

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

### Tenth Parliament – Third Session

*(Tenth Parliament established by Proclamation -  
Legal Notice No. 44 of 24<sup>th</sup> March, 2009)*

**Tuesday, 21<sup>st</sup> April, 2009**

### STATE OPENING OF A NEW SESSION

*The National Assembly met at Three o'clock at  
Parliament Buildings on 21<sup>st</sup> April, 2009, it being  
the first day of the Third Session.*

### ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

*[His Excellency the President (Mr. Mwai Kibaki) escorted by the  
Speaker and accompanied by the Mace of the National  
Assembly entered the Chamber at ten  
minutes past Three o'clock]*

*(Hon. Members rose in their places while His Excellency  
the President took his seat in the Chair of State)*

*(The Mace of the National Assembly was placed  
on the Table)*

### PRAYERS

**Mr. Speaker:** Order. Hon. Members! It is now time for us to be led in prayer by our Spiritual Leaders.

*(Prayers were then said by the following: The Rt. Rev. Archbishop  
Benjamin Nzimbi; His Grace the Most Rev. John Njenga;  
Rev. David Ritho Gathanju, Sheikh Hammad Kassim;  
the Chief Kadhi and Mr. Siopin Lekoolool)*

### COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY THE PRESIDENT

**Mr. Speaker:** Your Excellency, hon. Members, distinguished guests, Ladies and gentlemen, it is my pleasant duty and exclusive honour to welcome you to Parliament Buildings on this auspicious occasion of the State Opening of the Third Session of the Tenth Parliament. This ceremony is taking place at a most momentous time in the life history of our country.

First, the Coalition Government credited with reclaiming tranquility in our motherland is besieged with apparent unhealthy intrigue that sometimes threatens to overshadow the tenets of governance that we are all about. Allow me, hon. Members, to at the very outset, capture the irony of the time by asserting that we all enjoy the rare privilege of an opportunity to make history that only a chosen few are lucky to have, to make an immortal positive difference. History is beckoning at us to go into its annals as that generation of politicians that rose to the national challenge that the citizenry of Kenya expect of a people they have placed their trust in, by your election, to demonstrate the extra ordinary leadership that this extra ordinary times demand.

As an institution, Parliament has been under incessant attack for more than one reason by, among others, our veritable partner in governance the “Fourth Estate”. This is because we were elected to lead, reform, and make Kenya a great country.

What is coming through, therefore, is a potent message that after one and a quarter years, Kenyans are hungry for a win; they want to see entries on the scorecard. They are not prepared to wait infinitely. We must, therefore, rise to the occasion. We must move away from sideshows, small talk and stop hitting below the belt to gain unfair advantage, or for that matter, start fresh battles. We owe it to the country to embrace each other and collectively join together and show our ability to weather all storms threatening our nationality or territorial integrity such as the Misingo saga.

*(Applause)*

Hon. Members, it is time to act our patriotism and love for this country, so that we illustrate our stoicism to the rest of the world as we have done before, show that strong winds may blow and break our branches, bend our trunks, but our roots in the Kenyan soil remain strong, steady, firm and solidly anchored. We cannot be uprooted.

This is the time that we must subordinate our partisan or parochial interests to the national interest and be bold to face the problems afflicting our country and commit ourselves to their resolution in the most diligent, objective and honourable manner. We should be forever mindful that the Kenya that unites us is infinitely greater than our respective partisan loyalties that divide us.

At the risk of belabouring the point, I want to proclaim that this is the time that Kenyans must go out of their way to protect each other’s dignity and emulate the spirit our sportsmen and sportswomen have demonstrated in athletics, rugby and cricket, winning for Kenya accolades and respect the world over. If we were a country of small people with little brains and weak muscles, we would not have made this global and world record breaking achievements.

*(Applause)*

Your Excellency, hon. Members, this House passed very important pieces of legislation that are crucial to the reforms that the Coalition Government committed itself to last year. The House went further, through the Parliamentary Select Committee on the Constitutional Review Act, to put in place, early this year, some organs of reform. These include the Committee of Experts, the Interim Electoral Commission of Kenya, among others. The public have been very keen to see these organs take shape because they mean a lot for the stability of this country.

