon. Chris Wamalwa.

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. I rise to support.

(Loud consultations)

Hon. Deputy Speaker: Hon. Chris Wamalwa, you are on record as having spoken on this matter. Your name is here. You have already spoken on the matter.

Hon. Leader of the Majority Party.

Hon. A.B. Duale: Thank you very much Hon. Deputy Speaker for being very quick. The Standing Orders do not allow you to speak twice on the same subject.

Hon. Deputy Speaker: It is very true.

Hon. A.B. Duale: Hon. Chris Wamalwa must always adhere to the procedure. I support ratification of the Defence Co-operation Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom. This agreement provides a framework for a transparent and well managed Defence co-operation arrangement.

As Members may be aware, currently, Kenya has an existing Memorandum of Understanding with UK and Northern Ireland on the Defence Co-operation. This MOU provides a framework for pursuing co-operation in the defence sector between our two countries. The UK is a former colonial power. It is a historical partner with Kenya. We share more with the UK than we share with any of our development partners. The MOU had serious legal gaps. There were lacunae in that MOU. Under the new Constitution, the ratification of treaties between different arms of Government and foreign partners should be done by the National Assembly. This ratification sets the stage for filling up those legal gaps and curing the legal framework which was deficient. That is why, there was need to sign a Defence Co-operation Agreement (DCA) on 9th December, 2015 and subsequently it was sent to the House for ratification and

approval. This will give us a clear legal status. It will also confer jurisdiction upon the service authorities of both countries and of visiting forces within the Republic of Kenya.

The Defence Co-operation Agreement is based on the principle of reciprocity, sovereignty, and equality of both States. It is a win-win situation for both our countries. Military personnel of either State will be treated and accorded the privilege and the liabilities in other States. We have our officers from Kenya Defence Forces who go to UK for training and many other issues. An issue was raised on the unconstitutionality of Article 6.4 of the DCA. Article 2(6) of the Constitution recognizes treaties ratified by Kenya as part of our laws. The moment we ratify these agreement, the DCA will be part of our laws.

Section 282 and 283 of Kenya Defence Forces Act permit the transfer of jurisdiction to the service courts of visiting forces either through a treaty or an agreement. Consequently, the proposed transfer of primary jurisdiction is not unconstitutional. Read Article 2(6) of the Constitution together with Section 282 and 283 of KDF Act.

An issue was raised that the United States of America pays a lot for their base in Djibouti. I want to make it very clear, whereas the US pays more to Djibouti Government for the use of its base, it must be noted by this House that the US has a relatively large base with an airfield in Djibouti.

In fact, it is the largest US military base in Africa. It has more than 4,500 US military personnel. The US has exclusive rights according to the Agreement they have entered with Djibouti, to use that base in their engagements in the Middle East and Somalia. Because it is their biggest airbase in Africa, and because of its missions in Syria, Iraq and Somalia, it cannot be equated with what the British forces are doing. In this regard, the Kenyan scenario is a small logistics base and cannot be equated with the US base in Djibouti. Ours is for training. If you look at the numbers and the size of land you cannot compare.

The Defence Cooperation Agreement will provide a joint training and exchange experience and intelligence between our two defence forces thereby increasing the capacity of the Kenya Defences Forces (KDF). Therefore, Kenya benefits immensely from the agreement in terms of training of our forces, exchange of experiences and intelligence gathering as Kenya, the UK and other countries are partners in the war on terror. This will enhance that capacity. The experience that the KDF will get is within its constitutional mandate.

Hon. Deputy Speaker, the UK is one of the biggest destinations for Kenyan tea, which accounts for more than 51 per cent of the black tea consumed in the UK. Over 50 per cent of the tourists who visit Kenya are from the UK. Therefore, we must look at all this as we sign the defence agreement. We must look holistically at the economic, political and defence relations between Kenya and the UK. The DCA, if ratified by this House, will deal with impunity on the part of the visiting forces. A number of Members of Parliament have said that when the UK forces come to our country, they commit criminal acts. It is true that rape cases have been reported. Rape is not unique to anybody. It happens in every society. There are bad elements in the defence forces of every country and in every profession.

It is true that the use of equipment for training and the leftovers have caused many accidents and have cost a lot of human lives in Samburu and Laikipia but this defence cooperation agreement is very clear. It has given safeguards in terms of what will happen to a visiting soldier if he commits a crime outside the base or outside the training areas and during the training period. This agreement has enough safeguards. He will be subjected to the Kenyan judicial system. If he commits a crime while in combat and training, the DCA has also provided for how that soldier will be dealt with.

If we ratify the agreement, it will deal with the culture of impunity on the part of the visiting forces. The same applies to Kenyans. I come from the northern part of Kenya. There was a time when our defence forces committed serious historical injustices in Northern Kenya, West Pokot and North Eastern Kenya. I am sure that the Jubilee Administration does not believe in such injustices.

As we deal with the culture of impunity within the British forces or any other foreign forces, we must also deal with the culture of impunity in Kenya. Every day in this country police officers kill civilians in questionable circumstances. As late as yesterday, our police officers killed civilians. This House is under obligation to deal with impunity, whether it is committed by a Kenyan wearing KDF or other security forces' uniform or an officer from outside the country.

Finally, let us look at the economic benefits. I am seated next to Hon. Kimaru, the Member for Laikipia East. I do not see behind. I see in front. Hon. Kajuju is asking me to look behind. In my culture, you do not bother what happens behind you. You mind what happens in front of you. We are pastoralists and our animals always trek in front of us. This matter of "behind" is very common in the Coastal Region.

(Laughter)

As much as these individual incidents happen, the presence of British Army contributes a lot to the economy of Laikipia and Isiolo. I am sure that the Members from that region are here. The moment this DCA is approved by the House, in the event that one of the parties does not fulfil its part as spelt out in this document, the House is under obligation, through the Departmental Committee on Defence and Foreign Relations, to bring it back after six months and say what else can be added.

As we go for recess, let us pass this defence agreement. I am sure that our colleagues from those areas will look at the implementation part of it. If there is something they are not happy with, we can come back and deal with the matter.

With those many remarks, I beg to support.

Hon. Deputy Speaker: Hon. Richard Onyonka.

Hon. Onyonka: Thank you very much, Hon. Deputy Speaker for giving me the opportunity to also contribute on this very important treaty that our country is ratifying with the British Government.

I would also like to thank the Departmental Committee on Defence and Foreign Relations, in which I sit, especially our Chairman, Hon. Ndung'u Gethenji, who has tirelessly reviewed this agreement with his deputy, Hon. Rasso, and the whole team. We worked tirelessly. We visited the British Military Base in Laikipia and interacted with the officers there. We had lengthy discussions and deliberations.

Initially, we had our reservations because some of us felt that this treaty would have given us much more in terms of money from the British Government. That is why the Leader of the Majority Party raised the issue of Djibouti. We made comparison with other countries that have provided military bases to foreign armies. We reached a stage where we felt that even though we may not have got the best deal, it is still a good deal for the simple reason that the historical injustices and the other issues that have bedevilled this agreement over the years can be sorted out. The legal structures which have been put in place by both our Government and the British Government will ensure that a British soldier who commits a crime in Kenya is tried under the Kenyan legal jurisdiction. That was very important to many of us. Once we got this,

we felt that it is a good deal. We would like to acknowledge and understand that because of the current challenges and the issues which have come up in terms of national security, terrorism and matters like that, we believe that Kenya will benefit by having the British Government provide us with the necessary intelligence that we may need in order to curtail any attacks that may come. It was also important that the training of Kenyan soldiers which will be provided by the British Government will go a long way in making sure that the relationships are deepened and cemented between the two countries.

The only thing that I would like to make to the British Government because I know that as we speak in this House, the British Government is aware and even the ambassador to Britain is aware that we are debating this Defence Cooperation Agreement (DCA), we feel that the it needs to be a little bit more acceptable to Kenyans who are travelling to the UK. It is nearly impossible for somebody to get a visa to the UK because you go through a whole plethora of things that you have to fulfil. The truth and the reality is that the British Government, if you are aware, last week allowed Rwanda, Botswana and one other country, maybe Djibouti, to go to Britain without need for a Visa. Kenya needs to be brought onto this. The British Government needs to consider this so that they can accommodate us because of friendly relations that we have with them.

The other issue that was very sensitive is the banning of *miraa* from the Meru and Isiolo areas. Under this, we were informed properly that there was not much we could do for the simple reason that the House of Commons and the House of Lords had passed a law which banned *miraa* and they could not reverse this. The only recommendation that I have is that the British Government and our Government need to come in with a subsidy which is going to allow the farmers in Meru and Isiolo to receive some funding where they can shift into farming with products which are consumed locally and which are legally exportable to other countries of the world. This would be a better option for us to solve the issue of *miraa*.

Finally, to a large extent, I would like to thank the members of the Ministry of Foreign Affairs who took a lot of time and came to Nanyuki where we were and had with us long discussions and debates and the pros and cons of everything in terms of what this DCA was going to be. I hope that this agreement will enable Kenya Government and the British Government to continue engaging each other successfully and effectively so that our two countries can benefit.

Finally, to a large extent, I would also like to thank the Member of Laikipia East, Hon. Kimaru, who has consistently been engaging our Committee and Members of Parliament and encouraging them so that we pass this Bill for the reasons that he was looking at the larger picture and the benefits that would come to Nanyuki and his area.

With those many remarks, I would like to support.

Thank you.

Hon. Deputy Speaker: Hon. Kimaru, you are on the line. Just rest a little bit. Hon. ole Metito.

Hon. ole Metito: Thank you, Hon. Deputy Speaker. I rise to support this Motion. A lot has been said by Members. I would not labour so much on it. I would just pick six points.

One is the importance of this cooperation if this House ratifies it. There would be the transfer of skills mostly on security issues. As we allow the security officers from the UK to train in our country, they will also do the same for our KDF officers in their country. That will bring the transfer of knowledge and skills which are very important on security issues.

