

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 8th May, 2012

The House met at 2.30 p.m.

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

PRAYERS

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): What is your point of order, hon. Khalwale?

Dr. Khalwale: Madam Temporary Deputy Speaker, I rise under Order No.36(1)(a)(ii) which provides that “there shall be a Communication from the Chair.”

The reason why I rise is to request the Chair to give us guidance and direct us in view of a constitutional issue in respect of a report that is meant to be tabled before this House by the Commission on Revenue Allocation.

Madam Temporary Deputy Speaker, the part of the Constitution I am referring to is Article 217(1). If, with your indulgence you will allow me, I would like to read. It reads:

“Once every five years, the Senate shall, by resolution, determine the basis for allocating among the counties the share of the national revenue that is annually allocated to the county level of Government.”

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Khalwale! You will have an opportunity to make this request or statement at the time of Statements and not during the time of Communication from the Chair.

PAPERS LAID

The following Papers were laid on the Table:-

Financial Statement of the Kenya Investment Authority for the year ended 30th June, 2011 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for
Provincial Administration and Internal Security (Mr. Ojode)
on behalf of the Minister for Finance)*

Financial Statement of the County Council of Isiolo for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the County Council of Makeni for the year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the Municipal Council of Ruiru for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the Town Council of Ogembo for the two-year period ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the Town Council of Lwanda for the two-year period ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the Town Council of Port Victoria for the two-year period ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the Town Council of Nyamarambe for the two-year period ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for
Provincial Administration and Internal Security (Mr. Ojode)
on behalf of the Minister for Local Government)*

Annual Report and Financial Statement of the Kenya Sugar Research Foundation for the year ended 30th June, 2010 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for
Provincial Administration and Internal Security (Mr. Ojode)
on behalf of the Minister for Agriculture)*

Financial Statement of the Town Council of Suneka for the two-year period ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

Financial Statement of the Town Council of Funyula for the two-year period ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for
Provincial Administration and Internal Security (Mr. Ojode)
on behalf of the Minister for Local Government)*

QUESTIONS BY PRIVATE NOTICE

PARTICIPATION OF LEETA/KIOLO PRIMARY SCHOOLS IN DEMONSTRATION

Mr. M'Mithiaru: Madam Temporary Deputy Speaker, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that pupils from Leeta and Kiolo Primary Schools in Igembe North District were released by the respective headteachers to participate in a demonstration on 7th March, 2012, and that one of them was seriously injured and commercial wares looted at several market centres?

(b) Why were the pupils released to participate in the demonstration and what disciplinary action has the Minister taken against the headteachers?

(Loud consultations)

The Assistant Minister for Education (Mr. Mwatela): Madam Temporary Deputy Speaker, as much as this is a Question by Private Notice, its nature is such that---

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! The consultations are too loud. Can we listen to the Assistant Minister's response?

The Assistant Minister for Education (Mr. Mwatela): Madam Temporary Deputy Speaker, as much as this is a Question by Private Notice, which requires an urgent answer, its nature is that investigations should be carried out by my Ministry in conjunction with the Ministry in charge of Internal Security to establish the exact nature of events. I have spoken to the Questioner, the hon. Member for Igembe North and we have agreed that I request for some time so that we can provide a thorough answer to this Question.

The Temporary Deputy Speaker (Dr. Laboso): Is the hon. Member satisfied?

Mr. M'Mithiaru: Indeed, Madam Temporary Deputy Speaker, this Question involves misuse of some school children. We have agreed with the Assistant Minister that they need to do more investigations. I am agreeable.

(Question deferred)

ASSAULT ON 13-YEAR-OLD BOY BY
MWEA EAST DC

Mr. Gitau: Madam Temporary Deputy Speaker, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Minister confirm that Ms Kula Hache, a District Commissioner in Mwea East District assaulted a 13-year-old boy on 18th April, 2012?

(b) What action has been taken against her?

(c) Is the Minister also aware that over 800 people demonstrated and called for her removal from office and, if so, what measures has the Minister taken to address the public outcry?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Madam Temporary Deputy Speaker, I beg to reply.

(a) The District Commissioner did not assault a 13-year-old boy on 18th April, 2012 as alleged.

(b) No action has been taken against the District Commissioner as there is no evidence to support the allegations against the District Commissioner.

(c) I am aware that Standard VII and Standard VIII pupils and a few parents from Ngurumbani walked to the District Commissioner's office to protest against grabbing of their school land by private developers and inaction by the District Commissioner to reclaim the land from the developers. The demonstration was not about the removal of the District Commissioner.

Mr. Gitau: Madam Temporary Deputy Speaker, I thank the Assistant Minister for that brief answer. The boy was assaulted on 18th last month and the matter was reported at Wang'uru Police Station and recorded under OB No.28 of 18th April, 2012. I have a copy of the medical report after the boy was examined by a doctor from Kerugoya District Hospital. I would like to table it.

(Mr. Gitau laid the document on the Table)

Madam Temporary Deputy Speaker, on part “c” of the Question, I have three letters written by the District Commissioner, Mwea indicating that she was in support of grabbing of the school land. I would also like to table the three letters.

(Mr. Gitau laid the documents on the Table)

I also have two letters written by the school chairman complaining about the grabbing of the same school land. I would like to table them.

(Mr. Gitau laid the documents on the Table)

Madam Temporary Deputy Speaker, when the Assistant Minister says that the boy was never assaulted, he is misleading this House. The extent of assault is indicated in the report I have just tabled. Could the Assistant Minister confirm whether it is me who wrote that report or it was done by a medical doctor?

Mr. Lesrima: Madam Temporary Deputy Speaker, may I just request the hon. Member to repeat the OB Number because I did not hear it.

Mr. Gitau: Madam Temporary Deputy Speaker, that is on the HANSARD. It is also indicated in the documents I have tabled.

Mr. Lesrima: Madam Temporary Deputy Speaker, I also have a medical examination report from the OCS, Wang’uru Police Station dated 18th April, 2012 which shows that the boy was not assaulted and did not sustain any injuries. Since hon. Ojode is in charge of the police, maybe, he can authenticate which report is the accurate one because there are two police reports.

Dr. Khalwale: Madam Temporary Deputy Speaker, this issue is almost a duplication of a similar case that took place in Kakamega Primary School where after an attempt was made to grab school land, children came out, they resisted and the police assaulted them. Could the Assistant Minister tell us whether it is the policy of his Ministry to direct that District Commissioners, District Officers, Officers Commanding Stations and Officers Commanding Police Divisions harass and assault primary school children when they are protecting school land?

Mr. Lesrima: Madam Temporary Deputy Speaker, there was no assault at all of any person. What is happening in Kirinyaga County is that there is a number of serious--- First of all, it is not a policy of the Provincial Administration to support assault of school children by anybody. However, this matter has to do with land. There was an issue about school land which--

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(Loud Consultations)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Dr. Oburu, let us allow the Assistant Minister to give his answer.

Mr. Lesrima: Madam Temporary Deputy Speaker, there are land issues in Kirinyaga. It is a long story. Land issues in Kirinyaga date back to 1960s and 1970s. The people of Kirinyaga surrendered portions of their land to provide for expansion or creation of public utilities. Those

who surrendered land were given land elsewhere. Unfortunately, the county council and those concerned at that time, did not retrieve the title deeds of the people who surrendered land and were given land elsewhere. That is the story. So, generations later, people are coming back with title deeds and saying that such and such land does not belong to a school or a church. In fact, one person has obtained a court order to get the land of a church back in a place called Kutus. So, in this particular instance, the school committee met and approached the District Commission (DC), so that it is verified how much of the land had been taken away. When the meeting was called it did not take place because the Land Registrar was not there. He had a court case. It was agreed to postpone the meeting to 25th. When the meeting was adjourned, some persons had organized school children to come shouting about land grabbing and that the DC must go. When the DC came to address the meeting, it became rowdy and she was escorted back to her office, but nobody was beaten. I can confirm that a number of statements have since been written in the police station by various people, including councillors and administration police officers who were there and witnessed what happened that particular day. All those statements corroborate that there was no assault in this particular student. That is what I can say now.

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Amongst the bundle of documents that the Assistant Minister has tabled, there is a doctor's report which actually authenticates that the 13 year old boy was assaulted. The extent of the injury has been described by the medical practitioner. Is he in order to continue misleading the House that no one was injured when actually the doctor has witnessed and actually treated this boy for that particular assault?

Mr. Lesrima: Madam Temporary Deputy Speaker, I also have a medical report which shows that the boy sustained no injuries at all. That is why I was asking for verification. I wish to table a medical report to show that this boy was not injured at all. I can also table statements from the boy and the mother saying that they were not assaulted. There are also statements from many other officials like a councillor, a DO I, and an AP constable.

(Mr. Lesrima laid the documents on the Table)

Mr. Gitau: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Order, Mr. Gitau! Allow other hon. Members to ask supplementary questions!

Mr. ole Lankas: Madam Temporary Deputy Speaker, there is something curious about this issue of the DC. What is out there is that the DC recorded statements with the DCIO who said the DC was to appear in court. Is it the true position? Could the Assistant Minister clarify this position because I am a bit curious?

Mr. Lesrima: Madam Temporary Deputy Speaker, it is not true. I do not know where it is coming from.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, I am a bit concerned about how casual the Assistant Minister is taking this matter when there is an allegation that a 13-year-old boy was assaulted. If, indeed, there are two reports that are emanating from the Government of Kenya, is he trying to show us that there is another parallel Government of Kenya other than the one that we know? If so, would I be in order to request that this Question be deferred so that he comes back and give us a proper answer because we cannot have two documents emanating from the same Government and then he disowns one? So, which is the other one? Is it from the Government of Uganda?

The Temporary Deputy Speaker (Dr. Laboso): Just for clarity, what we have before us is a doctor's report from Kerugoya District Hospital and it is signed. What the Assistant Minister has signed is a medical examination report from the Kenya Police and it is also stamped. So, I think we need to defer this Question. I would like to ask the hon. Member to liaise with the Assistant Minister and try to authenticate these two reports. One is saying that the child was assaulted and the other says there were no injuries. So, can we defer this Question, so that you can come back with a more comprehensive answer next week on Thursday?

Mr. Lesrima: Madam Temporary Deputy Speaker, I am really surprised that two parallel reports appear on a boy, one showing a boy who is seriously injured and one from me, a Minister of Government, in charge of police indicating that nothing of the sort happened. This is a much more serious matter which I do not think that the two of us can resolve. This is a matter to do with the transfer of a female DC who is doing an excellent job---

Mr. Olago: On a point of order, Madam Temporary Deputy Speaker.

Mr. Lesrima: I think this matter must be taken to its logical conclusion. One of the reports must be false and whoever is presenting a false report should face the consequences of the law.

The Temporary Deputy Speaker (Dr. Laboso): Order! The report that we have here is not about the DC, but about a 13 year old boy. On the one hand, he is claimed not to have been injured. On the other hand, it is claimed that he was swollen and so on. So, the question is not about your DC, but about whether or not this child was assaulted.

Mr. Olago: On a point of order, Madam Temporary Deputy Speaker. The issue that is causing confusion is reconcilliable. There is no difference between the two reports. The problem may be lack of knowledge on what constitutes assault under the law. There is simple assault, assault causing actual bodily harm and assault causing grievous harm. They are all assault. So, if the Assistant Minister could actually know the difference, there could be no conflict at all. Is he in order?

The Temporary Deputy Speaker (Dr. Lesrima): So, Mr. Lesrima, you will need to school yourself a little bit on what the hon. Member has said about the differences between those assaults and whether one of them happened to this boy. I am ordering that we have this Question on the Order Paper next Thursday. By then, we should be able to get a clear picture on whether this boy was assaulted or not.