During the last recess, very harsh words were exchanged in public about requisite reforms in the Judiciary and the Police Force with far reaching consequences. There is nothing unique in the problems that Kenya faces today. Urgent reforms are needed in this country if the Kenyan nation is to continue as the geographical, political and physical entity that it is. What the others did is not rocket science; they simply underwent reforms and were able to be stable, peaceful and prosperous. Why do we want to reinvent the wheel? We cannot avoid this prescription. The world is replete with examples as to the fate of those that believed otherwise. For example, the Soviet Union, Yugoslavia, Czechoslovakia, and nearer home, Somalia, among others. It does not matter how difficult and chaotic things may seem to be in Kenya today, but if we negotiate and debate our differences in a free and peaceful atmosphere, we shall definitely legislate long lasting reforms that are acceptable to our people and important for maintaining their unity and dignity. This whole phenomenon is like a combination lock. All we need to do is push the numbers in the right sequence. It does not matter who pushes those numbers. If we get the right sequence, the combination lock will open.

*(Applause)*

It is for this reason that I will once again appeal to hon. Members to be polite and mindful of whatever they say on the Floor of the House, more so, because the proceedings of the House are now covered live. What transpires from this House in the form of Parliamentary debate should consist of substance that will unite Kenyans, give them hope and enhance our solidarity. Yes, we live in difficult times, but leadership is not about soft options.

Your Excellency, our country is having to face a grave situation of food shortage that has been compounded by the financial crisis, which I am advised by those in the know, was triggered off in the Western World by selfish international citizens, but whose consequences have hit all of us. I do not intend, even for a moment, to blame the Western powers for all the problems responsible for food scarcity in our land. I believe that we all know where the rains started beating us.

As elected leaders of our people, we must tell them the truth about some of our unsustainable land use systems which have systematically contributed to the deafforestation, land degradation, water mismanagement, environmental pollution and declining agricultural production at a time when our population is increasing at an unprecedented rate.

Much as these are global problems, we must act locally and make our local contribution to the global solution of these problems. God gave us a beautiful country with plenty within its borders, inclusive of rivers, lakes, forests, and rich agricultural land, name it, so much so that many a time in international fora, I myself, have bragged

that if you want to experience Africa, come to Kenya and you will find the whole of Africa in one, under one beautiful roof, the spectacular mosaic that is Kenya. However, it is our responsibility to develop this country.

Hon. Members, as a matter of fact, it is a shame that today, a lot of our food is imported from much less endowed countries yet our people are energetic and hardworking that we are the envy of many countries in the world for our exceptional human capital. By using our minds, hearts and hands, we will not only produce enough food to feed our people, but also surplus for export to other drought-stricken countries of the world. This must be our first aim if Vision 2030 is to make any sense to our people. People who are hungry cannot have any vision. Allow me, Your Excellency, to underscore my point by a quote from a wise mind. It states: "If you think right, talk right and act right, you will meet the right people for the right reasons and you will get all the right results right here and right now."

Your Excellency, I plead with all of us at this point in time to have absolute faith in our country. We should have faith that we can grow this nation. We should have faith that we can realize the dreams of our forefathers. We should have faith that God loves this country.

Your Excellency, may I conclude my brief remarks by thanking your Government for being mindful about assisting the National Assembly to access enough resources to carry out effective oversight of the Executive, particularly through the Committee system and implementation of other capital projects. The House adopted the new Standing Orders on 10<sup>th</sup> December 2008, and these are intended to place in the hands of hon. Members appropriate tools for carrying out their constitutional mandate in the most effective and efficient manner. That is what Kenyans expect from their Members of Parliament. As the Speaker of the House, I would like to reassure hon. Members of my commitment and dedication to defend their rights and privileges as permitted by law without fear or favour.

This House represents the sovereignty of our people and it has the legal duty and constitutional mandate to speak on their behalf and call the Executive to account for all its actions. On the other hand, the Executive is afforded sufficient opportunity under the various provisions of our Standing Orders to pilot through the House its legislative, political and administrative policies as well as projects and programmes. This is why parliament exists in any democracy, young or old.

Your Excellency, allow me at this point, with all the humility I can command, to invite you to address the nation from this House.

### PRESIDENTIAL ADDRESS

**His Excellency the President (Mr. Kibaki):** Mr. Speaker, I am pleased to join fellow hon. Members and Kenyans on the occasion of this State Opening of the Third Session of the Tenth Parliament. I welcome you back after a busy recess in your constituencies. This occasion comes at a time when in the past year, the Government and the people of Kenya have faced various challenges in their endeavor to create a more peaceful, prosperous and equitable country. You will recall that soon after the formation of the Grand Coalition Government, the country was faced with a crisis of 600,000 displaced persons. Half of them spent months in tents under very difficult conditions. They all had to be fed by the State, charitable organizations and development partners. The other half was

accommodated by relatives, friends and well wishers. This was the worst humanitarian crisis since Independence. However, we have made steady progress in the resettlement of over 90 per cent of those who were in IDP camps.