Two, no country is an island. This world has become a global village. Therefore, as much as we collaborate on such issues, it would enhance the cooperation on so many issues. One is on security issues. Now that we have terrorism as a global threat, such engagements between the security forces of more than one country will make it easy for each country to come in aid of one another in terms of security-related issues and in terms of help and cooperation. Therefore, this engagement enhances cooperation on security issues.

Three, as I said earlier, the complementary thing of exchange of this training is going to be very important. If you see, we have the National Defence College here in Kenya and so many countries around the world have been coming here to acquire skills and knowledge on security issues. Therefore, such engagements will help us also to access such facilities across the globe.

The fourth issue is that this engagement makes it easier for other bilateral issues to be agreed upon especially on trade. My colleagues who have spoken before me have put it that the UK is one of our very friendly countries; it is one of our top trade partners. Therefore, there are always other complementary things that come along it. The bilateral trade between the two countries as well as bilateral relations which have been pointed out earlier that date long time ago, are going to be improved further. Even in terms of education facilities, we have so many Kenyan students studying in the universities and colleges in the UK. Political relations between the two countries have been very well. It is because of such engagements that we do not want to say no to a good neighbour in terms of the global activities.

Fifth is that in engagement, there are going to be community projects not necessarily the corporate social responsibility projects but it is envisaged that there would be some help like building schools, doing community watering points, boreholes and water pans especially in the three counties that this training will take in Isiolo, Samburu and Laikipia. Those social economic activities will improve the social welfare of the people of those three counties. We believe and also appeal to the UK since those are even arid and semi-arid areas to do more especially in the provision of education, health and water facilities.

Finally, the biggest concern that has been raised in the previous MOUs that have existed between these two countries with respect to this training is now being addressed, if this House ratifies this cooperation. The big concern on illegal activities or officers committing crimes without being charged in our local courts has now been addressed. Those who will misbehave will be charged in our local courts. That has been the biggest concern of the people on the ground. It has become so difficult to access justice in case their rights are violated. Previously, you could not charge these officers in our local courts. Now that this cooperation, if ratified, is going to allow that, justice will be accessed easily in our local courts. Therefore, I plead with my colleagues and the House at large to approve this co-operation agreement. As much as some individuals have some reservations, at times, national interests supersede personal interests. Although those reservations are genuine and I agree with them because I been in talks with my colleagues, especially those who come from those regions, if this co-operation agreement is ratified, it will create avenues in which such issues can be addressed as the engagement goes on.

Therefore, I beg to support the Protocol.

Hon. Deputy Speaker: Let us have Hon. Tiyah Galgallo.

Hon. (Ms.) T.G. Ali: Thank you, Hon. Deputy Speaker. I support the ratification of the Defence Co-operation Agreement between the Governments of the Republic of Kenya and the United Kingdom (UK).

At the outset, in 2004, when I was the Principal of Isiolo Girls, we benefitted from a joint Kenya Army and British Army social corporate responsibility. The school I was heading

benefitted from the construction of a dormitory and a borehole which the school still uses. Out of the 25,000 square kilometres of Isiolo County, 5,000 square kilometres host army barracks in Isiolo. Isiolo Town has no room for expansion as it becomes a resource city. Currently, the County is referred to as the “city of garrisons” because there are five army camps. Those army camps occupy a strategic grazing area or drought reserve area that is used by my community, who are pastoralists. My County also hosts pastoralists from neighbouring communities during the dry spell. Over 50,000 livestock come to the area such that we host people from Samburu, Wajir, Garissa and Marsabit counties during the dry spell.

Isiolo County, especially the Borana community, has a very robust community land management system. When that land hosts the Kenya Army or the British Army, the community is not consulted at all. The community has a robust land management system. Most of the time, there is conflict between the community and the British and Kenyan armies. Most of the occupied areas are community or trust land. Some of the areas that the military uses are restricted and the community cannot get in. Currently, there is an ongoing conflict between communities in Isiolo, especially around Soi and Garimara, where the Army has expanded and encroached into the area. The community is not happy because the issue has not been resolved. It is my hope that as we ratify this agreement, the issues that communities have around the Army area or camps are sorted out so that the community can live in peace.

There are also community social problems in my county where many children have been fathered by army officers, and many of them do not attend school. Some of them have even joined street families. It is my hope that as we ratify this agreement, the children fathered by uniformed officers, both in the Kenyan and British armies, are taken care of by our Government so that we do not have women suffering with children whom they cannot support or feed. Many of the mothers do not work; have no businesses or anything to help them bring up those children. As we ratify this agreement, it is my hope that all those issues, especially with regard to social problems, are sorted.

Some of the training grounds have issues because there are quite a lot of explosives that were left behind by the training officers. Most members of the community do not even know that there are explosives. Many children who look after animals have tampered with them and some of them have lost their lives or become disabled because of the effect of the explosives. It is my hope that as we ratify this agreement, there will be a comprehensive way of ensuring that our communities are safe.

With those remarks, I support the ratification.

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

Hon. Lempurkel: Thank you, Hon. Temporary Deputy Speaker. I rise to support this agreement between the British Army and the Kenyan Army. The British Army occupied a big piece of land in Laikipia North. We had major issues with the British Army when they trained for more than 10 years and many men, women and animals lost their lives. We went to court and all the people were compensated. We also had cases of rape. We had many street families because many children were fathered by both the Kenyan Army and the British Army.

It is important for the British Government to understand the working scenario with the communities. At the moment, the lands they use for training belong to individuals. This Treaty is an agreement between the great people of UK and Kenya. The Kenyan people should also benefit. I appeal to the British Army that as we ratify this agreement, community land, group ranches and individual land should also be included. They pay a lot of money.

The land they occupy, especially in Laikipia North, is more than 2,000 acres. The people who benefit are the white settlers. It is also important for the group ranches to be considered. The Department for International Development (DFID) has a lot of funding. The poverty levels are very high in the areas where this training takes place. Those areas are under-developed. I appeal to DFID to give priority to funding schools, water, boreholes and the road network in areas where the British Army trains. The British Army employs more than 3,000 people, especially in Nanyuki. They come from Samburu, Isiolo and Laikipia counties. That is a big resource. If we do not ratify this agreement, our young brothers and sisters will lose many jobs.

[The Deputy Speaker (Hon. (Dr.) Laboso) left the Chair]

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

In fact, if we do not pass this agreement, businesses will come to a standstill in Nanyuki Town. I support this Motion. I would like to ask the British Army to consider the remarks that have been made here.

The Temporary Deputy Speaker (Hon. Omulele): Let us now have the Member of Parliament for Laikipia East.

Hon. Kimaru: Thank you, Hon. Temporary Deputy Speaker.

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

The Temporary Deputy Speaker (Hon. Omulele): Hon. Kimaru, before you proceed, let us first hear the point of order from Hon. Chepkong'a, Chairman of the Departmental Committee on Justice and Legal Affairs.

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I am not calling upon the Mover to reply. I was given the authority to table some documents at 11.00 a.m. The documents are ready for tabling.

The Temporary Deputy Speaker (Hon. Omulele): Go ahead.

PAPERS LAID

Hon. Chepkong'a: I beg to lay the following Papers on the Table of the House, today, Thursday, 1st September 2016:-

The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of:-

- (i) The Election (Amendment) Bill, 2016; and,
- (ii) The Election Offences Bill, 2016.

We have some amendments on those Bills and so, Members should have a look at them.

Hon. Kimaru: Thank you, Hon. Temporary Deputy Speaker. I am the Member of Parliament for Laikipia East where we have a big presence of the British Army. As it has been said before, their presence has been quite beneficial to the people of Nanyuki, Laikipia East and in general, the whole of Laikipia County.

As Hon. Lempurkel stated, we currently have over 3,000 jobs created for the local people. We have an injection of close to Kshs1 billion per annum which comes through rental income and leasing of training grounds, which are mostly in Laikipia, Samburu and Isiolo counties. We also

have over 200 British families living in Nanyuki on almost a permanent basis. Here, they promote the local economy.

I would like to demystify some of the issues that have been raised. The picture that has been painted is of a community that does not integrate well with the locals. That is far from the truth. Indeed, we have had instances of crime, but they have been few and spaced out. It is not really the order of the day. It is not that every single day, a British national who is training in Kenya commits crime. With regard to statistics on cases of rape, it is true that some time back, when the British forces were training in Dol Dol, together with the Kenya Forces, rape cases were reported. We accept that there were instances of rape. It used to happen in the fields which were being used as training grounds by both Kenyan and British Forces. It would not be right to apportion blame only to the British forces. Over the last 10 years, we have not had a single instance of rape.

I know of one instance of crime that still remains unresolved. The British Government together with Kenyan authorities are doing their best to make sure that, that particular crime is resolved. Crime is not the preserve of other nationals who come to Kenya. Murder, rape and all other forms of crime occur every time. When they are committed by other nationals, it should not be made to look like it is greater than if it is committed by a local person. When you visit Nanyuki Town on a market day, you will find so many British nationals shopping in the vegetable market near Majengo. They mingle and get along so easily with the local population.

We have heard talk about unexploded ordinances that cause accidents. Military activities are hazardous and dangerous not only to outsiders, but even to the military people themselves. Accidents happen even during the training sessions, and they might affect the British or even the locals. In the last 10 years - I can authoritatively speak about Laikipia with regard to military accidents - we have had only one accident where a boy accidentally ventured into the training area and his limbs were blown off. That issue is being handled. Communities are being sensitized to understand that the training areas belong to both the British Government and the Kenyan Government. The communities are being sensitized not to venture into those areas because as much as both the Forces try to clean up the training grounds, you may occasionally come across unexploded ordinances.