(Question deferred)

USE OF SPORTSMEN/IMAGES BY PRIVATE COMPANIES WITHOUT FINANCIAL GAIN

Ms. Chepchumba: Madam Temporary Deputy Speaker, I rise for the third time to ask the Minister for Youth Affairs and Sports the following Question by Private Notice.

(a) Is the Minister aware that private companies are using images of Kenya's sportsmen and women in advertisements without any financial gain made to them?

(b) Could the Minister confirm that Mr. Dennis Oliech, an international footballer resigned from the national team, Harambee Stars, due to the use of his image without financial gain made to him?

(c) What measures will the Minister take to ensure that sportsmen

and women, such as Mr. Dennis Oliech and Ms. Pamela Jelimo, whose images are used by such companies in advertisements, are paid?

The Temporary Deputy Speaker (Dr. Laboso): This is a question that had been executed before and we hope that we shall conclude this matter today.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Madam Temporary Deputy Speaker, I expect to conclude this matter today. First of all, let me apologize to the House and to the hon. Member about the answers she got where the Chair directed that we have to answer this Question again.

However, I beg to reply.

(a) I am aware that there are companies that have been engaging our athletes both individually in individual sports and collectively in team sports in commercial ventures that may require the use of their images in advertisement. These ventures involve signing of contracts so that property rights of the athletes are not violated. This is easy for individual sports because the athlete plays and competes in solitude. It is a little bit more complex in case of teams where the sports men and women play as a team. In case of the team winning, the resultant gains are shared among the team. This being the case obtaining in the country, no case has been brought to the attention of my Ministry of the use of images of our sportsmen and women without financial gain to them individually or as a team.

In my response to this question last week, Madam Temporary Deputy Speaker, I admitted that a copy of unauthenticated mail going round in the social media had been brought to my attention, purporting to have originated from our top international player, Mr. Dennis Oliech, conveying his resignation from the national team, Harambee Stars. Later, on the Floor of the House, the hon. Member for Makadara, Mr. Mbuvi, tabled a signed copy of the letter from Mr. Oliech confirming that the original letter in the social media was his.

I wish to categorically state that my Ministry has not received an official correspondence to that effect from Mr. Oliech nor the Football Kenya Federation (FKF) according to its chairman, Mr. Nyamweya, whom I was talking to this morning.

According to the contract signed between East African Breweries Limited with Harambee Stars Management Board on 5th October, 2011 and endorsed by the Football Kenya Federation, of course, the company agreed to finance Harambee Stars to the tune of Kshs110 million spread over a period of three years. The money was to be used for salaries, allowances, accommodation, transport, both during the games and during training, purchase of uniform and training equipment. In return, East African Breweries Limited was to benefit through a number of things, including the use of images of the national team as stated in part 5.9 of the agreement. The provisions of this contract continues to be honoured by the concerned parties to the best of my knowledge and the resultant financial gains enjoyed by the teams collectively.

Furthermore, in the said letter in the social media, Mr. Oliech states that he is resigning from the national team in order to concentrate on elevating the fortunes of his team, Auxerre FC, which has not been doing well lately. This too is already in the public domain. So, I do not want to over-speculate on that.

I also want to state that my Ministry appreciates and values Mr. Oliech's participation in the national team and will continue to advise and persuade him to put the national interest in front as we try to find a solution to his dissatisfaction in the contract.

Madam Temporary Deputy Speaker, in the case of Pamela Jelimo, my Ministry has also not received any complaint from her or from any authority, so far. As I had already indicated, the lead athletes normally get advice from their commercial managers or agents and that is normally

done through contracts. In the case of Jelimo, as I have already stated, both Athletics Kenya and herself have not sought any assistance from my Ministry if she has issues with the commercial manager.

The sports policy clearly stipulates that the commercial ventures engaged by athletes should first and foremost take the interest of athletes above other considerations.

My Ministry will always try to advise the athletes as they engage to give this country glory and make commercial ventures out of their talents.

I also want to inform the House that I have already talked to Football Kenya Federation (FKF). I have advised them that they need to bring Oliech and East African Breweries on the negotiating table, so that the issues that are being raised can be addressed. I am sure when the East African Breweries came into this contract, it was out of obligations to support Harambee Stars. We do not want to see anything - if there were any issues in the contract that might have been overlooked at that time - coming in-between to break up this contract and yet these are issues that we can address if we go through them one by one to know which areas they are not happy with and then we can find a solution.

Dr. Khalwale: Madam Temporary Deputy Speaker, our understanding is that all answers brought to this House either by the Minister or the Assistant Minister are signed by the Minister himself. What action will the House take against this Minister who only last week brought to this House an answer where he said that he was not aware?

Today, Madam Temporary Deputy Speaker, he is saying that he is aware. I will lay on the table the same answer that he gave. The same Minister, hon. Otuoma, is the one who signed the one which he read and said that he was not aware.

(Dr. Khalwale laid the document on the Table)

Dr. Otuoma: Madam Temporary Deputy Speaker, indeed, I have already mentioned that this matter came up in this House and this Question was deferred. After being deferred, I have now come up with more information on what I have got. I apologize that at that particular time, when I received that Question, I had not got any information. When hon. Mbuvi tabled the document in this House; a signed copy, that was the first time we said that what was circulating in the social media was, indeed, authentic.

The Temporary Deputy Speaker (Dr. Laboso): I think the Minister has apologized and he is more informed than he was at the time he wrote that he was not aware. I think we can accept the Minister's apology.

Ms. Chepchumba: Thank you, Madam Temporary Deputy Speaker. Now that the Minister is aware that the sportsmen and sportswomen are undergoing stress or are being exploited as a result of their talent, when will he come up with a Bill to protect them from this harassment?

(Applause)

Dr. Otuoma: Madam Temporary Deputy Speaker, I have already stated before that we have a draft Bill and it is in its final stages at the Attorney-General's Chambers. Immediately it is ready, it should be laid on the Table of this House. That is what will address these perennial problems that we have in sports. This is because where sports have reached in this country, we cannot run the sector the way we have been running it. There must be very clear guidelines on

how to engage the Government, the public, the athletes and the commercial people. There must be very clear rules on how we should engage and this Bill, I tend to agree, is long overdue. It should hit the floor of this House so that Members can input.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. The morale of Denis Oliech is seriously affected and dented. What specific measures is the Minister taking to reclaim the morale of Denis Oliech and the image of this country which will affect even the youth of this country?

Dr. Otuoma: Madam Temporary Deputy Speaker, indeed, as it has been said, some of our athletes are still very young men and women and they need guidance from all of us. They also need encouragement. That is why I have advised that Mr. Oliech or his agent, East African Breweries limited, the Federation and my Ministry should sit down and find a solution that is a win-win situation for all of us. That is both the commercial people, that is, East African Breweries Limited, the Federation, the country and Oliech. I have called for this meeting. We will be deliberating to encourage him because the issues he raised are, indeed, genuine. He said his image was there and he was asking what was in it for him. So, we need to relook at the contract and if it did not take care of that, what can we do because this is not cast on stone.

Mr. Gunda: Madam Temporary Deputy Speaker, if the worst came to the worst, what will the Minister do to replace Oliech with the huge talent that we have of footballers from the counties, especially Kilifi County?

Dr. Otuoma: Madam Temporary Deputy Speaker, indeed, I have been an advocate of sports being run professionally. I still think that our national coach is in a better position to select players. At this point in time, I will be speculating if I say that we have reached that point. I do not think we have reached that point yet and I believe that Oliech is a very nationalistic young man. We are leaving the technical bench to handle those kinds of matters.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, we do not want to lose either Jelimo or Oliech. You will notice that the Minister is in charge of Youth Affairs and Sports. There is a reason that they were put together because the people who are involved very heavily in sports are the youth. Could the Minister indicate, in the interim, what he has done because most of those people are as young as 18 and 19? When they come in, they have no information about laws and their rights. What has the Minister done in the meantime, to ensure that these young people have legal representation because, definitely, what is going on is a violation of their rights?

Dr. Otuoma: Madam Temporary Deputy Speaker, I think I addressed myself to the fact that we need a Sports Bill to reach this House. Indeed, I saw my colleague here, the Attorney-General. It is already in his office and he is working on it. Once it is enacted, there are very clear guidelines on how we should engage with the young people so that their interests are protected within the laws of this country. We must not forget that as much as we want to leave sports to be run by the federations, they have an obligation to this country because these are young people who belong to Kenya. These are young people who are citizens of this country and their interests must be protected. I agree with that, of course, in conformity with the international standards that Kenya is, in fact, ahead of certain countries in conforming with them. So, I will be looking forward to Madam's support.

Mrs. Odhiambo-Mabona: On a point of order, Madam Temporary Deputy Speaker. I have not asked about the law but I have asked about legal representation which can be given in the absence of the law. So, what I am asking about is, if the Attorney-General is here, he will advise him that even for the interim, the Government can give them legal representation. What I

want to know is whether the Government, using the Office of the Attorney-General, gives them state counsels to give them legal advice and representation?

Dr. Otuoma: Madam Temporary Deputy Speaker, I hear the hon. Member very clearly. Indeed, we have legal officers in my Ministry who basically advise us on this. We will be extending the same services to these young people.

Mr. Pesa: Madam Temporary Deputy Speaker, Oliech, like any other football player in this country is a stakeholder in the Federation, just as Chelimo is in the athletics field. The Minister should tell this House whether the Kenya Football Federation involved all the stakeholders when they were entering into this agreement with the Kenya Breweries Limited.

Dr. Otuoma: Madam Temporary Deputy Speaker, as I stated earlier on, when this contract was being drawn up, I had put in place an interim board to manage Harambee Stars because at that time, we had a lot of wrangles in the Federation. In fact, we almost had two bodies claiming to be the official federations. So, to protect the national team at that time, I made a decision to put in place the Harambee Stars Management Board which was being headed by Evans Kidero. Indeed, they did a good thing to negotiate for funding for the Harambee Stars. You are all aware that many of these sportsmen and sportswomen need funds which sometimes the public coffers alone cannot satisfy. So, we really want to engage commercial companies and private individuals to support the national soccer team, just like our National Olympics Committee is appealing and doing various fundraising activities to support our sportsmen and sportswomen for the London Olympics which are coming up in two to three months time.

Mr. Kutuny: Madam Temporary Deputy Speaker, from the casual answer given by the Minister, it is, indeed, apparent that the Government is not serious to uplift sports in this country. Sports are the only thing that has put this country on the world map. Actions from the Ministry have made many sportsmen and women to think of changing their citizenship. Is the Minister aware that many sportsmen and women in this country, due to frustrations from the Government-- For example, the London Marathon winner is thinking of becoming a United States of America (USA) citizen. There are several other Kenyans from our region who are also thinking of becoming citizens of other smaller countries like Bahrain. Is the Minister aware that Government's actions are going to push many sportsmen and women who would have brought pride to this country to move to other countries?

Dr. Otuoma: Madam Temporary Deputy Speaker, indeed, I am not aware of what the hon. Member is saying or alleging here in this House. But just to inform him, I want to say that Kenya has won so many marathon events. In fact, out of 100 events, Kenya has won more than 90 marathons that have been run. So, we are spoilt for choice and talent. So, the competition within the marathon fraternity is very high because we have won so many of them – 90 out of 100. I also want to remind my colleague that I am never casual nor am I a clown when it comes to carrying out my responsibilities.