We have also rebuilt 19 burnt schools, constructed 36 new police stations and 108 administration police posts. These resettlement programmes will need to be accelerated with a view to ensuring that all genuine IDPs are resettled. The other challenge our country faced last year was the national food crisis. This was occasioned by the prolonged rain failure and the high cost of agricultural inputs resulting in reduced production. The crisis was further aggravated by the displacement of farmers and the depletion of our strategic grain reserves. The crisis made it necessary for the Government to allocate Kshs8.5 billion for the importation of maize. These funds will be allocated through a Supplementary Budget of which I seek your support.

Mr. Speaker, Sir, it is now clear that the effect of climatic change may be here to stay and we must act responsibly to mitigate any weather-related challenges in the future. In this regard, my Government is now according priority to irrigated food production in order to assure the country of food security.

Some of the efforts in this direction include the six new dams to be constructed. These are the Badasa Dam in Marsabit for water supply and irrigation; the Chemusu Multi-purpose Dam in Baringo, the Uma Dam in Kitui District; the Kiserian Dam for water supply; the River Nzoia Dam for irrigating Bunyala and Budalangi and the Upper Ewaso Nyiro Dam for irrigation and water supply for Ewaso Nyiro Basin. In addition, eight irrigation schemes are being rebuilt including Bura, Hola, Ahero, Wei Wei in Sigor, West Pokot and Kimira Oluoch in Rachuonyo and Homa Bay.

With regard to agricultural inputs, the Government has embarked on a programme to ensure lower prices for fertilizers and seeds in support of our farmers' efforts to increase food production.

Mr. Speaker, Sir, besides the food crisis, the country experienced a serious energy crisis with rocketing energy prices reaching unprecedented levels. The food and energy crisis were later followed by the global financial crisis that gave rise to the ongoing global economic crisis. The real effect of the global financial crisis has started to be felt in our economy, especially amongst sectors that are dependent on international demand.

The multiple adversities that Kenya has experienced since January, 2008 have, once again, exposed both our weaknesses and our strengths. I want to assure Kenyans that the Government is instituting a number of measures aimed at easing the effects of the global financial crisis on ordinary Kenyans and the entire economy. In this connection, the Government is according higher priority to infrastructure development. In the energy sector, we are focusing especially on geothermal and coal power generation.

In the transport sector, the Government is focusing on modernization of our roads network and a second sea port at Lamu, as well as the development of the railway and road links to Ethiopia and Sudan through Isiolo. Further, we are together with Uganda, working on a new standard gauge railway line from Mombasa to Uganda with a view to extending it to the great lakes countries.

As can be seen, Mr. Speaker, Sir, I am confident that the Grand Coalition Government is making good progress in managing the challenges facing our nation. The Government has the necessary capacity to lead Kenyans out of the current situation. We have the political will and socio-economic direction as articulated in Vision 2030.

However, I wish to invite Kenyans to spend more time and energy in economic and social development than on non-productive politics.

*(Applause)*

We must bear in mind that Kenya is in competition with other countries in the region and globally. We are competing for investments, tourists, markets and businesses. Therefore, let us commit ourselves to protect and promote the image of the country.

At this juncture, Mr. Speaker, Sir, some elaboration on the Vision 2030 would be in order for the avoidance of doubt. The Vision is Kenya's blueprint for socio-economic transformation by the year 2030. It represents a roadmap that will see every Kenyan enjoy equal opportunity and access to development.

The Grand Coalition Government is currently implementing the first Medium Term Plan, which is the first phase of Vision 2030. This plan is drawn from a joint manifesto of the political parties in the Grand Coalition.

Mr. Speaker, Sir, the attainment of Vision 2030 will require our single-minded focus, proper organization and a high level of discipline. This is what will lead to the emergence of a prosperous, equitable and stable country. I am, therefore, calling upon the three arms of the Government – Parliament, the Executive and the Judiciary – to inculcate into their institutional set-ups the focus, organizational skills and discipline that are required for Kenya's successful transition into a middle income country with a high quality of life for all of her citizens.

Mr. Speaker, Sir, it is important to observe that Parliament has been a close participant in dealing with some of the most difficult challenges facing our nation in the past one year. I must commend the people of Kenya and the hon. Members for the courage and determination they showed in establishing commissions to look into the management of elections and the factors surrounding post election violence. Upon the establishment of the Kriegler and Waki Commissions, and the subsequent presentation of their recommendations, this august House had the courage to pass landmark Bills to facilitate the implementation of some of those recommendations as Parliament, in its wisdom, deemed fit.