In that case that I have just mentioned where a young man's limbs were blown off, I would like to applaud the British Government for taking extra measures to give him medical attention. He is being attended to even right now. Everything is being done to ensure that he goes back to his normal way of life. There has been an undertaking by the British Government to employ and take care of that young man for as long as they are here and for as long as he lives. We get about Kshs600 million every year for the leasing of the training grounds. Unfortunately, that has been skewed and people who get that income are the white settlers. We had a meeting today with the British High Commission and we agreed that a great portion of that income that has been going to only one section of the population shall now be distributed to impact on all populations within Isiolo, Laikipia and Samburu counties. We have a follow up on the matter next week with the Commander of British Army Training Unit in Kenya (BATUK) to ensure that those arrangements are finally straightened out. There have been difficulties because most of those community lands do not have title deeds. I believe that the issue of title deeds for those training grounds can be sorted out. Eventually, we shall have an arrangement where the local communities will benefit from the money that is generated from those training grounds. It will be good if we strike an agreement to ensure that, at least, 50 per cent of that money goes to the local people. We do not want handouts. The British can lease properties and community ranches that

are there. If those community ranches were to get Kshs100 million, and we have that distributed among the three counties of Isiolo, Laikipia and Samburu, it shall be beneficial. As my colleague has stated, we have had Corporate Social Responsibility (CSR). Schools have been built and boreholes and dams have been dug. We need to negotiate for more of that to come our way.

On the issue of *miraa*, I would like to say that I am happy because the British Government is engaging the communities that are growing *miraa*. The British Government is engaging them to look for a solution. This being a bilateral agreement, I am sure the issue of aid or grants can be worked out so that communities in Meru can benefit.

As I finish, I would like to appeal to Members to pass this Motion. It is basically because it is not a lifetime agreement. It will only last for five years.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Going forward, I propose that I will be giving the microphone to Members who come from areas that are mostly affected by the matters that this agreement touches on. Most of them may appear to be on one side of the House. That should not be taken to be bias. Probably, I will be giving a chance to one person on this side and then two on this side. That should not be seen to be bias.

Hon. (Ms.) Wahome: On a point of order.

The Temporary Deputy Speaker (Hon. Omulele): Let us hear what is out of order from Hon. (Ms.) Alice Wahome.

Hon. (Ms.) Wahome: Thank you, Hon. Temporary Deputy Speaker. With great respect to the Chair, I know you have been doing very well. If we are sitting here and do not come from those areas and yet we have something important to contribute, the Chair is actually asking us to leave the Chamber. That is not the way to go. You could have a small but not complete bias. That is so that we expect to be given an opportunity.

The Temporary Deputy Speaker (Hon. Omulele): That is Hon. Alice Wahome. If you heard what I said, it is that we shall have a slight bias towards Members who come from those areas. We are not saying we are locking out Members from areas that are not in the areas the agreement touches on. They will speak. In fact, the next person on line to speak is Hon. Gideon Ochanda, the Member of Parliament for Bondo Constituency.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. The discretion is yours.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Ochanda, before you speak, let us hear the Member of Nyeri Town Constituency. She has a point of order.

Hon. (Ms.) Mathenge: Hon. Temporary Deputy Speaker, we have been here and we have a dissenting voice. The way this House is going, it is only those who are supporting this Motion that are being given a chance. It means you do not want to hear those who are dissenting.

(Applause)

We have already been told that you have a list of those who should not speak because they are dissenting. If that is the case, tell us to leave! Then, you can vote the Motion in without caring about what we want to get from it.

The Temporary Deputy Speaker (Hon. Omulele): The Hon. Member for Nyeri Town Constituency, I have your name on the list here. In fact, you are one of the people who are going to speak. There is no list of Members who are favoured to speak.

Let us proceed. All of us are Members of this House. Everybody shall have a fair chance to speak. Let us give Hon. Ochanda a chance to speak to this. He is also a Member of this House.

Hon. Ogolla: I had indicated that the discretion is really yours, even if it is not mentioned. It is also not very easy to know what one is going to say. You cannot know whether they are going to dissent or not.

But I want to support the Report based on a number of things. One, it is a clear indication that in the process of making international laws to be part of ours, this is a good indicator that the treaties are going to be treated as part of our laws. It is important that we look at them that way. That is one thing that this seek-for-approval is fulfilling.

Two, is the issue of what has been going on over a period of time. In my elementary geography, we discussed factors that lead to the growth of towns. We listed many things, including crossroads and stuff like that. One that was very unique is how the military has contributed to the growth of certain towns in this country. One such town is Gilgil, Nanyuki and partly Isiolo. We were learning this in Class V or VI, I think. The military was contributing to the coming up of certain towns in the country.

There are some of those unique things. Kenya exports very unique products. We export our climate and scenery in terms of the geographies and the physical features we have. In that sense, we export the conducive environment that the British military is looking out for, for purposes of training. So, it is a unique arrangement and export. If all of us were able to look at it in that manner, those are some of these things we are able to overcome.

While that is so, we also need to be reminded of the principle of reciprocity in international relations. It is so critical that when activities and exercises like that are extended to us, they are fairly unique. We need to reciprocate in a manner that we also value our relations with the others. When we are looking at this, it is important we do not look at certain isolated cases. Many of us are trying to look at some of the very isolated case. They are important. We have had atrocities and injustices. We have had this issue of the rebate in terms of how monies or funds that are paid, and what happens to other countries. Those are some of the things that can be negotiated and looked out very keenly, in my view.

The kind of disputes and problems that we have heard from the local communities, I wanted to suggest one or two things. One, if we are able to demarcate and locate the boundaries within which those trainings are supposed to take place, and the extent at which the British military are to use in terms of the geography such that we reduce the conflict between what we are calling “the leftovers” with the local communities, it will be good. If it is very clearly indicated that this is the extent at which, in terms of geography, the military will reach and where the community starts henceforth, we could create some kind of a buffer zone between those activity areas and the communities.

In that sense, the other bit will be to engage the local community with some information that this is the extent at which you can go because those are dangerous areas. There is quite a bit of information and education that is required. In my view, this needs to be by both our Kenyan Government and the British Government in terms of sharing and giving out information to the local communities. Sometimes, when you look at encroachment, you will not know who is encroaching on whose areas. You will not know whether the military is encroaching into the local community’s areas or whether it is the local communities that are encroaching into the training grounds. So, there needs to be a clear demarcation of those boundaries. There needs to be indicators like: “You are now crossing on a dangerous area or into an area that is not yours.” We also need to look at what is it that is making the local communities encroach. Immediately, we realise that it could be issues of water, pasture or any other thing. We could do very creative

things and engagements for purposes of making sure that those amenities or services are available outside the areas that are for training.

That is important. It contributes a lot. There could be hitches here and there. Like, on this thing of *miraa*, it is important. It has also been mentioned that there is the issue of *miraa*, *visa* and all manner of other things that are there. As we look at this, we also need not to lose the bigger picture. As we are not losing the bigger picture, we are also not saying that these matters are too small and need to be avoided. There are things that need to be looked at. The British Government needs to look at them very keenly in as much as we are also supposed to look at them keenly, as a Government.

I support this by saying that the contribution is big. Like, when we are saying the money is low in relation to what happens between the Americans and Djibouti, this is something that can be administratively looked into. It has been mentioned that they need to go through this Report to see the areas that have question marks and that we are isolating. In my view, they can look at this and be renegotiated.

Like it has been mentioned, it is not a one-off thing. It is something we are able to revisit from time to time. There is space for revisiting in terms of these treaties.

So, Hon. Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Igembe North.

Hon. M'uthari: Thank you, Hon. Temporary Deputy Speaker. I rise to speak on this Motion regarding this co-operation. Within this co-operation, there are a number of issues that have been highlighted and that are of interest to the people of the Republic of Kenya. At the same time, being a member of this House, it is a matter of interests. We represent the people and their interests. The only challenge I have with this is that the British have been insensitive, especially to the people of the *miraa*-growing areas. We have gone through a process and had discussions, which I hope will bear some fruits at the end and not just end up being empty talk. I am the Member of Parliament for Igembe North, which is the cradle of *miraa*. This is where we have many farmers. *Miraa* growing is spread within a wide geographic area of Meru and parts of Embu and Rift Valley. That crop is expanding. There was work which was carried out by an *ad-hoc* committee on *miraa*, which I was a member. We realised that the reason as to why *miraa* was banned was political. Even this is a political process. In this Report, there are some statements by our Departmental Committee on Defence and Foreign Relations, which I find to be a bit dismissive to the challenges of the people, without looking at the issues. An example is Observation No. 8, where the Committee talks of the decision by the United Kingdom (UK) to ban *miraa*. The Report says that it was made after extensive consultations. I am not sure about this, and I think it is belittling the challenges that we have.

As the leadership within British consider their interests in terms of training and the other benefits that are claimed or real, I urge them that they need to also consider the wider interests of the Kenyan people. There is also the question that has been discussed here of *visa* for Kenyans who wish to travel to study. As you know, Kenya and Britain have had a very long relationship. At one time, they were our colonial masters. So the relationship is long. However, if one intends to travel to the United Kingdom, it takes many days to get a *visa*. I do not know whether their High Commission here in Nairobi has been degraded so that we apply for *visas* here in Nairobi and we wait for them to be processed in Pretoria, as it has been alleged. So, we have to look at those matters.

Given the greater interest and the bigger picture in Kenya, there are issues that have been raised here. This Report has highlighted or brought out some of the things that have not been considered before, which is an improvement of what has been there. We want the *miraa*-growing areas to be given special consideration. The British Government, through their development agencies, should put special programmes in those areas so that the farmers who have lost their livelihoods because of that decision can be cushioned. Again, I am saying that it was never based on any scientific investigations. It was said that *miraa* is harmful. Some of the commodities that we are consuming here in Kenya and that are made by British companies like British American Tobacco (BAT) and even the beer products affect the health and wellbeing of the people. A commodity like *miraa*, which is for the poor farmers who may not have big corporations that are able to engage, lobby and be supported, is being banned. Because of that lack of capacity, their trade is criminalised.