Ms. Chepchumba: Madam Temporary Deputy Speaker, we are aware of international soccer players like Messi, Ronaldo and athletes like Usain Bolt who are compensated by the companies especially when their images are used. Now that the Minister is aware about the mess from his Ministry, what is he doing to compensate Oliech and the likes of Pamela Jelimo who have suffered because of his Ministry?

Dr. Otuoma: Madam Temporary Deputy Speaker, indeed, many times, you have heard sports federations saying that they are independent and any time the Government wants to rein them in, they say that we are interfering. So, they really try to protect their independence. So, sports are actually run on that principle. As a Government, we provide the framework and the

support to nurture talent and to grow those sportsmen and women. That is why we have started talent academies to support those people. We also honour our national heroes by giving them cash and national awards. Those who win gold medals or any form of medals for this country are honoured. But I would like to honour them more and you will be see that coming up very soon.

The Temporary Deputy Speaker (Dr. Laboso): Next Question by Private Notice. Mr. Yusuf Hassan Abdi!

DEATH OF ABDULLAHI IBRAHIM ALI IN
KILIMANI POST STATION

Mr. Hassan: Madam Temporary Deputy Speaker, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice:-

Is the Minister aware of the death of Mr. Abdullahi Ibrahim Ali who was in custody in Milimani Police Station, Nairobi on 7th March, 2012 and, if so, could the Minister explain the circumstances of his death?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I beg to reply.

I am not aware of the death of any person by the name Abdullahi Ibrahim Ali while in police custody within Nairobi. In the records held by police in the entire Nairobi, we do not have any information of such a person who allegedly died in custody in the month of March 2012 or thereabouts.

Mr. Hassan: Madam Temporary Deputy Speaker, I am really surprised by the Assistant Minister's answer. Abdullahi Ibrahim Ali was arrested in Eastleigh on 3rd March. He was handed over to a special security unit in Milimani. After several days of interrogation, he was charged to appear before a court. Two days before his appearance, he was brought to his house in Eastleigh Section 3 where his family saw him. His flat was searched by the police. Subsequently, on the day he was to appear in court, the police informed the court that he had died while in detention and his family was asked to collect the body for burial on 8th March. Mr. Abdullahi Ibrahim Ali leaves a wife and three children. Could the Assistant Minister inform the House whether his records have completely vanished because it was also reported in all the papers? The *Standard* newspaper of that particular day has that report. There is enough information to back up the existence of Abdullahi Ibrahim Ali and his death in detention under mysterious circumstances.

Mr. Ojode: Madam Temporary Deputy Speaker, you will agree with me that we do not have a Milimani Police Station in the entire Nairobi. What we have, which is more or less similar to what he is talking about, is Kilimani Police Station. So, I assume that he is talking about Kilimani Police Station as opposed to Milimani Police Station.

Mr. Olago: On a point of order, Madam Temporary Deputy Speaker.

Mr. Ojode: You wait! I am on the Floor!

The Temporary Deputy Speaker (Dr. Laboso): What is it, Mr. Olago? Mr. Assistant Minister, I am in charge of the House!

Mr. Olago: Madam Temporary Deputy Speaker, what hon. Hassan has said is very serious. He is talking about the case of a Kenyan who was arrested and died in police custody. It should not be taken so casually. Is it in order for hon. Ojode to say that there is no Milimani Police Station, when he knows that if you say Milimani in Nairobi, you mean Kilimani. There is no Milimani in Nairobi?

Mr. Ojode: Madam Temporary Deputy Speaker, that is a frivolous point of order. There is no Milimani Police Station in Nairobi and, maybe, that is why I could not get the name booked in any of the stations. What I would request the Questioner---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Assistant Minister, did you not say you have checked in the whole of Nairobi?

Mr. Ojode: Madam Temporary Deputy Speaker, I have checked in the whole of Nairobi and there is no such a name. I would request the Questioner, because this is a serious issue, to give me the name and the Occurrence Book (OB) number. That is because whenever you are taken to a police station, you are booked and given an OB number.

Mrs. Shebesh: Madam Temporary Deputy Speaker, I want to ask a supplementary question. I just want to say that, unlike the hon. Hassan, I am not shocked by the Assistant Minister's answer because that is what the Kenya police do when they are covering up extrajudicial killings – an issue that has started again to gain currency in Nairobi. Could the Assistant Minister inform the House whether they are ready as a Government to take responsibility for extra judicial killings that are happening within police stations especially those in Nairobi, now not targeting young Kikuyu men but targeting young men who are of Muslim faith or Somali origin?

Mr. Ojode: Madam Temporary Deputy Speaker, that is completely news to me. We do not carry out any extra judicial killings against Kenyans and we will never do so. So, the only thing which we can rely on is for anybody who has any evidence to table it. But let us not speculate or go by rumours.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Allow the Assistant Minister to sit and then you either say that you are on a point of order or you wait until he completes his answer! Hon. Assistant Minister, have you finished?

Mr. Ojode: Yes, Madam Temporary Deputy Speaker. I have mentioned that if there is any evidence of extra judicial killings, it should have been laid here. They should have given us the names, age and where the guy is coming from. However, you know this is a very sensitive Ministry. We are not going to deal with speculation and rumour mongering. In fact, if there are rumour mongers, you will see the action we are going to take against rumour mongers.

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! I have given Mr. Affey a chance to raise his point of order.

Mr. Affey: Is the hon. Assistant Minister in order to trivialize the death of a citizen who died in the hands of the police? Is he in order to make it look like a trivial issue when the Member for Kamukunji says that the children and the mother are suffering? He should be replaced because he is a very insensitive Assistant Minister. He should be replaced!

Mr. Ojode: Madam Temporary Deputy Speaker, I have said and I want to repeat what I have said, that I need to know the Occurrence Book number. When a guy is taken to the police station he must be booked. What the report says---

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! Finish your answer.

Mrs. Shebesh: On a point of information, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): What is your point of information, Ms. Shebesh?

Mrs. Shebesh: Madam Temporary Deputy Speaker, I just want to inform the Assistant Minister that normally during extra-judicial killings, and the Attorney-General is seated next to you, he will tell you the report, that you will never find anything in the OBs when police are killing citizens. It is called extra-judicial killings and you will not find it in any OB. That is information to the Assistant Minister and he can confirm that with the Attorney-General who is seated next to him.

Mr. Ojode: Madam Temporary Deputy Speaker, I have confirmed with the Attorney-General and he has said that there is nothing like that.

Mr. Mbadi: Madam Temporary Deputy Speaker, I would like to know from the Assistant Minister whether a gentleman by the name Abdulahi Ibrahim Ali was ever arrested according to his records. If he was arrested, where is he?

Mr. Ojode: Madam Temporary Deputy Speaker, I thought I had already dealt with that case. I said we do not have anyone by the name of Abdulahi within the entire Nairobi police stations.

Mr. Bahari: Madam Temporary Deputy Speaker, it has been said that this is a death of a Kenyan, and this Assistant Minister is responsible for the security of Kenyans. I can confirm that there are extra-judicial killings not only in Nairobi but also in Isiolo and a Question will be brought before this House perhaps in the next few days. The Assistant Minister was told by the hon. Member that this matter went to court and the records are in court. Why did he not take initiative to find out what happened? He is reluctant even to acknowledge this; to go and find out.

Mr. Ojode: Madam Temporary Deputy Speaker, I mentioned here that if there is a court case could I please have the number so that I can go back to my records for the police to check whether the names differ. But as at now, there is no OB number and court case. For me to do something which is substantive, it is better for me to have the case number because the names might differ. As at now, I do not have any such name within the police stations in Nairobi.

Ms. Karua: Madam Temporary Deputy Speaker, the Assistant Minister goes on to deny extra-judicial killings ostensibly with the advice of the Attorney-General. "Extra-judicial" just means "outside a judicial order". Any killing by police even in the course of arrest is extra-judicial. The Assistant Minister answered a question which I had asked last year and he admitted to 60 killings in Nairobi. It was an understatement. In the course of arrests, those were extra-judicial killings. Is it in order for the Assistant Minister to take this House for a ride by denying extra-judicial killings while he, himself, tabled an answer here admitting, at least, 60 extra-judicial killings?

Mr. Ojode: Madam Temporary Deputy Speaker, I want to confirm here that we were talking about March when an extra-judicial killing is alleged to have happened and I said that there was no such thing. We are talking about the month of March. So, the only way---

Mr. Yakub: On a point of order, Madam Temporary Deputy Speaker. This is a very serious issue. There is a bereaved family right now. Could the Assistant Minister tell us what type of document is used in any police station in Kenya where a Kenyan was arrested and he died in the police station? Could he tell us what type of document is used for the Kenyan who was arrested and died in the cells? What type of document is normally used by the police station?

Mr. Ojode: Madam Temporary Deputy Speaker, I did mention here that within Nairobi police stations there was no such person who was arrested by police and died while in custody. There was nobody.

Mr. Yakub: No! On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): You have just asked your question, Mr. Yakub.

Mr. Yakub: Madam Temporary Deputy Speaker, he has avoided my question completely.

The Temporary Deputy Speaker (Dr. Laboso): You have not answered his question, hon. Assistant Minister!

Mr. Yakub: I asked about a document. I am not asking him where the late Abdulahi died. I am asking the Assistant Minister to tell the House and Kenya, as a whole, what type of document do police stations use when a Kenyan has been arrested, is put in the cells and then dies there. What type of document do you use?

Mr. Ojode: Madam Temporary Deputy Speaker, we do not take people and have a document to say this one will die. The documents which we have are OBs which mean Occurrence Books. Even if you are arrested today as my colleague, you will be booked as Sheikh Dor. Whether you are alive or dead, you will be booked there as Sheikh Dor. Later on, Sheikh Dor will be taken to court and there will---

Mr. Kutuny: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Allow him to complete his answer, Mr. Yakub!

Mr. Ojode: I am on the Floor! I am explaining to Sheikh Dor.

The Temporary Deputy Speaker (Dr. Laboso): He is answering.

Mr. Ojode: I am explaining to Sheikh Dor what normally happens in the police station.

After you have been booked in a police station, then you will be taken to court. You will have a criminal court case number. When you die, you will be taken to a morgue where your name will also be tabulated.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, before I seek my supplementary question, I just wish to bring to your attention that the Assistant Minister was actually threatening us. I take it very seriously because the Commissioner has threatened me. Mr. Mbuvi was recently threatened that if he goes and reports issues he will be arrested and now the Assistant Minister is brave enough to come and threaten us before the Floor of the House.

My supplementary question is; could the Assistant Minister tell us which police station is responsible for extra-judicial killings so that when they happen, we go and report there?

Mr. Ojode: Madam Temporary Deputy Speaker, she is my neighbour and a potential candidate as an MP for Mbita. We do not have any police station designated for extra-judicial killings.

Mr. Hassan: Madam Temporary Deputy Speaker, I had no expectations that there will be denials and something similar to the dark days when in fact records of people who have been executed by the State machinery would be expunged from our State documentation. Therefore, I would like to ask for extra time to be able to table the documentary evidence on the unfortunate death of Abdullahi Ibrahim Ali.

Thank you.

The Temporary Deputy Speaker (Dr. Laboso): In that case, you will ask that this Question be deferred and that you will consult with the Assistant Minister. Give him the

documents that you have so that he can come and give us a comprehensive answer when the Question next appears on the Order Paper.

Mr. Duale: On a point of order, Madam Temporary Deputy Speaker, following your direction, I will be very happy if the Assistant Minister brings the Occurrence Book of Milimani Police Station to the Floor so that we can counter-check.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Duale, we have been informed there is no "Milimani Police Station". There is only Kilimani Police Station.

Mr. Assistant Minister, whatever information you require, get it and bring us a comprehensive answer to the Floor. You will execute that at the time you bring your answer, Mr. Assistant Minister.