Mr. Speaker, Sir, it will be recalled that Parliament passed the Constitutional Review (Amendment) Act of 2008. That Act established the Committee of Experts on the Constitutional Review. The Committee is already in place and working to help shepherd the country towards the successful passage of a new Constitution by next year.

Equally, the former Electoral Commission of Kenya was legally dissolved in December, 2008. In that connection, amongst the first business to be conducted during this Session, will be to complete the establishment of the Independent Interim Electoral Commission (IIEC).

It should also be noted that the Truth, Justice and Reconciliation Act of 2008, established the Truth, Justice and Reconciliation Commission, whose recruitment of members is currently taking place. The Commission is expected to start its work in a few weeks time.

The last Session of Parliament also passed the National Cohesion and Integration Act of 2008, establishing the National Integration Commission, which is expected to begin its work in two months time.

With regard to the Waki Commission, the Bill to establish the Special Tribunal failed to pass in this House in the last Session of Parliament. The Government will expand consultations with a view to re-formulating the establishment of a local tribunal to try the perpetrators of post election violence.

Mr. Speaker, it is clear that this Parliament has been instrumental in passing several landmark laws during the last Session that will further secure our country's dream for representative, effective and accountable governance.

We are keenly aware that the Grand Coalition Government and this House must address issues of central importance to the welfare and development of our country. Such issues include land ownership and use, poverty, equitable development, unemployment and food security as a matter of urgency.

Addressing these issues will be a step forward in a bid to ensure peace, security, prosperity and stability in our country. Indeed, most of the policies and Bills to be tabled before the Third Session of this Parliament will deal with these matters. In particular, the Land Policy and Consolidated Land Bill will be tabled in Parliament during this Session. Out of our concern and determination to embark on these issues, I and the Prime Minister recently launched the *Kazi kwa Vijana* initiative as a short term measure to create employment while dealing with the poverty and hunger in poor rural and urban communities.

Further, the Cabinet has recently authorized the implementation of the Youth Employment Programme, which is a wide-ranging long-term employment and development strategy for our country. The youth constitute the largest and the most productive segment of the population in this country. We must provide them opportunity and the enabling environment for employment. By so doing, we are injecting youthful creativity and energy into the economy. To address the same issues further, the Government is pursuing two initiatives.

First, the Government will establish Special Economic Zones along strategic transport corridors in the key cities and towns. Here, the Government will provide land, utilities and infrastructure as well as other investment incentives to support and fast-track investment in these Special Economic Zones.

Secondly, the Government is working on the establishment of the new Northern Transport and Development Corridor, together with the construction of the second port at Lamu as mentioned earlier on. These initiatives capture most of the key flagship projects under Vision 2030 and also address poverty, unemployment, food security and commercialization of agriculture, infrastructural development, trade, tourism, industry and security simultaneously. As a Government, we are clear in our mind that poverty, food security, crime, unemployment and equity are inter-connected and must, therefore, be addressed in a holistic manner.

In support of the above initiatives, the Government will be presenting to this House key policies for adoption. These include the Integrated Transport Policy, the Trade Policy, the Industrialization Policy, the Business Incubation and Technology Parks Policy and the Food Security and Nutrition Policy, the Co-operative Development Policy, the Arid and Semi-Arid Lands Development Policy, the Wildlife Policy, the Tourism Policy, the Land Policy, the Science, Technology and Innovation Policy and the Livestock Development Policy. The Government will also present the various Bills that are relevant to the policies mentioned above.

Mr. Speaker, the development of our human resources and human capital is crucial to our endeavor for an equitable and prosperous society. Justice demands that all Kenyans must be given equitable opportunities and access to social development. We are especially concerned with ensuring that persons with disabilities, poor households and communities, children, youth, aged persons and the sick are well provided for through national policy and legislative frameworks. We are also aware of the need to provide our youth with employable skills. My Government will, therefore, be tabling before this House the Social Protection Bill, the Policy on Older Persons and Aging and the Persons with Disabilities Policy.

We shall also table several Bills including the Children (Amendment) Bill, the National Youth Council Bill, the Sports Bill, the Technical Institutes and Vocational Education Training Bill, the Higher Education Bill and the Social Protection Bill.

With regard to providing expanding access to health care, safe drugs and medicines and emergency support to all Kenyans, the Government will be tabling the Health Sector Policy, the Veterinarian and Pharmaceutical Drugs Policy, the Traditional Medicine and Medicinal Plants Policy, the National Fire Policy, the National Disaster Policy and the National Alcohol Policy. These policies will be accompanied by several Bills that include the National Health Insurance Fund (Amendment) Bill and the Public Health (Amendment) Bill.