For the greater good and relationship as partners and friends, I ask that those farmers be given special consideration. I grudgingly support.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Samburu.

Hon. (Ms.) Leshoomo: Ahsante sana, Mhe. Naibu Spika wa Muda. Tukiwa hapa na tunapofinya mashini hizi, ni vizuri uangalie kila upande kwa sababu ni vibaya kwa Mwakilishi wa Kaunti ama wa Eneo la Bunge kusikiliza mambo yake yakizungumzwa na wengine na yeye ako hapa. Kwa hivyo, nashukuru kwa hii nafasi uliyonipanitia kuzungumzia kuhusu Hoja hii ya Waingereza.

Kila eneo liko na mipango yake na shida zake kuhusu Hoja hii. Mimi nitazungumzia Kaunti ya Samburu.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, let us have our consultations in check so that we can hear the Member for Samburu.

Hon. (Ms.) Leshoomo: Ahsante. Kaunti ya Samburu imekuwa na shida nyingi kuhusu Waingereza. Tumeona nyingi zimetatuliwa lakini wakati sheria inatengenezwa, ni muhimu tusikilizwe.

(Loud consultations)

Mhe. Naibu Spika wa Muda, ungenisaidia kwa sababu naona kama mashauriano yamekuwa mengi.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, I know we are all consulting about very important matters. I can see the Chair of the National Government Constituencies Development Fund (NGCDF) Committee and Hon. Chanzu consulting. Let us consult in a quiet way so that the Member can be heard.

Hon. (Ms.) Leshoomo: Ahsante sana, Mhe. Naibu Spika wa Muda. Wakati sheria ya Kenya kushirikiana na nchi nyingine inatengenezwa, ni muhimu kwa shida zinazoletwa na nchi nyingine kuangaliwa. Ni muhimu pia tuangalie sheria ambazo zitawachunga wananchi wa Kenya.

Kaunti ya Samburu, na hasa Samburu Mashariki, imekuwa na shida nyingi. Waingereza wameishi huko kwa muda. Kadri wanavyoishi huko, ndivyo tunavyozidi kupoteza maisha ya binadamu. Watu wengi wamepoteza maisha yao kwa sababu ya jinsi Waingereza hao

wanavyotumia silaha zao. Wanapoenda kwa mafunzo, wanawacha silaha zao nje. Wanatupa mabomu, risasi na kila aina ya silaha. Mnajua maeneo yetu ni ya wafugaji. Ng'ombe zinatembea zikitafuta nyasi na watoto wanazichunga. Watu wengi wamepoteza maisha yao. Hilo ni jambo moja linalopaswa kuangaliwa.

Jambo la pili ni hili: Tangu wakuje huko, hatujapata faida kutoka kwao kama vile msaada wa maji kwa mashule. Bado tuna shida ya maji na barabara. Hata wakitengeneza barabara, wanapitisha tinga tinga mara moja na baadaye inaonekana ni kama haikutengenezwa. Wanadanganya wananchi kwamba wataleta maji, watatengeneza barabara na kuleta hospitali, lakini bado hatujaona wakifanya kitu.

Ikiwa hii sheria itatiwa sahihi, waende watutengenezee kitu kile kitadumu wala si kuwadanganya wananchi. Wakituwekea hospitali, barabara au kisima cha maji, itasaidia kila mtu kwa sababu wanadanganya wananchi. Wakati wanalipa malipo ya wale watu wameaga, hawaangalii wale wanyama ambao wameumizwa na hayo mabomu. Wakati ng'ombe na mbuzi wanakufa kwa sababu ya hayo bomu, hawachukulii maanani. Kwa hivyo, ningependa sheria hii iangalia vile vitu vinasaidia wananchi.

Mahali pale wanafanyia mazoezi, kuna mahali ambapo walikuwa wamepewa na sasa wamesongeza mipaka had kwa mashamba ya jamii. Wakati wanaulizwa ni kwa nini wamesonga, hata hawajali mtu. Kwa sababu Mwenyekitu yuko hapa, ningependa waangalie wananchi. Waanze kuongea na mwananchi na viongozi wale wako pale.

Watoto wetu wakati wamefunga mashule, unapata wamezingira hizo kambi zao. Wanadanganya watoto, wawe ni wasichana au vijana. Wanasema wameandika watu kazi. Ningeomba Mwenyekiti wa Kamati atoe hiyo orodha ya wale wameandikwa kazi. Hiyo ni kwa sababu unakuta msamburu ni yule ameandikwa kuosha nguo au vyombo. Hiyo si kazi. Kwa hivyo, ni muhimu tuambiwe ni kazi gani zimepeanwa ndio tupate kujua. Sana sana, wanatumia watoto wetu kuchunga kambi zao. Hiyo pia si kazi kwa sababu wanafuta watu kila dakika. Wanaandikwa leo na keshoye wanafutwa.

Mimi ningeomba watoe orodha ya zile kazi wamewapatia watu. Ikiwa Nanyuki, Laikipia na Isiolo wamefaidika, Samburu hatujui wameandika watu kazi gani. Hiyo ni kwa sababau kandarasi si kazi. Watu wanapewa kandarasi halafu wanaiita kazi ilhali hiyo ni kandarasi ya siku mbili au tatu. Kwa hivyo, hii sheria ikitengenezwa, iangaliwe zaidi ajali zinazowakumba watu wanaoishi pale. Sisi tunajua wameishi upande wa Samburu Mashariki kwa muda mrefu. Kwa hivyo, hiyo sheria iangaliwe vizuri na wananchi wale wanaishi huko, ijulikana kile wanafaidika nacho.

Pia mahali pale wamepewa, ni muhimu waweke ua. Kwa sababau wasipofanya hivyo, inakuwa shida. Kila mtu anaingia. Watu wetu wameumia sana. Watu kadhaa wamekatwa mkono na wao hawajali. Kuna mzee mmoja wanasema haijulikani ni nini ilimkata, ilhali alikatwa na mashini yao. Kwa hivyo, tuna shida nyingi na ni muhimu iangaliwe wakati sheria hii inapitishwa. Hatutapinga njia ya sheria kupitishwa, lakini faida ya mwananchi aliye pale iangaliwe na ile njia wanatumia--- Wakipata watu watatu au wane, wanafikiri wanawakilisha hiyo jamii.

Tungewaomba waongee na jamii kwa jumla. Kamati ya Ulinzi na Maswala ya Kimataifa ilitembea huko katika Bunge la Kumi. Ningeomba Mwenyekiti wa kamati ya sasa - kwa sababu ako hapa - aende achukue hiyo Ripoti ajue ni nini walizungumzia huko na ni nini waliona huko.

Naomba pia Mwenyekiti wa Kamati atembee huko ndipo aje alinganishe habari iliyopatikana wakati ule na sasa. Wakati mnaenda kukaa chini na hamuulizi wenye jamii hiyo na viongozi wao vile mambo yako pale, ni vigumu sana kuja tupitishwe kitu kitakachodhuru watu

wengine. Kwa hivyo, yangu ni hayo. Sheria iangaliwe kwa njia ya kuwasaidia wananchi ambao wanaishi huko.

Ahsante.

The Temporary Deputy Speaker (Hon. Omulele): Shukran. We shall now have the Member for Njoro.

Hon. J.K. Ng'ang'a: Thank you, Hon. Temporary Deputy Speaker. I am grateful. I was almost giving up. I came here very early in the morning. I have been waiting all along but, at long last, you have "caught my eye". I wish to support this Bill with some few comments. If you look at where we have come from as a nation, we were a British colony. Although we gained independence, we still have a lot to learn from them. We have gained much, but we still have a lot to learn from them. If we can look at this issue boldly, those people who are opposing will support. Although I have not heard of any particular one, but they have been pin-pointing some issues here and there, which need to be rectified. It is true that those communities living around the affected areas such as Samburu, Isiolo and Meru have issues.

However, we have to look at it broadly, the gains, advantages and disadvantages. Our military forces have come from far and have gained a lot from the British Army. Majority of our military personnel's arsenals and drill that they use were inherited from the British, and it would be very difficult for us to change overnight.

Everything has its time and there is the way we can tackle them. There are those issues which can be handled diplomatically when it comes to issues of *miraa*, people from Meru and Mbeere have a reason to complain. However, there is a way of tackling those issues because we have a very cordial relationship between the Kenya Government and the Britain Government. If there are issues which need to be sorted out, our foreign missions are supposed to work with them and see how they can intervene so that we can benefit.

In my opinion, the British Government has helped this nation. Nanyuki's economy relies on the existence of those barracks, especially the United Kingdom's (UK) Army. Even when it comes to the tourism industry, majority of hotels in Nanyuki and Isiolo are doing well because of them.

On the issue of the people who have been injured while the military are doing the exercise, there are those isolated cases. But as I said earlier, they should be tackled diplomatically. We have to look at the gains and laws. We do not have to condemn everything because of a petty issue which has come up.

If you look at it globally, the Government of Kenya and the Government of the United Kingdom (UK) have a lot in common, and which they share, especially when it comes to the issue of terrorism. We have to share some intelligence. It is like the way the Government of Kenya dealt with *Al-Shabaab* and other terrorists groups. It is also the same on the side of hard drugs, like the ones that were destroyed at the Port of Mombasa. With that kind of information, we have to act in collaboration with not only the Government of UK, but also with the rest of the world. I support this Bill and request my fellow colleagues that, as we debate on such issues, we should not be trivializing small issues and amplifying them to mean that we are not benefiting. We have a lot to benefit and, at the same time, we have a long way to go and so, we cannot condemn them.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Omulele): Thank you, very much. We shall now have the Member for Meru.