Mr. Ojode: Madam Temporary Deputy Speaker, I have not heard what the Member wants me to bring.

The Temporary Deputy Speaker (Dr. Laboso): What we require is a comprehensive answer to this Question. You have heard the Member say--- You have said that you were not aware of the death of that person and the Member has clearly told you the events that took place. So, please, consult with the Member and then verify, through your sources, so that you can come with an answer here.

Mr. Ojode: Madam Temporary Deputy Speaker, ordinarily, it is the Member who has some evidence. He should bring the evidence to me---

The Temporary Deputy Speaker (Dr. Laboso): I thought that is what I have said. Whoever is going to the other---

Mr. Ojode: But as at now, Madam Temporary Deputy Speaker, there is no evidence that contradicts what I have said. If the Chair orders me to bring the Occurrence Book (OB) for Kilimani, I will do that. Otherwise, there is nothing which the Questioner has brought in as evidence to contradict my own answer.

The Temporary Deputy Speaker (Dr. Laboso): I have said the Member is going to furnish you with the information that he has. You will then confirm whatever information he has and then come and give us an answer to this Question next Thursday.

(Question deferred)

Next Question!

COLLAPSE OF HOLO BRIDGE ON KISII ROAD

Mr. Ochieng': Madam Temporary Deputy Speaker, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Is the Minister aware that Holo Bridge on Kisii Road was damaged and sunk as a result of heavy rains on 18th April 2012 and is now posing danger to road users?

(b) When will the Ministry commence the reconstruction of the bridge?

(c) Could the Minister also consider providing funds immediately for the maintenance of Sondu-Nyabondo-Kusa Road (D218) to which traffic is currently diverted?

The Assistant Minister for Roads (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I beg to reply.

(a) I am aware that Holo Bridge along the Kisii Road was damaged by the ongoing rains. I am also aware that the damaged bridge is posing danger to the road users and, therefore, my

Ministry has closed that section and has diverted traffic. In addition, we made several warning announcements to the road users through the local media.

(b) My Ministry, through the Kenya National Highways Authority (KeNHA), has procured a contractor for the reconstruction of the bridge at a contract sum of Kshs39 million. The contractor has already reported on site.

(c) My Ministry, through KeNHA, has opened a diversion on the old alignment to enable a smooth flow of traffic along the road. So far, I have not received any reports of serious damage to Road D218 as a result of the damaged bridge. Nevertheless, my Ministry is continuing to monitor the situation with a view of carrying out the necessary action as the situation may require.

Mr. Ochieng’: Madam Temporary Deputy Speaker, I want to appreciate the quick action taken by the Ministry. In the meantime, could the Assistant Minister tell us whether the Kshs39 million that has been provided for the reconstruction of the bridge will be enough to construct a proper bridge? When should we expect to use that bridge when it is completed?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, I wish to assure the hon. Member that the money allocated – which is Kshs39 million - will be able to do the work required. I just wish to quickly go through what will be done with the Kshs39 million. The crossing will comprise three lines of Amco steel culverts on the collapsed bridge. It will also include walkways on both sides to ensure that the pedestrians are accommodated. We will also ensure that it has a 12 meter long reinforcement concrete bridge to ensure that it is able to withstand traffic on that road. Lastly, I wish to also note that it is the responsibility of the contractor to maintain the diversion for the period that the bridge will be under construction.

Mr. Letimalo: Madam Temporary Deputy Speaker, the destruction of bridges by heavy rains is not peculiar to Nyakach Constituency only. This is a common problem in the country and more, specifically, in my area - Samburu East. The only bridge - Seiya Bridge - that connects the two constituencies has collapsed. What plans does the Ministry have to reconstruct all the bridges that have been destroyed by heavy rains?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, we are currently undertaking a survey across the country to assess the damage caused by rains. We are also looking at some of the bridges especially in areas where we have relief food. We have realized that in areas of Samburu and parts of Maralal, the relief food that is carried from Mombasa to that place is often overloaded. That is because the relief food is taken through areas where we do not have weighbridges. As a result, some of the bridges that were designed to carry only 20 tonnes now carry 60 tonnes or 70 tonnes. Therefore, we have a big challenge.

Madam Temporary Deputy Speaker, we are doing a survey and I am sure we will be able to make the necessary amendments.

Mr. Kutuny: Madam Temporary Deputy Speaker, is the Assistant Minister aware that laxity and bureaucracy in the Ministry is what is causing all those problems? That is because money is allocated at the right time. But the execution of the works or the construction of those bridges is delayed as a result of many things that are going on in the Ministry. For example, there is a bridge that is supposed to be constructed in my constituency. It is called Kachibora-State Lodge Bridge. It has been allocated money for the last two years, but its construction has not started. The contractor moved to the site when it actually started to rain.

There is another bridge called Ekegoro-Arba-Kesogon Bridge. It was supposed to be constructed before the rains. However, they have waited until the rains have started and there is a lot of water. Nothing can be done now. Even the material that has been put on site has been

swept away. Could the Assistant Minister tell us the mitigation measures that are going to be put in place so that all that work is done on time?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, it is true that we have had several cases where contractors have taken extra long period than had actually been anticipated. As I had said, those are a few cases and they will be addressed.

Nevertheless, we realize that the repair of ongoing works across the country for maintenance has somewhat been stalled because of the ongoing rains. It is extremely difficult for us to be able to maintain the roads when it is raining. That is because all the works that will be done will be carried away and it will be very difficult for us to audit what work has actually been done.

However, specific to the bridges that the Member has mentioned, we will inspect there and if we need to take any remedial action, we will do as much.

Mr. Pesa: Madam Temporary Deputy Speaker, I am glad the Assistant Minister has stated here that they have surveyors in the field. The road between Suswa and Narok, which was just completed the other day, has caused Kenyans loss of several lives. As you drive through that road now, you find tractors working on the road. That is because of poor workmanship. What you put there as bridges cannot serve that road. Do you have a plan, as a Government, to ensure that you reconstruct that road to avoid the deaths that are occurring at the moment?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, the road in question was constructed according to the standards and we have no problems with the roads. The problem we have in Narok area all the way to Mai Mahiu is settlement patterns that have changed. There have been environmental factors that have continuously made flooding in those sections impossible to manage.

In the days to come, we will improve the drainage in that area, plant more trees to ensure that the flooding that is being experienced particularly in Narok Town, is addressed. In the meantime, we are carrying out remedial works to expand all those bridges because even the flow of water and rivers has changed over the years.

The Temporary Deputy Speaker (Dr. Laboso): Last question, Mr. Ochieng!

Mr. Ochieng: Madam Temporary Deputy Speaker, as I speak now, as the construction works continue on that particular bridge, there is a small diversion just next to the bridge. That diversion is worse when it rains. As you know, only trucks which carry a maximum of 5 tonnes are allowed to pass through that road. The entire diversion has now been taken to Road D218 which stretches from Sondu to Nyabondo to Kusa. That is a 26 kilometre stretch. Could the Assistant Minister confirm that as they work on that bridge, those two diversions will be maintained to motorable conditions?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, I wish to confirm here that the sections of the road that will be used for the period when the bridge is under construction will be maintained to motorable standards.

The Temporary Deputy Speaker (Dr. Laboso): Ordinary Question by Mille Odhiambo!

ORAL ANSWERS TO QUESTIONS

Question No.964

IMPLEMENTATION OF SECTION 53 OF EMPLOYMENT ACT

Mrs. Odhiambo-Mabona asked the Minister for Labour:-

(a) when he will make regulations under Section 53 of the Employment Act on activities that are deemed harmful to the health, safety and morals of a child between 13 years to 16 years of age; and,

(b) what is considered “light work” that a child can undertake under the law.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Minister, this Question has been on the Order Paper for a very long time. I hope we will conclude it today.

The Minister for Labour (Mr. Munyes): Madam Temporary Deputy Speaker, it is my wish that this Question is concluded today because the last time it was answered, we tabled the documents. The hon. Member was supposed to interrogate the Minister. So, I will sit down and wait for the questions.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, the reason I had requested for time was because the Minister had presented draft regulations which I needed time to look at. I have looked at the answer that he has given where he says that they are still polishing them. However, at the back, he says they now have the regulations and very soon they will table a Bill here to amend the Employment Act. Therefore, they cannot now work on the regulations. This Question is about employment of children under the age of 16 years. Work is harmful to children under 16 years. On Friday and Saturday, I visited 27 constituencies in Western Kenya and 15 constituencies in Nyanza, respectively. One of the most obvious things that we saw along the way as we were passing with the ODM Caravan was many young children as young as ten years, who are employed in respective industries. Could he indicate what is precluding him from continuing with these regulations because they are still necessary, not just for the Employment Act, but for the Children Act and for the Constitution? What is stopping him from completing them concurrently because we have the Constitution which gives him the basic guidelines on issues of child labour?

Mr. Munyes: Madam Temporary Deputy Speaker, there is nothing stopping the Ministry of Labour from working on these regulations. As I said the last time, this matter is in the Attorney-General’s Office. We want to be given more time to conclude them. It is a very critical document for this country. The issues of child labour are all over this country. Therefore, we need enough time for the Attorney-General’s Office to fast track this process and finish it for gazettelement.

Mr. Njuguna: Madam Temporary Deputy Speaker, what is the Minister doing to reduce the number of child abuse cases that we have seen in this country? We have seen children being used as tour guides, particularly in the coast region. This is threatening their future. What is the Ministry doing about it?

Mr. Munyes: Madam Temporary Deputy Speaker, my Ministry lacks enough resources to undertake the kind of job it is supposed to do to curb this menace. As you know, we have only prosecuted four cases. Since we do not have that capacity, we are providing counseling and advice to parents. I have only 71 enforcement officers. I need 250 officers to do this job. I have allocated one officer per county, but it is not enough. So, we are doing a lot in terms of advice and counseling those affected.

Mr. Nyambati: Madam Temporary Deputy Speaker, it is not enough for the Minister to tell us that he has sent these regulations to the Attorney-General to be polished. We need to know what measures he has put in place to ensure that there is no abuse of children, especially in Kisii

where there are many children who do brick works and they do not go to school. What system has he put in place to ensure that this menace is curbed?

Mr. Munyes: Madam Temporary Deputy Speaker, through our officers on the ground, we have sensitized the public. We have workshops and seminars. We work with the Provincial Administration and political leaders to ensure that the public is aware of these laws.

Mr. Duale: Madam Temporary Deputy Speaker, this Minister is not serious. Internationally, child labour is a very important issue that many governments are dealing with. For example, Indonesia and Philippines are some of the countries in the world where child labour is practiced. But there is a law that has now been passed in those countries where even multinational companies are not allowed to practice that. Could he, now that the Attorney-General is sitting next to him, give the country a concrete timeline when these laws on child labour will be ready? We passed the new Constitution. He is talking about seminars and workshops to sensitize Kenyans. When is he bringing to Parliament these laws to curb child labour and introduce safety and health precautions at the workplace?

Mr. Munyes: Madam Temporary Deputy Speaker, we will definitely fast track this issue with the Attorney-General. Maybe give us a month to work with the Attorney-General's Office. I know the regulations are ready. It is just to ensure they conform to the Constitution. So we are doing something in the next one month to ensure that we do it.

Ms. Karua: On a point of order, Madam Temporary Deputy Speaker. The Minister is giving contradictory information. In the answer, on the front, he says they are prioritizing, but at the back, he says that because of the Constitution that we have passed, it is no longer a priority to work on the rules because there is the Office of the Attorney-General, COTU, FKE and other stakeholders who have embarked on a review process to enable the laws to conform to the Constitution. So, could he tell us which is which? Is it in order for him to mislead the House by giving a contradictory answer?