Mr. Speaker, the Government is aware of the need to strengthen the capacity and competence of our governance and judiciary systems. We need a firm establishment of the rule of law, and timely and fair dispensation of justice, for our country's economic and social transformation to take place.

In that regard, the Government has approved hiring of more magistrates and judges to match the caseload. There will also be a much higher budget allocation to the Judiciary to cater for additional staff and court requirements.

My Government will, therefore, introduce several new policies and Bills in this sector. These include the National Human Rights Policy, the Legal Education Policy, the Judicial Service Bill, the Small Claims Courts Bill, the Law Reform Bill, the Legal Education and Council for Legal Education Bills.

In reforming the Judiciary, we must be guided by the Constitution and the tenets of the rule of law. The reforms we are proposing in the Judiciary are especially critical in the fight against corruption. Such reforms will support expeditious delivery of justice as a key pillar in the fight against corruption.

The envisaged reforms will be extended to investigative aspects of corruption. This will ensure speedy conclusion of investigations and action against the perpetrators of corruption that we must effectively deal with in our country.

Mr. Speaker, Sir, in order to strengthen Kenya's capacity to conduct an effective regional and foreign policy, my Government will lay before the House the Kenya Foreign Policy and the Kenyans in Diaspora Policy.

Other important policies and Bills that will be brought before the House to strengthen public service reforms include the Local Government (Amendment) Bill and the Consolidated Regional Development Authorities Bill.

Mr. Speaker, Sir, the policy and legislative agenda I have outlined is clear evidence of the Grand Coalition Government's resolve to implement most of the issues, which are under Agenda Four of the National Accord. I urge hon. Members to consider



the policies and Bills enumerated above in a timely manner, so that we keep Kenya firmly on the path of progressive reform and transformation.

I wish to assure hon. Members that the Grand Coalition Government will always protect the territorial integrity of our country.

*(Applause)*

However, diplomacy will always be our first line of response. In this regard, I call on Kenyans to be patient as we resolve the issue of Migingo Island. I am in constant communication with the President of the Republic of Uganda on this matter, and we have agreed to resolve the issue amicably through demarcation of the boundary by the Joint Kenya/Uganda Boundary Review Committee.

As a member of the East African Community (EAC), we are bound by the Treaty of the EAC to resolve all our disputes peacefully. Indeed, any differences that may arise out of such disputes cannot outweigh the huge benefits we all derive from our co-operation.

I wish to reiterate that our country will continue to play a frontline role in international affairs. Kenya is guided by the desire to entrench peaceful co-existence, expand trade and promote mutual co-operation among nations. We shall abide by our international obligations so that Kenya can take its rightful position in the family of nations.

Mr. Speaker, Sir, in order to improve security and bring delivery of services closer to our people in line with the demands of the majority of Members of this august House, we are in the process of enhancing the status of the remaining constituencies into districts.

*(Applause)*

As I conclude my remarks, I wish to urge the media, civil society and our youth to consider the national interest when exercising their freedoms of expression and association. But we must do so with a sense of responsibility to ensure that exercising our freedoms does not result in damage to private or public property, or damage the country's national interest and image. Burning of people's houses or school property or uprooting of a portion of the railway line are too costly to us all and do not benefit anybody.

Mr. Speaker, Sir, finally, let me wish all the hon. Members of this House fruitful and lively deliberations in the Third Session. It is now my pleasure and honour to declare the Third Session of the Tenth Parliament officially open.

Thank you.

*(Applause)*

**Mr. Speaker:** Leader of Government Business!

**PAPER LAID**

The following Paper was laid on the Table:-

The Presidential Address by His Excellency the President on the State Opening of the Third Session of the Tenth Parliament

*(By the Vice-President and Minister for Home Affairs)*

*(Applause)*

**Mr. Speaker:** Leader of Government Business, you may now proceed to give Notice of Motion.

**NOTICE OF MOTION**

THANKS FOR THE PRESIDENTIAL ADDRESS

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, I beg to give notice of the following Motion: -

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 21<sup>st</sup> April, 2009.

**DEPARTURE OF HIS EXCELLENCY THE PRESIDENT**

**Mr. Speaker:** Hon. Members, His Excellency the President shall now leave at his pleasure. I request all hon. Members to remain standing until the hon. judges and spiritual leaders leave the Chamber.

*(Hon. Members rose in their places while His Excellency the President left the Chamber)*

**ADJOURNMENT**

**Mr. Speaker:** Hon. Members, it is now time to adjourn the business of the House. The House stands adjourned until tomorrow, Wednesday, 22<sup>nd</sup> April 2009 at 9.00 a.m.

The House rose at 4.00 p.m.