Hon. (Ms.) Kajuju: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Report that is up for adoption. I thank the three Members of the Committee who stood with the Meru County people and disagreed with the adoption of this Report. Except, I noticed Hon. Richard Onyonka, who had indicated his dissent, surprising came to this House today and supported the Report.

My position is that I do not support this Report because there are very many issues which I presented personally to the Departmental Committee on Defence and Foreign Relations and they did not take any of them into account. I have looked at the Committee's observations in their Report as far as this Defence Co-operation Agreement (DCA) is concerned. When I look at the Committee's observation No.8, 9 and 10, they were terribly dismissive of the submissions that were made by other Members of the delegation and that we went to present the interests of the community as Meru representatives.

Observation No.8, if I may read, said:-

“That the decision to ban *miraa* in the UK was made after an extensive consultation process and careful consideration and for the interest of the residents and the citizens of the UK.”

The question that I beg to be answered is whose interest the Committee was looking at when they said that our interests were taken into account as the community that grows *miraa*.

This is a very painful process because I am the one who brought the initiative of a Motion seeking to form the *Ad-hoc* Committee on *miraa*. After that Committee was admitted by this House, it travelled to the UK seeking intervention for them to just allow us a grace period before they could ban *miraa* in their country, and we could put our House in order if they did not want us to export *miraa* to their country.

We were dismissed. The British Governments Advisory Council on the Misuse of Drugs (ACMD) Report declared *miraa* was not a drug. The House of Commons said that *miraa* was just a stimulant. What did the British Government do? They proceeded to classify *miraa* as a drug, which means we could not sell *miraa* in their country. Some people in the UK do not consume *miraa*, but the Somali residents and Kenyans who live there consume *miraa*. But, their interests and those of the Meru people were not taken into account. They classified *miraa* as a drug. What that meant is that the economy of Meru County was extensively affected by that ban. Have they put any measures in place at least to support the Meru community because of banning *miraa* in their country? They have not.

I know the law and legal principals of equity. Equity demands that he who seeks equity must do equity. Equity in this sense would mean that if they are seeking equity from us as the Government of Kenya, they should be willing, ready and able to do equity especially to the Meru County people. It also says in equity that he who comes to equity must not come with dirty hands. They are coming to us to seek equity but with dirty hands. That is because they failed to listen to us when we needed them most.

Maybe, I would not be saying this if I never travelled to the UK to plead with them not to ban *miraa* at that point in time, but to allow us some time to organize ourselves. Why did they disregard us? It is said, “*Scratch my back and I scratch yours.*” They refused to scratch our backs! Why am I being asked to scratch theirs?

It has been said by previous speakers that we should not put personal interests before national interests. This is not a personal interest. It is about the Meru community. It is about communal interest. I am protecting the interests of the Meru people, when I decide today with my vote that this DCA should not be adopted. I will be protecting the interest of the Meru Community. Let me

tell you all politics are local. My first and foremost interest is the Meru people who grow, sell and consume *miraa*.

We have also been told that there is an Article in this DCA that takes care of our interests. I have read it and the closest I have come to a Clause that would look at us is Article 3(i), which talks about other areas of mutual interest, which may be decided upon in future between the Government of Kenya and the Government of UK. The Leader of the Majority Party said that there is an opportunity for us to negotiate and take care of our interests. He also said that after six months, we can relook at this issue if there is breach.

Hon. Temporary Deputy Speaker, I know you are lawyer and I respect you for that. You cannot breach that which has not been agreed upon. If the interests of the people of Meru County are not being catered for in this agreement, how then would you tell me there will be breach so that there is review after six months?

The best that this DCA would have done is for it to come, with room for amendments. We are being told that we cannot even attempt to amend a coma, leave alone a full stop. Why am I being told that I need to support it? My conscience cannot allow me. Hon. Kimaru has said that he is a great beneficiary of what the British Government has done in his constituency. That is his constituency and I dare say that the Corporate Social Responsibility (CSR) the British Government has done is only limited to some areas, without considering other areas that have been affected by the activities of the Government of UK.

They have received benefits and other things and the Meru people have nothing. What we are being told is to look at the greater good of Kenya and forget the Meru people so that even if they die, Kenya can still go on. I cannot support this. The British Government has very many non-governmental organizations (NGOs) but, instead of telling us how they are going to help us, they are just dangling a carrot, which is just like the "Sword of Damocles". If this Defence Co-operation Agreement is passed, there must be a way in which the Meru community must be treated. There are around five constituencies that are suffering today. Children have dropped out of school because their parents cannot earn a single cent to take them to school. Permanently, I am pleading with the Government to give me relief food. Even today in the morning, I was speaking to the Principal Secretary (PS) for Special Programmes to give me relief food. That was never known in Meru County until the ban. Forgive me my brothers and sisters, but I am not going to support this Agreement.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Very well presented and compelling arguments. I now give this opportunity to Hon. Raphael Letimalo of Samburu East. The Member for Igembe, just hold on for some time. I will give you a chance.

Hon. Letimalo: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to speak to this Motion. I support the Motion, but with a heavy heart due to the acts of commission and omission against the people of Samburu East through the military operations. However, I believe the impunity and injustices we have witnessed can be addressed only through a formal Defence Co-operation Agreement. That is why I support it.

To start on a positive note, the British Government, through the British military officers who are operating in Samburu East, has contributed to development projects in my constituency. They have created employment, at least, for the youth, even though a majority of them are casuals. They have constructed physical facilities like schools. They have also opened up areas through construction of roads and water points like boreholes. We really appreciate that.

Even though they have contributed a lot in Corporate Social Responsibility (CSR), we still have some concerns. In 1977, the Government of Kenya set aside some land for military training. The Commissioner of Lands, vide Kenya Gazette Notice No. 3210 of 31st October 1977, set aside 83,327 acres for military training. But one major problem when it comes to issues of land is that even though there is land that has been set aside and gazetted for military training, both KDF and the British Army have encroached into community land. That is one of our major concerns. They go beyond the gazetted land without the consent of the community. That is land that has been subdivided into group ranches. The group ranches have office-bearers whom they can talk to and seek their consent if they want to go beyond the gazetted land. They use community land without the consent of the community and they do not compensate them at all. That is a matter of concern.

Two, still on the issue of land, there is a lot of concern. We are aware that the British Army carries out their military exercises in individual private ranches and they pay them. If they can pay for the use of private ranches, why can they not pay the community? This is a matter of concern. We want the Chairman of the Departmental Committee on Defence and Foreign Relations to take this into account. The Agreement we are approving today, and I hope that it will be supported by the House, should be able to address some of the concerns that have been raised by the community.

Another matter of concern is the unexploded ordinances that are left behind after military training exercises. As it has been said, when the military carry out their training exercises, they are supposed, by practice and law, to clear off the training fields to ensure that any unexploded ordinances are removed. Given that that area is still a communal grazing land, many herders, both the youth and adults, have been injured and some of them have even lost their lives. The point of concern is that if anybody is injured, both KDF and the British Army are not concerned to even take them to hospital. That is left to the relatives or they just die. I think it is important that in this Agreement, KDF and the British Army take responsibility for any injuries. Those who commit those crimes should be held accountable because most of those reports are taken to the police. That is why I expected that under public participation, which is provided for in the Constitution, the Chairman of the Committee should, at least, have visited this area. In the 10th Parliament, I took up this matter with the same Committee. They visited the area and we went round. We even saw some military camps that had been built outside the gazetted area. I think they should have visited the area to get those kinds of views. We ask that the military officers be held responsible should any injury arise as a result of non-clearance of those unexploded ordinances.

On the question of CSR, as I have said, we really appreciate their support. But I think it is important for those concerned to take it up with the political leadership and the community to determine the priorities of the people. This is a semi-arid area, whose economic activity is livestock rearing. What is important for the people there is water. Provision of water will limit the movement of the people with their livestock. They may not even encroach on the gazetted land. It is important that they involve local leadership so that priorities can be considered.

On the issue of employment, we appreciate because many casuals have been engaged. But I think it is unfair to have so many casuals working beyond the recommended period, whereas it is possible that some of them can be given permanent employment. Every other time, the British Army works in shifts and it is the locals who guard those camps. So, it is important that they also provide permanent jobs. Equally, we believe that, specifically, the people have benefited a lot, even based on what the Member has said, but there are certain jobs or contracts

that can be given to the locals. Archars Post is a growing trading centre. So, it is important that certain contracts are given to the local people to enhance co-operation and for the people to see that they are benefitting from our British friends.

Otherwise, I support.

The Temporary Deputy Speaker (Hon. Omulele): The Member for Igembe Central.

Hon. Kubai Iringo: Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. At the outset, I stand to oppose this Motion. Much has been said. It is said that one man's meat is another man's poison. This Report is skewed to favour our former colonial masters. It is skewed in a way that whatever we are trying to ratify here is not balanced. Gone are the days when we used to be told do something and we just do it. We need to ask why we are doing it. I am saying this with a lot of bitterness. It is not because the British Army does nothing in my constituency, even though I see then in Nanyuki when I pass there as I go to my constituency. I am bitter because of an action they took in 2014 of banning the trade in *miraa*. They also influenced other European countries to do the same. This is a livelihood for my people.

An *ad hoc* Committee, which was formed here in Parliament, went to London to plead with them to reconsider their action. The reasons they gave are the same reasons they gave today when we met the British High Commissioner. They told us that there were some communities in London which were complaining about *miraa* and so, they had to pass that law banning *miraa*. That decision, which was influenced by a small community in Britain, has affected thousands of people in Meru. They did not take into account the plight of producers of that crop. They also did not consider the effect of the action on the merchants of that crop. They did not consider the families that are now affected. They also did not consider the effect of the ban on the consumers of *miraa*.