Mr. Munyes: Madam Temporary Deputy Speaker, I think what is needed is the rules. We want to prioritize the rules. We will use our social partners, COTU, FKE, the Office of the Attorney-General and the Ministry of Labour to fast track the finalization of these rules.

Mr. Ethuro: Madam Temporary Deputy Speaker, the Question is about enforcing the law. In fact, I border with the Minister; a place where children are going to dig our gold instead of going to school. On Lake Turkana, they are also going fishing and smoking fish instead of going to school. The question that Mr. Nyambati asked for Kisii is similar to the Turkana County. What is he going to do to ensure compliance with the law, so that the children do not work and instead they must go to school?

Mr. Munyes: Madam Temporary Deputy Speaker, I have already said we have only 71 enforcement officers out of a need of 250. We will sensitize the public. We work with the Provincial Administration, the chiefs and political leaders to educate them on this matter. That is the only thing we can do. To protect ourselves from these problems, we must use other people who have the capacity.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, in light of the questions that have been asked by Mr. Ethuro and other Members, there are many areas where young children are forced to work. In a place like Mbita, children are forced into fishing, especially children from child-headed households where parents have died. What Ms. Karua has raised is that, in the answer, the Minister says it is no longer prudent to pursue the draft rules at the moment and yet, on the other hand, he says that he will prioritize it. Since the Attorney-General

is sitting next to him, could he tell us the time span? When do we expect these rules so that the children in Mbita who are in the fishing industry can go to school?

Mr. Munyes: Madam Temporary Deputy Speaker, I have consulted the Attorney-General and we have agreed that in the next one month we should be able to finalize this. However, matters of child labour are matters that affect all of us. Therefore, I call upon Members of Parliament to sensitize the public. They should not rely on the Ministry of Labour because we do not have enough personnel or chiefs in the country. Let us all support each other on this matter.

Mr. Duale: On a point of order, Madam Temporary Deputy Speaker. It is not the business of Members of Parliament, particularly the Member for Dujis Constituency, to do labour sensitization, which is supposed to be done by the Ministry of Labour. Is he in order to call upon hon. Members to do his work?

Mr. Munyes: Madam Temporary Deputy Speaker, it is awareness and that is the Member's job as the Member of Parliament for Dujis. If somebody is punishing that small boy in Dujis and making him look after his cows for 12 hours, that is a crime. The Member should sensitize that family.

Question No.1021

PROVISION OF CORRECT ROAD DESIGNS

The Temporary Deputy Speaker (Dr. Laboso): Hon. Ruteere! The Question is dropped.

(Question dropped)

Question No.1159

NON-PAYMENT OF DUES TO MOHAMED ABDIKARIM

Mr. Sirat asked the Minister for Education:-

(a) why he has not paid Mr. Mohamed Abdikarim his outstanding salary, housing and medical allowances totaling Kshs171,838 accumulated in the course of duty as a subordinate staff at Wajir Primary School as promised by the Minister to the House on 21st January, 2009; and,

(b) when he will be paid.

The Temporary Deputy Speaker (Dr. Laboso): Where is the Minister for Education, Leader of Government Business?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I am told the Minister for Education is within the precincts of the House. I do not know whether this Question has been called the second round, but in the event the Minister is not here, the Question could be listed for Thursday afternoon.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. This is a fairly straight forward Question and I am sure the Leader of Government Business must be having an answer if the Minister is not present. The Question is about a poor Kenyan to whom the Minister promised to pay some money in 2009 and up to now, there is delay. Is that fair?

The Temporary Deputy Speaker (Dr. Laboso): Are you asking the Leader of Government Business to answer the Question if he is not well furnished?

Mr. Ethuro: Madam Temporary Deputy Speaker, I thought the Leader of Government Business or any other Minister could answer the Question.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, the answer I have would certainly need some detailed explanation. Therefore, I would not want to attempt to answer the same. Therefore, if the Question could be listed for Thursday, I would appreciate.

The Temporary Deputy Speaker (Dr. Laboso): So, be it. The Question should be listed for Thursday afternoon.

(Question deferred)

Mr. Mwau: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): On what Question? On the Question we have just passed? We have already moved to the next Question by hon. Otichilo.

Question No.1241

STATUS OF CARBON TRADING IN KENYA

Dr. Otichilo asked the Minister for Finance:-

- (a) what the current development status of carbon trading in Kenya is;
- (b) what legal instruments have been put in place to regulate the carbon trading industry; and,
- (c) whether he could provide a list of high carbon projects that have been registered in the country and state what measures the Ministry is taking to promote carbon trading in the country.

The Assistant Minister for Finance (Dr. Oburu): Madam Temporary Deputy Speaker, I beg to reply.

(a) In an attempt to respond adequately to the climate finance and more specifically on carbon trading, the Government has already prepared a climate finance and carbon trading policy which forms a key input into the implementation of the National Climate Change Response Strategy.

(b) The Government has issued a Circular No.9/2011 which is in line with the requirements of the United Nations Framework Convention on Climate Change Guidelines.

(c) Currently, five projects have been registered with the United Nations Framework Convention on Climate Change, namely, Clean Development Mechanism (CDM) Executive Board. This include:-

- (i) The 35 megawatts bagasse based co-generation project by Mumias Sugar Company Limited.
- (ii) Olkaria III Phase 2 Geothermal Expansion Project by Ol Power Inc.
- (iii) Olkaria II Geothermal Expansion Project by KenGen.
- (iv) Lake Turkana 310 megawatts Wind Power Project.
- (v) The Aberdares Range/Mount Kenya Small Scale Reforestation Initiative.

The Government has created awareness about carbon market opportunities through the media, workshops, seminars and circulars.

Dr. Otichilo: Madam Temporary Deputy Speaker, first, I want to thank the Assistant Minister for the good answer. However, I wish to request him to clarify to this House whether the climate finance and carbon trading policy that he has talked about has been tabled in this House. Could he table the circular that he has indicated in his answer as having been released, so that this House can be aware of the circular and what its contents are?

Dr. Oburu: Madam Temporary Deputy Speaker, I can table the two documents the Member has asked for, but I want to state that the policy which I have talked about is still in its preparatory stages. It has been drafted and I have a draft here, but it is not ready for tabling in Parliament. When it is ready, we will table it officially. For the information of the Members, I can table the draft here, so that they can have a look at it. The circular the Member has asked for is also here and I will table it for the Members to have a look at what it is.

(Dr. Oburu laid the document on the Table)

Mr. Koech: Madam Temporary Deputy Speaker, in his answer, the Assistant Minister has indicated that five projects have benefited from this carbon trading. I would like him to indicate to the House how much each of these projects has benefited from and how much is in store for the Republic of Kenya?

Dr. Oburu: Madam Temporary Deputy Speaker, the benefits to these projects from the carbon credit is approximately Kshs534,154,608 if you convert the shilling at Kshs108 to the Euro. It is paid in Euros and at the rate of 4 Euros per metric tonne. The Member wanted to know how much each one of them has earned. I have not converted, but each one of them has a unit which if we multiply by 4 Euros and then convert at Kshs108, you will get the exact amount. The 35 megawatts bagasse-based co-generation project by Mumias Sugar Company has generated 129,591 metric tonnes. The Olkaria II Geothermal Expansion Project has generated 149,632 megawatts and the Olkaria III Phase 2 has generated 177,600 metric tonnes. The Aberdare Range/Mount Kenya Small Scale Reforestation Initiative Kirimara Githithina Small Scale Project has generated 8,809 metric tonnes and the Aberdare Range/Mount Kenya Small Scale Reforestation Initiative Kamai Kipipiri Small Scale has generated 8,542 metric tonnes. The Lake Turkana 310 megawatt Wind Power Project has generated 736,615 megawatts and the redevelopment of the Tana Hydro-Power Station Project has generated 25,680 megawatts.

Mr. Washiali: Madam Temporary Deputy Speaker, from the answer, the Assistant Minister has indicated that Mumias Sugar Company is one of the companies that has benefited from carbon credits because it is producing power from bagasse. Mr. Assistant Minister, you know that bagasse is a by-product of cane. What measures have you put in place to make sure that farmers who produce cane also benefit from the carbon credits?

Dr. Oburu: Madam Temporary Deputy Speaker, for those companies to qualify and benefit from the Carbon Credit Fund, there is a rigorous process of application. That application goes through several organizations, including National Environmental Management Authority (NEMA), before it is presented for a certification – that is to be issued with certificates.

So, Madam Temporary Deputy Speaker, because this is a new thing, we are trying to sensitize members of the public so that they can take advantage and also apply and benefit. We are going to take steps to sensitize Mumias sugar-cane farmers so that they can also make an

application. That is because it is never a simple way of making it and they will definitely benefit from that project.

Mrs. Shebesh: Madam Temporary Deputy Speaker, let me, first, tell the Assistant Minister that carbon trading is no longer a new thing. If he says it is a new thing, and I am shocked because the issue of climate change is no longer a new thing. But let me ask clearly for the Assistant Minister to tell this House and this country the following: You have just tabled a draft policy and regulations that have not been certified neither by this House or the Cabinet, are you telling us, Mr. Assistant Minister, that five projects so far--- and I do not believe that they are the only projects but I would not question you on that – which are huge projects that are going to be earning carbon trading finance are being implemented in this country with no regulations, no policy, no legal mechanism and you can answer that question here, again with the Attorney General seated next to you. Really, it is against all principles of good governance to be engaging in such big level financing, whose money we do not know where it is going.

Mr. Assistant Minister, please, be very sure about this answer because accountability on carbon trade financing in this country will be the next Goldenberg or Anglo leasing of this country.

Dr. Oburu: Madam Temporary Deputy Speaker, I do not know how to answer that question because that is what the Government is doing. Maybe, we are late; maybe we can just apologise for having been late. But it is something which we are just working on now. There is also a Private Members Bill, generally dealing with climate change, which is also soon coming to the House to deal with these issues.

Mrs. Shebesh: On a point of order, Madam Temporary Deputy Speaker. Have I just heard the Assistant Minister clearly say that he cannot answer my question that was so clear, as to whether the Government is currently engaging in carbon trading using huge Government projects - in fact, Vision 2030 projects - without any legal infrastructure? Is that what the Assistant Minister is saying he cannot answer or is he unable to answer it?

Dr. Oburu: Madam Temporary Deputy Speaker, Kenya is a signatory to the conventions which created carbon trading. The one which created specifically carbon trade was just passed in 1994. Was it 1994 or which year? Let me see which year - the Kyoto Protocol. I am not very sure but it is not very long ago, which then created the conducive atmosphere for carbon trading. So, though Madam is saying that it is a very old project, it is not all that old. It was only created by the Kyoto Protocol.

Mr. Kiptanui: Madam Temporary Deputy Speaker, from the response by the Assistant Minister, he has said that five projects will benefit from carbon trading and he has mentioned the Mt. Kenya region. We have another four water towers including Mau, Cherangany and Aberdares. How come that the other water towers are not included in that project?

Dr. Oburu: Madam Temporary Deputy Speaker, the ones I have read were only the ones which have been approved.

Madam Temporary Deputy Speaker, there are several others which are in the pipeline and are at different stages of approval. The next stage here is in the annex 2, where we have projects which are under validation and they are a total of 17 of them. There are projects which were rejected. We also have projects which are under consideration. In fact, the Government is just preparing the documents to submit. Restoration of degraded lands through re-forestation of Mau Forest complex Kenya is also one of them, which is under consideration. It is being prepared and it is soon going to be submitted. So, all of them are going to be submitted.