The reasons they gave were not convincing, scientific or otherwise. At the end of the day, we managed to convince the Committee which was handling the issue, but when the matter was brought on the Floor of the House of Commons in London, *miraa* was banned. Today, we are being asked to ratify this agreement and the rider is this: "Your complaints will be looked into." This has been put into writing and has been signed by the people concerned. Why did we not come up with a memorandum listing what we are pledging to do before we sign? As a leader and an elected Member of the great people of Igembe Central, I am not going to accept lip service where we are told, "we shall do this" and yet, we do not know when it will be done. Why should we pass this one before ironing out the teething issues? We went to the Committee of Defence and Foreign Relations Chaired by Hon. Gethenji---

The Temporary Deputy Speaker (Hon. Omulele): Member for Igembe Central, had you contributed to this Motion before?

Hon. Kubai Iringo: No, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Our records show you had contributed earlier on.

Hon. Kubai Iringo: It is long since I did that. When I spoke to it, I opposed it and I will continue to oppose it.

The Temporary Deputy Speaker (Hon. Omulele): But you know our rules. Our rules are that you can only speak once to the same Motion.

Hon. Kubai Iringo: I stand guided, Hon. Temporary Deputy Speaker. When we opposed it in the first instance, that is when it was withdrawn so that we can forget it. However, we have been trailing it so that we can oppose it again.

The Temporary Deputy Speaker (Hon. Omulele): In all fairness, we should give this opportunity to another Member. Hon. Rashid Bedzimba

Hon. Bedzimba: Ahsante sana Mhe. Naibu Spika wa Muda kwa kunipa fursa hii ili niweze kupenyeza sauti yangu hasa katika Hoja hii ya ushirikiano baina ya Serikali yetu ya Kenya na Uingereza kupitia muungano wa majeshi. Mimi nitaunga mkono Hoja hii ikiwa taratibu fulani zitafuatwa. Kwanza, wahakikishe kuwa mahali ambako jeshi hili litakuwa likifanyia mazoezi, zile silaha zote ambazo hazikulipuka zilipuliwe ili mahali pale pawe salama. Wakenya wengi sana wamepata ulemavu kwa ajili ya silaha ambazo Waingereza walitumia na kuchimbia chini ya ardhi yetu. Nazungumza haya kwa sababu nilikua askari kwa miaka tisa. Tumetembea sehemu nyingi ambako kambi za Waingereza ziko. Mabomu mengi sana ambayo hayakulipuka bado yako ardhini. Watu wanaoishi katika sehemu hizo ni wafugaji na mara kwa mara, wanalipuliwa wakiwa katika shughuli zao za kulisha mifugo.

Waingereza pamoja na serikali nyingi za ulaya zilitukoloni kabla tupate uhuru wetu. Walichukua rasilmali zetu nyingi sana. Sasa tuko huru. Tusipeane nafasi katu ya rasilmali zetu kuchukuliwa tena. Ikiwa tutakubalia waje wafanyie mazoezi katika ardhi zetu ili kwamba wazoe mazingara ya Afrika, basi ni lazima kuwepo na taratibu wa kuhakikisha kwamba mambo fulani yanatekelezwa mwanzo ili kufaidi jamii zinazoishi mahali pale.

Kwanza wakija, lazima waje na bajeti ambayo itaonyesha kwamba watajenga shule za msingi, shule za sekondari na hospitali kubwa ili wakaazi wa maeneo hayo waweze kufaidika. Silaha ambazo zinatumika zina madhara. Hakuna silaha ambayo baada ya kutumika, inakosa madhara. Kuna vitu ambavyo tunaweza kuona na vile hatuwezi kuona. Lazima wajenge hospitali kubwa na iwe na madawa ya kutosha ili watu wetu waendele kupata matibabu kama ambavyo jeshi lao hufaidika na matibabu mazuri. Ni aibu kwamba kambi ya wanajeshi wa Uingereza ina vitu vingi vinavyohusiana na jamii kuliko zile jamii zinazoishi katika haya maeneo tuliyowatengea kufanyia mazoezi ya kivita. Zile jamii maskini, kwa kukosa maji na chakula, huenda kuishi karibu na kambi hizo ili kutafuta misaada. Hii ndiyo sababu wale wanajeshi wanachukua nafasi ya kuwadhulumu kimapenzi watoto wetu wa kike. Wanadhulumuwa na kufanyiwa mambo hayo bila hiari yao. Ni kwa sababu ya umasikini na kukosa mambo muhimu kama maji ndiposa wanakwenda kule kukubaliana na wanajeshi.

Ilionyeshwa wakati mmoja kwenye runinga, watoto wengi wakizungu. Hawa watoto waliachwa humu nchini nao hao wanajeshi Waingereza. Itakuwa vema mazingira maalum yakitengenezwa karibu na kambi zile ili kuwezesha kimaisha jamii zinazoishi mahali pale. Ni muhimu jamii hizo ziwe na maji, hospitali, na shule. Ni muhimu pia watu katika jamii hizo wawe na kazi za kufanya ili isiwe mazoea kwao kwenda kuomba vitu kwenye kambi za wanajeshi. Mwenyekiti wa kamati inayohusika na ulinzi sharti asisitize kwamba kuwepo na taratibu za kuwaruhusu wanajeshi hawa kufanya mazoezi yao humu nchini. Isiwe kwamba tu wakisema wanakuja, sisi hao tunawapokea eti kwa sababu wametuahidi watatufundisha kupambambana na shida tuliyonayo ya ugaidi. Huenda wao ndio watazidisha matatizo! Wanakuja kutufundisha kumpambana na ugaidi. Wanazidisha matatizo kwa sababu hata wale magaidi hawakuwa na haja na sisi Wakenya. Wamekuja hapa wakati fulani kwa sababu Serikali za Marekani na Uingereza ziko hapa.

Kwa hiyo, madhara yanakuja kuliko faida. Kwa hivyo, tuwe na utaratibu na msimamo kama Serikali kwamba taratibu fulani zifuatwe ili tuweze kuwakubalia.

Kwa hayo machache, nakubali na nakataa. Ikiwa taratibu zitakuwepo, nitakubali. Ikiwa hakuna, nitakataa.

Ahsante sana Mhe. Spika wa Muda.

The Temporary Deputy Speaker (Hon. Omulele): Kwa sasa, unakataa ama unakubali?

Hon. Bedzimba: Kwa sasa, nimesema ninakubaliana ikiwa taratibu zitafuatwa. Wakienda kinyume, nimeikataa hiyo otomatiki juu kwa juu.

The Temporary Deputy Speaker (Hon. Omulele): We shall now have the Member for Nyandarua.

Hon. (Ms.) Muhia: Thank you very much, Hon. Temporary Deputy Speaker. I have really waited, having been the first in this House since 9.30 a.m. But I am not regretting because that is what I am employed to do. I thank you for your approach where you recognise Members from those counties since their voters are watching to see if they are saying something on their behalf.

For purposes of clarity, Nyandarua County borders Laikipia County. Geographically, most people still refer to Nyahururu Town as our headquarters which, through the Independent Electoral and Boundaries Commission (IEBC) Act, went to Laikipia. So, we are in agreement with what Laikipia County is saying. I was listening to Hon. Kimaru. We do not have many issues.

This being a subject of national interest, it is good to know that each person comes from a community and, hence, our Meru Members are bitter when they are raising some of the issues. We have information that the environment is critical for such training grounds. Human dignity should prevail no matter how much our country wants co-operation. The Corporate Social Responsibility (CSR) has become a subject not necessarily from the Government to Government, but even for private institutions today. The training of our own army is something we expect because people should not come and train their own and leave without leaving such benefits which they may have like capacity, equipment and better skills to expose to our army men.

My main concern here is that having read this document and having said that everyone comes from a community, we are elected to protect our communities. But the communities live in a country. As leaders, we need to differentiate the community, personal interest and the country's interest.

Having read this document, it is only fair to support it. Even Member from Meru County should support it without heavy hearts. Section 8 of this document has given the factors informing that the negotiations of this DCA will be in line with our Constitution. Thereafter, they have indicated the civil liability, the environmental protection and the criminal issues, but the most important is that constitutionality and compliance with the law. So, in the past, the British Army could do something and they would go to their country to be tried there. No Kenyan could follow to know if they were really tried. But, currently, from this MOU, it is crystal clear that they can also be tried here. That is something which is very positive. I believe it was not there.

We also have a liaison team. This is the team which I urge the Meru people to hold or catch with both hands. Let the liaison Committee deal with the Cabinet Secretary (CS) in charge, instead of looking at this matter so negatively, and try to resolve the *miraa* issue.

I believe the British academic system is quite ahead. I know that they have scientific courses and good institutions. They can make arrangement because this document is one for negotiation. Any ratification comes from negotiation and mutual agreement. We are two parties - the British and Kenyan Government - trying to understand each other in a friendly manner. The way forward should not be very negative, but to see how we can solve this issue. If it is only the *miraa* issue that is raised fundamentally and the other document is good, we also have a duty as leaders to see how the Meru community can be made happy. The liaison team and the CS will make arrangements and some students from a good institution from Britain can come and

conduct a research in Meru County to see which other crop can do well there. I have seen something like that indicated here. Even if a natural calamity came and destroyed all the *miraa*, the Meru Community will not keep on crying that the *miraa* was destroyed. They also have a duty to supplement or look for the way forward.

I believe that this is something that is possible. A research can be done in the entire county to see other products - either livestock or horticultural. Possibly, they could fetch more income and create more employment for their county. I do not want to keep on crying and lamenting. This is a negotiation table where we know the British Government has also supported this country in many occasions. We know a big percentage of tourists come from Britain. Tourism activities create employment through hotels and wildlife. That improves our income. So, we also have to negotiate with a positive mind.

As a person who spearheads policies for persons with disabilities, I am quite concerned when Members speak of ordinances that are left behind and explode leaving some people disabled. Some have other medical experience. That compensation is well stipulated in our Constitution.