Mr. Olago: Madam Temporary Deputy Speaker, the hon. Assistant Minister must clearly appreciate the fact that the Government has not done enough to make sure that the Kenyan public knows anything about carbon trading. Late last year, this issue came up on the Floor. As I asked the Minister, who is directly concerned with carbon trading, he feigned ignorance. But when we walked of the Chamber, he asked me: “Wakili, biashara gani hii ya hewa unaongea?”

Madam Temporary Deputy Speaker, what does that show? It shows that even in the Cabinet, there are Members who do not know carbon trading at all. So, what is the Government doing to ensure that every Kenyan understands carbon trading and is also assisted to participate?

Dr. Oburu: Madam Temporary Deputy Speaker, in my answer, I stated very clearly that the Government has created awareness about the carbon market opportunities through the media, workshops, seminars and circulars. We could do more but I think we are not doing nothing. We are doing something about this.

Mr. Ethuro: Madam Temporary Deputy Speaker, the international requirements are that when you have a project like the five the Assistant Minister has mentioned and particularly, the Lake Turkana Power Project which is supposed to generate 310 megawatts--- the benefits from that carbon trading are supposed to benefit the communities for purposes of preserving the environment. How much of that carbon credit has actually gone to the communities alongside where the Lake Turkana Power Project exists?

Dr. Oburu: Madam Temporary Deputy Speaker, those issues of benefits to the communities and so on, are the ones being addressed in this new policy, which we are just about to complete preparing. I am sure when this is in place, there will be a framework for the communities to benefit. As yet, we do not have a proper framework for communities to benefit.

The Temporary Deputy Speaker (Dr. Laboso): Last question!

*(Several hon. Members stood up
in their places)*

Hon. Members, we have done a lot on this. We have executed this Question and I have given you ample time. What is your point of order, hon. Karua?

Ms. Karua: On a point of order, Madam Temporary Deputy Speaker. You have heard the Assistant Minister say that there is a draft policy without giving any timeline when the policy is coming to the Floor of the House to be discussed, and without even indicating how much money so far has been received by way of carbon trade. Is he in order to withhold that information from the House?

Dr. Oburu: Madam Temporary Deputy Speaker, I said exactly how much money those projects have earned for the country.

Madam Temporary Deputy Speaker, this matter is soon going to be with the Cabinet for approval and I am not quite able to say the exact time when it is coming. But I suppose within one month, we should be able to table it before the House.

The Temporary Deputy Speaker (Dr. Laboso): Last question!

Dr. Otichilo: Madam Temporary Deputy Speaker, I wish you allow me donate my time to hon. Lekuton.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Lekuton will be the last one on this.

Mr. Lekuton: Madam Temporary Deputy Speaker, the carbon credit business in the world is US\$144 billion. We have a goldmine in Kenya in some of the local forests. I would like

to ask the Assistant Minister; knowing from very basic science that healthy growing trees remove carbon dioxide from the atmosphere and release oxygen through the process of photosynthesis, thereby giving us more carbon; giving us more credit. What is this Ministry doing to make sure that we give more money to conservation and to the Ministry of Forestry and Wildlife, so that we can plant as many trees as we can so that we can, at least, benefit from those carbon credits?

Dr. Oburu: Madam Temporary Deputy Speaker, the policy of planting more trees and so on is with the Ministry of Environment and Mineral Resources. I know they are doing a lot, but I cannot say exactly how much they are doing in this particular area.

But, Madam Temporary Deputy Speaker, carbon trade is traded in two sections; there is the one which you apply to the United Nations (UN). There is also the willing buyer, willing seller trade where Kenyans who plant trees on their own can be assisted so that they can assess this carbon credit. So, we are going to educate Kenyans to learn the benefits which will accrue to them. I am sure that Kenyans are very enterprising and they will do it on their own.

The Temporary Deputy Speaker (Dr. Laboso): Next Question!

Question No. 1334

BENEFICIARIES OF MONEY AWARDED TO M/S PAN
AFRICA BUILDERS AND CONTRACTORS LTD

The Temporary Deputy Speaker (Dr. Laboso): The next Question, I am informed, is also being handled the Committee on Labour and Social Welfare. Hon. Charles Keter is a Member of that Committee and we will wait for their report on the same. Therefore, we move on to the next Question.

(Question deferred)

Question No.1507

KILLING OF RESIDENTS ALONG KISMAYU ROAD IN
GARISSA TOWN

Mr. Duale asked the Minister of State for Provincial Administration and Internal Security:-

(a) under what circumstances Messrs Moulid Ali Digalle, Abdinoor Huurshe and Sheikh Mohamud Umar Feen were killed along Kismayu Road in Garissa town on 4th January, 2011;

(b) what the motive of the killings was; and,

(c) what steps the Government has taken to apprehend the killers.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I beg to reply.

(a) I am not aware of any killings on 4th of January, 2011. However, I am aware that on 3rd January as opposed to 4th January, 2012, at about 7.30 p.m., outside Juba Lodge along Kismayu Road within Garissa Town, a lone masked gunman attacked and fatally wounded Messrs. Abdi Noor Hussein, Maulid Ali Dagane and Mohamed Maalim Umar. A fourth man,

Mohamed Abdi Ibrahim, who escaped death with serious injuries, was admitted at Garissa District Hospital.

(b) The motive of the killing is not known yet.

(c) Investigations into the murder commenced immediately and two suspects; Khalif Kadar Abdi, who is an Australian of Somali origin and Mohamed Maulid Haji, a Kenyan, were arrested for questioning in connection with the murder. The files were forwarded to the Office of the Director of Public Prosecutions for perusal and advise where it was directed that owing to lack of enough evidence, the file be placed before a court of competent jurisdiction for public inquest.

Subsequently, Madam Temporary Deputy Speaker, Public Inquest No.1 of 2012 was opened before Chief Magistrates Court, Garissa, and further investigations are ongoing as at now.

Mr. Duale: Madam Temporary Deputy Speaker, first, I want to thank the Assistant Minister because this Question was here two weeks ago and the answer was not very satisfactory. Juba Lodge is virtually about 500 meters from Garissa Police Station and the Provincial Police Officers' offices. Since January, 2012 up to now, it is four months. How long does it take for the security agency in Garissa, the hub of North Eastern Provincial Centre, to get the motive of the killing?

Finally, the Assistant Minister is aware that since the pursuit Al Shabaab in Somalia by the Kenyan Defence Forces (KDF), a number of explosions took place in Garissa Town culminating to the death of eight people. How many people have been arrested for those many incidents and for this particular one? How long will it take for the Government to know the motive behind the killing of these three citizens?

Mr. Ojode: Madam Temporary Deputy Speaker, I did mention here that investigations are ongoing. There are cases which we have at hand; there are people who we had suspected and they have recorded statements. I do not wish to give that information here because it might jeopardize the investigations. I would plead with my friend to let the police investigate this matter to its conclusion and then they will arrest those who are behind these heinous acts.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. Now, three innocent Kenyans have been brutally murdered on this road. What steps is the Ministry taking to enhance security for motorists along the same highway?

Mr. Ojode: Madam Temporary Deputy Speaker, we have intensified patrols, both foot and mobile within Garissa, Nairobi and all other cities because of fear of this. We have quite a number of detectives who are investigating these bombings within Garissa and its outskirts. So, I would plead with my colleagues that let the detectives do their work and we will also arrest those who are involved.

Mr. Ethuro: Thank you, Madam Temporary Deputy Speaker. The Assistant Minister is fully aware that justice delayed is justice denied. This is a matter that took place on 4th of January, 2011; that is last year. Today is 8th May, 2012. He is now pleading with this House to give him more time. How much more time does he need to apprehend the killers of these people? We all know the attacks are going on in Garissa. This means the more time he is requesting, more people will be killed. When will he apprehend the killers so that you can stop further killings in Garissa Town?

Mr. Ojode: Madam Temporary Deputy Speaker, I have said that I have beefed up security within Garissa Town. Hopefully, I believe that the occurrence will be minimal.

This is a very sensitive issue because it involves murder. With murder, you have to zero in on the person who did it; it is not by any chance or speculating. We cannot rely on speculations. So, let the detectives know the person who actually murdered these particular persons.

Madam Temporary Deputy Speaker, again, once---

(Mr. Ethuro stood up in his place)

The Temporary Deputy Speaker (Dr. Laboso): Last question, honestly, hon. Ekwee. Order!

Mr. Duale: Thank you, Madam Temporary Deputy Speaker. I am happy with the answer given by the Assistant Minister.

The Temporary Deputy Speaker (Dr. Laboso): Next Question, the hon. Member for Makueni, hon. Peter Kiilu!

Question No.1343

STATUS OF INVESTIGATIONS INTO MURDER OF MR. KYALO KITILI

Mr. Kiilu asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could provide an update report on investigations into the murder of Kyalo Kitili from Kalamba location, on the night of 2nd June, 2011,

(b) why the suspects were booked under OB No.20 at Emali Police Post on 3rd June, 2011, released without being charged; and,

(c) why the postmortem report was never given to the late Kyalo Kitili's family by police despite persistent request for it?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I beg to reply.

(a) On 2nd June, 2011, police officers under the command of Inspector Cheruiyot Kimutai were on a mission to recover stolen cattle within Kalamba Location when the Inspector received a report of a murder incident. They proceeded to the scene and found the body of the deceased, Kyalo Kitili, aged about 47 years, lying in his *shamba*. The police observed that the deceased had a stab wound on his chest. On investigating, the police established that the deceased and his wife, Milka Ndinda Kyalo, were guarding their farm when at about 11.30 p.m., two people approached the deceased, who was at a distance from the wife. The deceased asked the intruders what they were doing in his *shamba*, but they did not respond.

The wife of the deceased then heard a commotion and she flashed a torch towards where the husband was. She then ran away to inform her brother-in-law, namely, Jacob Munyao, who rushed to the scene and found the deceased dead, and nobody was at the scene.

(b) The police launched investigations and two suspects; namely, Stephen Musyoka Mulwa and John Muthoka were arrested and held at Emali Police Post for interrogation. It was found that the clothes worn by a suspect, Stephen Musyoka Mulwa, a T-shirt and long trouser, appeared as if stained with blood. Together with a knife they were taken to the Government

Chemist for analysis on 10th June, 2011. The two suspects were released on 7th June, 2011 pending results from the Government Chemist, as there was no adequate evidence to sustain a charge of murder.

(c) The family of the deceased has never made a request for a postmortem report, but I want to advise them to request the same from the Officer Commanding Station (OCS), Sultan Hamud, where they will be given that report free of charge.

Mr. Kiilu: Madam Temporary Deputy Speaker, I had requested the Assistant Minister to give us an updated report on the investigation regarding the death of Mr. Kyalo. I have been listening very carefully to what the Assistant Minister has said and you will realize that apart from collecting the exhibits that were taken to Nairobi, he has added nothing new. I would like to know from him the results of the exhibits that were taken to the Government Chemist and what further steps he has taken to uncover those who killed Mr. Kyalo.

Mr. Ojode: Madam Temporary Deputy Speaker, we arrested the suspects and in order for us to charge them with murder, we have to wait for the evidence from the exhibits which we took to the Government Chemist. This will tell us whether these are the people who murdered this peasant farmer. Investigations are also still going on despite the fact that we have two suspects arrested. Once we get the results from the Government Chemist, I want to assure this House that the two suspects will be charged with murder.

Mr. Odhiambo: Madam Temporary Deputy Speaker, the Assistant Minister is fond of telling this House every other time that investigations are going on. These investigations take even as long as two years. What kind of investigations are these? But in his answer, he says that the suspects were released on 7th, but the samples were taken on 10th. Does it make sense to anybody that the suspects are released even before the samples are taken for analysis at the Government Chemist? I would expect that these suspects could only be released after the results of the samples had been brought back and there was evidence to show that the stained blood had no relationship with the deceased. Could you tell this House why you are misleading us?

Mr. Ojode: Madam Temporary Deputy Speaker, it is quite sad that the hon. Questioner has not even gone through what the Constitution says. The Constitution says that if I arrest you today, I have to take you to court within 24 hours. There is no way I can put you in the police cells while waiting for the Government Chemist to ascertain that the exhibits which we produced are actually committed by so-and-so. That is what the Constitution says.

Mr. Odhiambo: On a point of order, Madam Temporary Deputy Speaker. This is a case of murder. It is a serious case!

Mr. Ojode: Madam Temporary Deputy Speaker, the Constitution is very clear; whether it is a case of murder or you throw stones in Kakamega, we will still arrest and take you to court within 24 hours.

The Temporary Deputy Speaker (Dr. Laboso): Last question!

Mr. Ojode: Yes, last question!

The Temporary Deputy Speaker (Dr. Laboso): The hon. Assistant Minister is in the habit of controlling the House. There is a substantive Speaker in the Chair, hon. Assistant Minister!

(Applause)

Mr. Kiilu: Madam Temporary Deputy Speaker, the Assistant Minister said that investigations are still going on. Could he tell this House how long it takes for the Government Chemist to analyze blood samples, given that it is now a year since this matter took place?

Mr. Ojode: Madam Temporary Deputy Speaker, I have been putting some pressure to the Government Chemist to, at least, come up with the results and they were also complaining that they have a lot of work within their laboratories. If that is the case, then my hands are tied. I cannot fast-track the things to be done. I will still prevail upon them to, at least, try to speed it up in order for us to arrest these people, so that I can charge them with murder.

Question No.1447

DELAY IN RECRUITMENT OF NEMA DIRECTOR-GENERAL

Dr. Kones asked the Vice President and Minister for Home Affairs:-

(a) why there has been a delay in the appointment of the Director General of the National Environmental Management Authority (NEMA);

(b) whether he could provide a list of all candidates that were shortlisted by the recruiting agency and state when the appointment will be done; and,

(c) whether he could confirm that the appointment will be made according to the recommendations of the recruiting agency.

The Vice President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I had a telephone conversation with the Member for Konoin and thought that I had convinced him that this Question is actually overtaken by events. This is because the appointment has already taken place and this is behind us. In fact, the matter was even raised before the Committee on Equal Opportunities. So, I think that this matter was even wrongly referred to the Office of the Vice President. But I think in my view that it is actually spent.

Dr. Kones: That is the position, Madam Temporary Deputy Speaker, because the appointment has been done now.

The Temporary Deputy Speaker (Dr. Laboso): The appointment has been made and it is a matter before a Committee of the House. So, we will wait for the report of the Committee of the House.

(Mr. Mbadi stood up in his place)

Hon. Mbadi, you can give your contribution when the Committee brings its report.

Mr. Mbadi: Madam Temporary Deputy Speaker, I just wanted to correct the impression that the Question was wrongly referred to the Office of the Vice President. This Question could not be answered by the Minister because he said that they had already forwarded the names to the appointing authority, and the appointing authority had not made the appointment. So, we felt that the office which was closest to the appointing authority was yours, Mr. Vice-President. So, it was rightly referred to your office and that is why the appointment has been made.

The Temporary Deputy Speaker (Dr. Laboso): Let us leave this matter then until we get a report from the Committee.

Last Question by hon. Mwau!

Question No.1535

VIOLATION OF BANKING ACT BY BANKS

Mr. Mwau asked the Minister for Finance:-

(a) whether he could confirm that several banks were operating in violation of the Banking Act and the Central Bank of Kenya Prudential Guidelines from January 2007 to February 2012 and, if so, provide the list of such banks; and,

(b) whether he could provide a list of violations attributed to each of the banks and indicate the fines and the remedial action taken against each of the banks.

The Assistant Minister, Ministry of Finance (Dr. Oburu): Madam Temporary Deputy Speaker, I once again want to ask the House to give indulgence in this matter. This matter was to be answered by the Minister himself, although in Parliamentary parlance, I am also a Minister.

The Temporary Deputy Speaker (Dr. Laboso): You are a Minister!

The Assistant Minister, Ministry of Finance (Dr. Oburu): Madam Temporary Deputy Speaker, hon. Githae, the substantive Minister, has written also to Parliament asking to be allowed to answer this Question. He has gone on official duty outside the country and he is asking that this Question be put on the Order Paper any day next week. I have also talked to hon. Mwau and he agrees.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Member, are you satisfied with that answer?

Mr. Mwau: Madam Temporary Deputy Speaker, yes, but I would plead with the Chair that the Question be put on the priority list, maybe on Tuesday or Thursday next week.

The Temporary Deputy Speaker (Dr. Laboso): Since the Minister talked of any day next week, let the Question be on the Order Paper on Tuesday next week.

Next Order!

The Attorney-General (Prof. Muigai): Madam Temporary Deputy Speaker, I would like you to give me directions. There was a Statement sought by hon. Gitobu Imanyara who is not here. I do not know whether I should present this Statement or I should await the return of the hon. Member.

The Temporary Deputy Speaker (Dr. Laboso): You should await the return of the hon. Member. He is not here to ask supplementary questions. We will wait until the hon. Member is in the House and then you can give your Statement.

The Attorney-General (Prof. Muigai): Madam Temporary Deputy Speaker, I hope the records will show that I was able, ready and willing to give the Statement!

The Temporary Deputy Speaker (Dr. Laboso): That is noted, hon. Attorney-General.

POINTS OF ORDER

WHEREABOUTS OF MESSRS. I.O LOBRE AND A.A. HASSAN

Mr. Keynan: Madam Temporary Deputy Speaker, I would like to request a Ministerial Statement from the Minister for Foreign Affairs on the whereabouts of two Kenyans; one Mr. Ibrahim Osman Lobre, ID No.21405991 and Mr. Abey Abdullahi Hassan of ID No.21062122 who hail from Mandera West Constituency.

In his statement, I would like the Minister to tell the House the whereabouts of these two Kenyans, why they were kidnapped, tortured and are illegally held in Moyale Town of Ethiopia. These two Kenyans have been illegally held in Ethiopia without any justification. Their relatives, through the OCPD, Moyale, have made an attempt to have them released but no plausible answer has been offered. They continue to languish in jail and, in fact, when further inquiries were made, their relatives were informed that those people were being held on behalf of certain groups which have not been made clear. So, I would like the Minister to tell the House in his Statement the steps he has taken to facilitate the return of these two innocent Kenyans.

Thirdly, what measures will the Government take to ensure that such incidences will not recur in future?

Madam Temporary Deputy Speaker, the lives of Kenyans are important. That is why we have a Ministry which is the interface between Kenya and the outside world. Therefore, when you have Kenyans being held illegally, without any justifications--- If these individuals have committed any crime, whether in Ethiopia or in Kenya, they should be arraigned in a court of law. This has not happened for four consecutive months. You can imagine the distance---

The Temporary Deputy Speaker (Dr. Laboso): I think the Minister will be able to execute all those issues in his Statement.

Mr. Keynan: Madam Temporary Deputy Speaker, lastly, I was saying that the distance between, and this is something that the Government must appreciate, Moyale Kenya and Moyale Ethiopia is less than 200 metres. We want the Minister to intervene and ensure that these two innocent Kenyans are brought back home if they are not facing any criminal charges either in Ethiopia or elsewhere.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, could this be delivered on Tuesday, next week if that is okay with the Member for Wajir?

Mr. Keynan: That is okay, Madam Temporary Deputy Speaker.

DEPORTATION OF MUSLIM CLERIC

Mr. Duale: On a point of order, Madam Temporary Deputy Speaker. I want the HANSARD to bear me out. This is the fifth time that the Speaker has directed that my Statement on the deportation of the Muslim cleric to be delivered to this House. All the five times, the Leader of Government Business who is the Vice-President has committed, as late as last Thursday, that it would be delivered today on Tuesday. I want you to make a ruling on this because I am not seeing the Minister of State for Immigration and Registration of Persons unless the Vice- President wants to give it himself. It has been pending for the last three months and five times, the substantive Chair made a ruling, last Thursday being the last time.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Madam Temporary Deputy Speaker, I have to seriously apologize. This is serious apology to the hon. Member for Dujis. Of course, it was not every time that he made the request that I was here to affirm that. However, I recall that last week, I undertook to get the Minister of State for Immigration and Registration of Persons to come and deal with this matter today. Having issued

that apology to him and the House, I want to plead that we be given up to tomorrow because hon. Kajwang has to be sought and brought to the House to deal with this matter.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): The hon. Member is satisfied with that. Tomorrow, we will get that Statement or else, the Minister will not transact any further business until that Statement is brought.

Dr. Khalwale: Madam Temporary Deputy Speaker, I have two points of order on statements.

CRITERIA FOR ALLOCATING RESOURCES BY COMMISSION ON REVENUE ALLOCATION

First, I am seeking guidance and direction from the Chair in respect to Article 217 of the Constitution of Kenya. Allow me so that we are on the same page with the House. My concern is on Article 217(1) which says:-

“Once every five years, the Senate shall, by resolution, determine the basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government.

(2) In determining the basis of revenue sharing under clause (1), the Senate shall—

(b) request and consider recommendations from the Commission on Revenue Allocation;

(d) invite the public, including professional bodies, to make submissions to it on the matter.”

Having read the provisions of the Constitution, I am inviting the Speaker to effect 217(2)(b) by requesting for the recommendations of the Commission on Revenue Allocation (CRA) for consideration by this House for the following reasons:

One, the Senate is not yet in place and the Constitution demands that in the absence of the Senate, this National Assembly discharges this mandate. The second reason is that statements and advertisements made by the CRA have elicited sharp reactions for and against by Members of this House.

Three, allocations suggested by the CRA without reference to the so-called smoothed 2009 census results have led to the loss of entitlement by counties as follows. One, Bomet County has lost to Kericho County; Homa Bay County has lost to Kisii County and Busia County has lost to Bungoma County.

I am, therefore, inviting the Temporary Deputy Speaker to direct that the population errors referred to in Bomet versus Kericho, Homa Bay versus Kisii and Busia versus Bungoma be delinked from the court proceedings concerning the 2009 census since the correction of these errors does not fundamentally alter the census figures at all. I also invite the Speaker to allay the fears of the general public and that of professional bodies that they will be denied an opportunity to make submissions on this very important matter.

FAST-TRACKING OF DIVISION OF REVENUE & COUNTY ALLOCATION REVENUE BILLS

I want to invite you to direct that the following Bills which are relevant to what I am talking about, one, the Division of Revenue Allocation Bill and the County Allocation Revenue

Bill be brought to the House with immediate effect. I am saying this in light of the difficulties of interpreting Article 218(1)(a) and (b) when this Article is read together with Clause 2(2) of the Sixth Schedule , Article 262.

Since this matter will be dealt with by the Chair, I want to table, alongside with a statement, a letter from the Ministry of Finance signed by the Permanent Secretary, Mr. Kinyua, and written to the Attorney-General. In this letter, the Permanent Secretary also seeks the opinion of the Attorney-General on these two Bills.

If the Speaker does not come out on this, then it will be that the fight we have been seeing between Treasury and the Ministry of Local Government over the County Government Bills whereby they do not want this money to be taken to the counties, it could be an opportunity for officials at the Treasury to delay the process so that the county governments will find it difficult to commence after the next elections. I table for the sake of the Speaker.