The other good thing that we should pick from this document is this: This is not a document that is there for the entire life. It has a time frame of five years. Most ratification processes can be amended, re-amended and improved. I believe what is put in this document can be improved after five years when people see what has not gone on well.

I urge Members to support this. I would not like to leave out the immigration issue. This is a negotiation and a negotiation is for mutual agreement. The British and the Government of Kenya are on this table. The British Government should also be flexible enough so that we remain long-time friends. The issue of immigration should be looked at in a more flexible manner. That is because, sometimes, it has been very mechanical and *visas* have been an issue. Personally, I do not have an experience in that, but I know that Kenyans have been struggling, especially students.

Thank you and let us support this document for the bigger picture of our country.

The Temporary Deputy Speaker (Hon. Omulele): I see an interest from the Leader of the Minority Party. It is fair for us to give him an opportunity in accordance with our rules. But before you go on, Hon. Nyenze, I see a point of order from Hon. Junet Nuh, Member for Suna East. What is out of order? You were just being abundantly--- That is in order. Let us hear the Leader of the Minority Party.

Hon. Nyenze: Thank you, Hon. Temporary Deputy Speaker. I support this Motion. It is an important Motion for this country. I want Hon. Members to look at the bigger picture and not to cling to some happenings between Kenya and the United Kingdom, especially on the ban on *miraa*, the colonial past or any other things that has happened in the past. We should look at the future and know that Britain is the sixth largest economy after US, China, Japan, German and France.

Even after Brexit, I am sure the UK will continue playing a bigger role on the global stage. We have an historical link with Britain and so are many countries in Africa and Asia. That is why English is one of the most widely spoken languages. It would be good for Members to support this Motion. I have listened to the Members who come from areas of Samburu, Laikipia and Nanyuki, where those exercises take place and most of them, if not all, have supported the ratification of this Defence Co-operation Agreement between our Government and that of the UK.

All the issues that had been raised before when this Motion came before this Parliament have been addressed. Those are the issues of unexploded ordinance, trying the British troops who commit crime in the country and corporate social responsibility where we have heard from Members from those areas that schools, roads, water provision and other services have been provided.

I do not want us to narrow it to the areas that the UK had not favoured them, like the banning of *miraa*. Each country has priorities for its people and there is a reason. There are things that we also ban in this country but, as I said earlier, let us look at the bigger picture. So many Kenyans have benefited from this agreement. One is that you gain experience. I am asking the Chairman of the Defence and Foreign Relations Committee to also push the Cabinet Secretary so that we have more joint exercises to enable Kenyan troops gain from the British experience. We will also gain knowledge and acquire new technology and weaponry. It would be good for this country. While we have the British troops working in Kenya under this agreement, I am sure to the terrorists who keep attacking us; this Act is a deterrent because they know that we will acquire new skills to fight terrorism. It is good for this country.

Without taking a lot of time, I know there are issues that have been raised about *miraa*. I also have my late father who served in the British army. He fought in Burma and Egypt. When he came back, he went to a bible college and converted to be a pastor. He is now deceased. I was asking him why he was not compensated for fighting for the British. It is something that I have always wanted to raise here. Those who are living and those who have died but fought for UK should, at some point, even if it is not monetary, get acknowledgment. People in this former colony fought for the Queen and they should be recognized.

The other thing is the way the *Mau Mau* issue was handled. People struggled for liberation and won the case. The issue of compensation should come directly because the UK is a rich country and Kenya is a key strategic partner because it is the gateway to Africa. It should not wait until we go to courts to win. Let there be acknowledgment that atrocities were committed against the liberation struggle and the *Mau Mau* was not a terrorist organization. It was a liberation struggle group. The surviving members of *Mau Mau* like Kahengeri and others should be commended and properly compensated because they liberated this country.

The other thing I want to say is that the UK will always remain Kenya's friend. We have seen that before the Brexit. It was our anchor in European Union whenever it came to trade agreements, the export of our goods like cut flowers and the red rose. These are issues that we should always cherish and remain as friends, and not try to amplify those small differences that come between countries. We should look for the common good of the countries of the world. Britain is one of the nuclear countries. We have seen North Korea has joined the club. There are only six nuclear countries. They are USA, Russia, China, Pakistan, India, Britain, France and now North Korea. We have been talking about producing clean energy by using nuclear technology. It could be through this association. That is why I want us to ratify this agreement. From the mood of the House, most likely, we are going to ratify it. Let us borrow from the British the development and use of nuclear energy because Kenya is endowed with minerals, but it is deficient in energy supply. I am sure the UK can build nuclear plants in this country to produce clean and good electricity that will help this country develop.

Last but not least, the UK has always remained Kenya's representative on the global stage. Whenever Kenya is prodded to abide by the rule of law, to honour human rights, to act in a certain acceptable international standards, let it not be seen as if we are being dressed down. It is

only because the Government of the UK wants Kenya, its former colony, to excel. That is why, sometimes, we are prodded and pushed to act in a certain way.

With those few remarks, let us ratify it. Let us accept and support this Motion. It will bring better benefits to this country.

Thank you. I support.

The Temporary Deputy Speaker (Hon. Omulele): Very well Leader of the Minority. Let us have the Member for Isiolo North.

Hon. Lomwa: Thank you, Hon. Temporary Deputy Speaker. I have waited for so long. It is because of my community background that is loyal and obedient. That expresses a lot of patience.

I rise to support this Motion. I support it on several grounds. When I look back at the previous engagements with the British training, particularly in the three counties of Laikipia, Samburu and Isiolo, they have been very much beneficial, apart from the huge occupancy of community land, which is particularly in Lesesia.

Lesesia happens to be in Samburu County. It is the community that is mostly affected. Those were the most affected people as the Member of Parliament has rightfully put it. In Laikipia County, many of the affected people were in Mukogondo Division. Everything comes with its highs and lows. There are quite a lot of positive and negative things that we have seen in the direct and indirect engagements with the British Army.

The reckless dumping and dropping of unexploded military ordinances cost lives in the past and will continue to cause a lot of fear to the pastoralists. They will end up losing their livelihood. Bearing in mind that the pastoralists' livelihood is mostly dependent on livestock keeping, this has caused a lot of restriction of grazing due to fear of effect to both humans and livestock. It is prudent, therefore, that the Government takes into consideration the process of enhancing negotiations and taking advantage of opportunities like capacity-building of the local people in the affected areas in order to reduce stress and potential for loss of lives and livelihoods.

Being a leader from that region, I expect that there will be a lot of sensitisation of the locals within the training areas due to the effects of such matters. I expect the exercise, particularly the one conducted at the individual private ranches, to trickle down to the local people so that they can see the direct benefits associated with the training of the army.

The other issue is on encroachment. In my county, there is a location known as Burat where, in the process of engagement and development of a working relationship between the Kenyan and the British Governments, there is a training camp known as a school of infantry which has encroached a lot on community land. This has affected the economic establishment of those communities and created drawbacks in that community.

There is quite a lot of investment in the country which benefits bilateral relations. For instance, investment by the Department for International Development (DFID), which is one of the bilateral arms of the British Government, has committed a lot of resources in the areas of water, health, education, sustainable livelihood and support of other socio-economic activities. Through various civil society organisations (CSOs) and direct engagement with the Government in the past and the long co-operation, many people have benefitted in the process. We do not want to lose the good will and intentions, but we are also not ready to compromise the interests, aspirations and the livelihood of the Kenyan citizens without proper realisation of certain gains. The relations between our Defence Forces and the British Government in Kenya add a lot of value in ensuring that our country is secure. More particularly, in Isiolo, we are surrounded by

four army barracks. There is a school of artillery, school of infantry, school of combat engineers and 78 Tank Battalion. Those four army barracks have given us a lot of peace and harmony because there is very little in terms of external effects to the population.

I support this process because it is a long-term engagement, unlike the previous one, which was on a six-month renewal basis. This one will provide a lot of engagement, whether through the government-to-government partnership or to the local people. This will help us to realize a harmonious co-existence with the local communities, if all our recommendations here are followed.

Finally, I wish to sympathise with our brothers in Meru on the issue of *miraa*. This has been a major part of the economy in Meru. A lot of attention needs to be paid to their source of livelihood. We should look for considerable ways of reversing the decisions arrived at since *miraa* boosts the economy in Igembe North and South where my friend, Hon. Iringo, comes from.

I support this agreement.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Suna East.

Hon. Nuh: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute. I support this Motion.

This is a historical engagement between Great Britain and Kenya. There is no doubt that Great Britain is a powerhouse in the world in terms of the economy and technology. When this kind of co-operation is enhanced and framed even better than it was before, it benefits both parties. As you are aware, it was managed through a memorandum of understanding (MOU) before. Now, a defence co-operation agreement has been signed. This makes things better for the two countries in terms of engagement. Our own Constitution states that any treaty or convention ratified by Kenya shall form part of the laws of Kenya. This engagement will be on a higher pedestal than it was before. I am sure that enhancing it will be more beneficial to the two countries.

There is a lot to be gained through this co-operation in terms of defence, the economy and other auxiliary co-operation that the two countries can have. Through this defence co-operation agreement, the technology and expertise transfer from Britain to Kenya will be immense. There is no better country to have a good relationship with than Britain. The two countries have a lot of historical engagements starting from the colonial era. People say that we fought colonialism to remove the British and gain independence. Sometimes, there are a lot of benefits which came through colonialism. Some of the things we are facing now were not there during colonial times. Looking retrospectively, there are a lot of benefits that those two countries can achieve through that kind of co-operation.

There are issues that come up as this agreement is ratified. There are issues that have been raised concerning environmental degradation. Looking at the Report, the Committee said that it consulted everyone. Our new Constitution emphasises a lot on public participation. In the Report, the Committee says that they consulted the Ministry of Defence, the State Law Office (SLO) and Members of Parliament from that region as key stakeholders in this matter. The Committee should have gone further than that to engage communities living around those areas directly. It ought to have listened to them. I believe that would have enhanced public participation. The Committee should have captured concerns of those communities, especially during the period that the training goes on in those areas.

Issues have been raised on environmental degradation. Nature affects people in a big way. If the effects on the environment can be mitigated, then it will be beneficial to the communities involved.

Lastly, we should use this opportunity to raise issues that we need to be addressed by the other country. For example, the issue of *miraa* has been raised here by Members from regions where *miraa* is grown. I know those issues are covered under the economic programmes that those two countries are engaged in. This would have been an ideal case---

Hon. (Eng.) Mahamud: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Member for Mandera West, what is out of order?

Hon. (Eng.) Mahamud: Hon. Temporary Deputy Speaker, I am sorry to interrupt my brother, Hon. Junet. Now that we have contributed a lot to this Motion, would I be in order to rise under Standing Order No. 95 to ask that you call upon the Mover to reply?

The Temporary Deputy Speaker (Hon. Omulele): Is that the mood of the House?

Hon. Members: No!

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

The Temporary Deputy Speaker (Hon. Omulele): Hon. Nuh, please, proceed.

Hon. Nuh: Hon. Temporary Deputy Speaker, you have just realized the importance of this matter to Members of this House. Everyone wants to add their voice on it.

When this Agreement is signed between those two countries, it should be an opportunity to make gains for this country. I heard Members from areas that grow *miraa* complaining bitterly that Britain stopped the trade of *miraa*. They expected those who signed this Agreement to engage the British Government in relation to that matter. People who grow *miraa* neighbor regions where those military activities are carried out. This Agreement should be reciprocal and of benefit to both sides.

Through this exercise, the British Government has done a lot of work in those areas in terms of Corporate Social Responsibility (CSR). They have constructed boreholes and schools. They can do much more than this because of the immense work that goes on there. There is also the issue of children of mixed race who are born in areas where military activities are carried out. When you visit those areas, you find so many of them. They are neither black nor brown. They are multi-coloured. I do not know whether they are part of this agreement and whether they have been covered under the Defence Co-operation Agreement between the Government of the Republic of Kenya and the Government of United Kingdom. Those children can only tell you about their mothers but not fathers. I hope they have been covered in this Agreement.

Lastly, the fee of Kshs7.2 million paid for the installation of equipment by the British Government is very minimal. The amount of land they are using is so huge that they should pay some kind of fees that is of high value.

With those few remarks, I support the Defence Co-operation Agreement because it is a five-year one. We can improve on it when the renewal time comes up.

Thank you so much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, I think there is a lot of interest in this matter. From the morning, we have had a full measure of people wanting to speak to this.

As we speak, we still have 15 requests. I do not know whether it will be fair to close people out. This is a matter that is very dear to many people. As we consult, we will see how to go about it. But, the next person to speak will be Hon. David Wafula of Saboti Constituency.

Hon. Wekesa: Ahsante sana, Naibu Spika wa Muda, kwa kunipa fursa hii. Hii ni fursa ambayo nimeingoja kwa hamu na gamu. Ni ajabu kuwa wenzetu wakiongea, wanafikiri kila mtu ameongea na wanataka kukatiza mjadala.

Najua mengi yamehusishwa na huu Mkataba. Haswa ni mambo ya miraa na mengine. Ajabu, inasikitisha kwamba kulikuwa na Kamati ya kuchunguza hali ya mambo ya miraa. Nafikiria huo ndio ulikuwa wakati mwafaka wa hiyo kamati kukaa na Kamati inayohusika na mambo ya ulinzi na mashauri ya nchi za kigeni. Lakini, inasikitisha kwamba wao walipuuza hii Kamati. Nashangaa kusikia Mheshimiwa mwenzangu, Kajuju, akishutumu hii Kamati kwamba ilipuuza maneno yao ama maoni ambayo waliwasilisha kwa hiyo Kamati.

Mheshimiwa Naibu Spika wa Muda, hata tukiongea zaidi, lazima tuzingatie uhusiano wa jadi ulioko baina ya nchi hizi mbili. Najua kuwa Kenya imenufaika zaidi kutoka Uingereza. Pia, Uingereza imenufaika. Si ajabu Uingereza inahitaji Kenya na Kenya inahitaji Uingereza. Nikiwa mmoja wa walioshiriki kuunda hii Ripoti, sina budi kuiunga mkono.

Tulipata nafasi ya kutembelea kambi hizo. Tulikutana na maafisa wahusika. Pia, tulipata fursa ya kukutana na Wakenya ambao wanafanya kazi huko. Walitueleza kwamba uhusiano wao wa kikazi kule ni wa maana na mzuri sana. Vile vile, tukiwa huko, tulipata fursa ya kukutana na Waziri wa Ulinzi. Alitueleza kwa mapana zaidi uhusiano ulioko kati ya hao wanajeshi na wanajeshi wetu na manufaa ambayo wamepata. Vile vile, tulipata nafasi ya kutembezwa Nanyuki na ndugu yangu Mheshimiwa Kimaru, ambaye ni Mheshimiwa wa huko. Tulipata fursa ya kuwahoji watu wa Nanyuki na walituelezea manufaa ambayo wanapata kwa kuweco kwa hao wanajeshi ni ya maana sana. Wakiondoka, ni mengi watapoteza.

Kwa hayo machache, sina budi kuunga mkono.

Ahsante.

The Temporary Deputy Speaker (Hon. Omulele): *Ahsante.* Hon. Members, I will proceed in this way: I will give a chance to two Members. One will be from this side and the other from the other, because of time. They will speak for two minutes each so that we can close this Motion by 1.00 p.m. The next Member to speak will do so for two minutes. That will be the Hon. Suleiman Murunga from Kimilili.

Hon. Kasuti: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to this Motion and this Report. I support it.

As we know, Kenya has had a long relationship with the British Government. If you look at our Kenyan Army, the discipline and dignity they carry around the country is as a result of the relationship they have had with the British Army, which has been in this country for a long time training the Kenyan Army. Therefore, apart from looking at other things we have heard from my colleagues on the Floor of the House, we should support the Report vehemently because of the kind of support we get from the British Army and the British Government. What we should ask the Army carrying out their training in places like Samburu and Nanyuki is that whenever they complete their training in any area, they should ensure that the debris around there are all cleared so that the pastoralists in that area are not hurt. When they take their cattle around to graze, they are normally hurt by the bombs that have been left behind.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Kandara.

Hon. (Ms.) Wahome: Thank you, Hon. Temporary Deputy Speaker, for giving me the two minutes. I appreciate. I want to bring the angle of limitation of the statute law because we have had cases that have not been compensated. Considering that we have a renewed agreement, those cases that were not addressed previously need to be looked back and compensation, where possible, including criminal responsibility, pursued by the Liaison Committee and the Government, as the hosting nation.

I am reminded to add my voice to the concerns about children who have been born out of relationships that are outside the law. The most criminal are the rape cases that have resulted to children being born. We have people who are now adults. We need to know if they are Kenyans and if they are, what compensation have their parents received and what have they received individually?

As I support this Motion, the other thing I want to speak to is that the hosting nation should receive sufficient benefit to show that we are hosting, but this is what we are getting. At times, there is this feeling that the hosting nation is basically hosting and not receiving sufficient compensation. We must address the issue of compensation. The cases of the British Army in Burma before independence have not been---

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Mover to reply. You have two minutes.

Hon. Gethenji: Thank you, Hon. Temporary Deputy Speaker. I wish to thank all the---

(Hon. (Ms.) Munene stood in her place)

The Temporary Deputy Speaker (Hon. Omulele): Sorry, the member for Othaya was next but we have run out of time. You will spare us so that the Mover replies.

Hon. Gethenji: I would like to donate one minute to the Member for Othaya to give her contribution.

The Temporary Deputy Speaker (Hon. Omulele): It is quite in order.

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this Motion. As I support this Motion, I want to ask the British Government to do something. We do not understand why when our people apply for *visas*, they must take their applications to Pretoria because they relocated their Nairobi office. If they want Kenyans to support them, they should know that we also want to be supported. We have been working with the UK for a long time. They better bring back their office here and when our people want to go to school in the UK; or if they want to go there for treatment or something else, they will get their *visas* very quickly instead of waiting for three weeks, which is not good.

I support.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Mover.

Hon. Gethenji: Thank you, Hon. Temporary Deputy Speaker. At the outset, I wish to thank all the Hon. Members who have spoken to this Motion and all those members who have supported it. Indeed, even those who have opposed, we respect their views as Hon. Members and representatives of their various communities and constituencies.

Hon. Temporary Deputy Speaker, I urge Hon. Members to delink the issues of trade with this very important and particular specific issue of defence co-operation with the Government of the United Kingdom (UK) and Kenya.

With regard to the issue of public participation, it was said here that we should have engaged the local communities. I wish to put on record that I had already done that and it is contained in our Report. We conducted public participation on 24th March this year. We issued notices in the media for memorandum and for interviews and we received no such memoranda. We proceeded to engage the Members of Parliament (MP) from the various communities represented, and who are the host communities which are affected by this arrangement.

Further to that, Section 8 compels for the clean-up of the environment which was the main concern. Section 23 regulates interaction between communities and the visiting forces. Section 11, for the first time, provides for an avenue for aggrieved Kenyans to seek compensation, which was an important issue.

Lastly, the Intergovernmental Liaison Committee also is a vehicle that provides for the advancement of the interest of the Kenyan citizens and all the concerns that have been addressed in this House have now been taken into consideration under these agreements which will allow---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, the time being 1.00 p.m. This House stands adjourned until today Thursday, 1st September, 2016 at 2.30 p.m.

The House rose at 1.00 p.m.