(Dr. Khalwale laid the documents on the Table)

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. In addition to what hon. Dr. Khalwale is asking, I would also want to ask for your ruling very clearly that Article 217 with regard to Division of Revenue Bill and County Allocation Bill have not been suspended and are still in operation. So, from your ruling, it should be very clear so that the Ministry of Finance is aware that those two Bills are required and must be transacted in this House.

Finally, I am aware that the Budget Committee had actually asked the Budget Office to prepare a letter requesting the Commission on Revenue Allocation (CRA) for their recommendations on how the revenue should be shared. I think this is basically a routine management that your office should order that, that letter is released, so that we can be officially seized of this matter before this House so that it is transacted and Kenyans know how revenue will be allocated to various counties.

Mr. Duale: Madam Temporary Deputy Speaker, first of all, I want to thank hon. Khalwale for raising this matter. Article 217 of the Constitution gives the powers to this House - in the absence of the Senate - to allocate revenue to counties. In your ruling, I will take you to Article 203 that gives the parameters under which the resources of this nation must be equitably shared.

Madam Temporary Deputy Speaker, what the CRA has done - and it has abused and made it public - is a number of parameters including population, land size, poverty index, visual policy, among others. In their document which they released to the public disregarding what hon. Khalwale has mentioned as far as public participation is concerned - and I want to go on record - that the people of Northern Kenya who have been marginalised and who thought that they voted for this Constitution on the principle of devolution were not consulted.

Madam Temporary Deputy Speaker, in looking at those articles 203 and 217, we want you to give a direction on why CRA is using those parameters. I want to give an example that among the countries they have visited is Nigeria, South Africa, Philippines, Indonesia and India, where devolved system of governments exist. In all those parameters, none of those countries has used population as 50 per cent and they went ahead and used population at 60 per cent and land mass as 6 per cent.

Madam Temporary Deputy Speaker, we feel at this juncture that Parliament must give guidance. The devolution that we passed in the Constitution must be implemented to the letter and spirit.

Mr. Mbau: On a point of order, Madam Temporary Deputy Speaker. I stand to state the following: That CRA is following a procedure that is clearly thought out in the Constitution. It is true that their initial proposals are well within the public domain but that does not mean that they have not submitted their initial recommendations to Parliament through the Budget Committee. The Budget Committee has initiated a process of engaging the stakeholders, including the general public. On Friday, Saturday and Monday, we are expecting that the Chair will take the chance to invite Members of Parliament as well as the general public to appear before the Budget Committee in various stations, so that they can make their recommendations. So, CRA was under duty to give a frame of reference for hon. Members and the public to begin giving their initial proposals and then Parliament, through the Budget Committee, is going to do a one or two day workshop to receive further input from even stakeholders and other bodies, with a view to refining the initial formula which will then formally find its way to this House for debate, amendments and adoption. At that point, hon. Members will eventually be able to take up what is necessary to become the final.

(Mr. Ethuro stood up in his place)

The Temporary Deputy Speaker (Dr. Laboso): Are you on a different matter?

Mr. Ethuro: It is on the same, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, remember we are going to get further clarification on this matter. I do not know whether you are still asking for further directions from the Chair.

Mr. Ethuro: Yes, Madam Temporary Deputy Speaker. The problem is when one hon. Member asks a particular one and there are issues pertinent to it, then it is only good for the Chair to get all the possibilities so that the Chair can make a serious considered ruling.

In that regard, Madam Temporary Deputy Speaker, as hon. Khalwale raised issues on the Division of Revenue and County Allocation Bills, there is also another fund where the CRA is mandated, and that is the Equalization Fund. Article 216(4) says: "The Commission shall determine, publish and regularly review a policy in which its sets out the criteria by which to identify the marginalised areas for purposes of Article 204(2)."

That Article specifies the kind of areas that should be considered. It also defines the period in which that Equalisation Fund will be effected - which is a period of 20 years. For now, we have already eaten into the two years which is basically reducing the period provided by the Constitution. We would like the Chair to consider for purposes of the mandate of CRA on that particular aspect.

The Temporary Deputy Speaker (Dr. Laboso): Let us complete and prosecute this one to the end first. Let us complete the direction on this. Hon. Members, as you have seen, this is a weighty matter that will require further deliberations. I am directing that we give a clear direction on this next week on Wednesday. Now, Dr. Khalwale, you can go to the second point of order.

GOVERNMENT POSITION ON CRISIS AT NHIF

Dr. Khalwale: Thank you, Madam Temporary Deputy Speaker. I rise to request for a Ministerial Statement from the Minister for Medical Services in respect of an account highlighting what the Government is doing in an effort to contain the scandal at the National

Hospital Insurance Fund (NHIF) and to bring to book the perpetrators of that mega rip-off of the taxpayers.

Madam Temporary Deputy Speaker, I would like the following points to be clarified. One, in view of the oscillations between being thrown out of office and being reinstated, are members of the board and the CEO finally out of office or not? Two, how was Mr. Adan A. Adan currently a Deputy Secretary in the Ministry of Medical Services identified to serve as the NHIF CEO in an acting capacity? Was it the only name which was on the table or there were other names? If there were other names on the table, Parliament would like to know.

Madam Temporary Deputy Speaker, thirdly, what is the composition of the caretaker committee? Why were the CID and the Ethics and Anti-Corruption units not brought onto this matter instead the Prime Minister chose to use the Efficiency Monitoring Unit (EMU)? Is the Minister satisfied that the EMU would be up to the task given the fact that the EMU falls under the Office of the Prime Minister, where the Minister also derives his appointment from?

I would like the Minister to confirm whether the bank accounts of the companies with phantom clinics have been frozen and passports of directors seized. It would be nice for us to be told how much money has been stolen to date. What percentage of the total money collected by NHIF is spent purely on administration?

Finally, now that both principals have overruled the Minister when he was attempting to reinstate thieves, is the Minister now prepared to do the honorable thing and take political responsibility and resign before this House forces him to do so?

Mrs. Shebesh: On a point of order, Madam Temporary Deputy Speaker. Maybe you can give us direction on an issue that is currently before a Parliamentary Committee. We are very aware that for the last two weeks or so, the Committee on Health has been executing this matter and, therefore, I think that according to the rules of the House, a Ministerial Statement on an issue that is already being investigated by a committee is in a way prejudicial to the committee's report. I would like your ruling in respect to the Ministerial Statement that Dr. Khalwale is requesting.

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. First, you heard Dr. Khalwale say "there are some thieves". I think it is very important that the integrity of Kenyans is also protected especially where we have not proved that someone has stolen. Who are these thieves that Dr. Khalwale has referred to? Could he confirm how much they have stolen?

Further, this matter is actually before the Departmental Committee on Health and what Dr. Khalwale is relying on is what all of us have been reading in the media about the Committee. Could we allow the Committee to carry out its task---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker!

Mr. Mbadi: I am on a point of order, Dr. Khalwale. Can you sit down?

The Temporary Deputy Speaker (Dr. Laboso): Mr. Mbadi is on a point of order! Allow him to finish.

Mr. Mbadi: Madam Temporary Deputy Speaker, this matter is before a Committee as Mrs. Shebesh has said. I think this House's time should be utilized properly. Actually, the Chair had already ruled. There was a Ministerial Statement that I had sought on a matter that was before the Public Accounts Committee chaired by Dr. Khalwale and the Speaker made a very clear ruling that if the matter is before the Committee, we have to wait for the Committee to complete its task. I am yet to understand how this can be different. Could Dr. Khalwale tell us who are these thieves and how much they have stolen?

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Dr. Khalwale, you cannot use words such as “thieves” in Parliament. It is not parliamentary. What is your point of order? As long as you are coming also to expunge the word “thieves”.

Dr. Khalwale: Madam Temporary Deputy Speaker, this is very serious. On the issue of NHIF, I want to appreciate that both Mr. Mbadi and Mrs. Shebesh are passionately attempting to protect the Minister from scrutiny and interrogation. Whereas that is okay---

*(Prof. Anyang'-Nyong'o
entered the Chamber)*

The Temporary Deputy Speaker (Dr. Laboso): The Minister is here! He can speak for himself!

Dr. Khalwale: Madam Temporary Deputy Speaker, whereas that is okay, I will not take it away from them, but may I remind the hon. Members---

Mrs. Shebesh: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Shebesh, Dr. Khalwale is on a point of order.

Dr. Khalwale: Madam Temporary Deputy Speaker, may I remind the two hon. Members that there are two important points which you cannot take away. The first one is that all the people in Kenya who have---

Mr. Ogindo: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Dr. Khalwale is on a point of order! Allow him to complete his point of order.

Mr. Ogindo: But he is casting aspersions on hon. Members!

*(Several hon. Members
stood up in their places)*

Order, hon. Members!

Dr. Khalwale: Madam Temporary Deputy Speaker, all the Kenyans who hold a payslip, there is one thing they know every month; that is money which is deducted and goes towards the NHIF. Most of those people do not even know the Minister beyond seeing him in the media.

Secondly, Mr. Mbadi and Mrs. Shebesh cannot purport to do what the Minister is supposed to do. He will respond to what I have said and if there is no merit, he will tell me as much and then I will challenge him.

Mrs. Shebesh: On a point of order, Madam Temporary Deputy Speaker. Since you have allowed Dr. Khalwale to keep talking about hon. Shebesh and hon. Mbadi, I hope you can allow me to speak about Dr. Khalwale who, of course, tried to get one Musalia Mudavadi into his party and was rejected and, therefore, has become--- He thinks that he can---

The Temporary Deputy Speaker (Dr. Laboso): Mrs. Shebesh, can you speak to the matter at hand?

Mrs. Shebesh: I will speak to it. I am staying on it because he has imputed--- I asked a very fundamental question about the rules of this House and he has then taken us to party politics. If he wants to engage in party politics, we are ready but this is not the floor. Therefore, I am saying that the rules of this House are being violated when you allow him to seek a Ministerial Statement on an issue which is before the House. It is a simple question. If Dr.

Khalwale wants to continue playing to the galleries, Masinde Muliro Gardens is there. He can go and speak to his people there!

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! We shall have order in the House.

Dr. Eseli: Madam Temporary Deputy Speaker, indeed, the issue is before the Departmental Committee on Health. The practice of Parliament, all along, has been that when a matter is before a Committee and the Committee is seized of the matter--- The whole of this morning, we have been dealing with the issue and we will do that again tomorrow until we exhaust it. I think it would be wrong to allow other extraneous issues to come in which might, therefore, interfere with the Committee's investigation.

The Temporary Deputy Speaker (Dr. Laboso): Could you give us an indication on when the Committee report will be ready?

Dr. Eseli: I am not the Chair of the Committee but I am aware that we are working at it full time. Depending on the amount of work that we have to go through, we expect to have the report in this House latest within a month.

Ms. Karua: Madam Temporary Deputy Speaker, the Committee is a Committee of this House. The Committee cannot purport to be superior to the House. Therefore, we cannot be told that we cannot ask for a Ministerial Statement because the Committee is on. It is a Committee of this House and the Ministerial Statement can be given because it will shed more light to the work of the Committee. We cannot be gagged merely because the Committee is on.

(Applause)

I am also interested, just like Dr. Khalwale, in knowing why the Government, through the Prime Minister is asking that EMU investigates the matter. The last time there was an investigation of a scam under the Prime Minister's office namely the maize scandal, nothing came out of it.

(Applause)

It will be seen as a cover up and I want the Ministerial Statement to address the issue why we cannot have the Auditor-General who is the person mandated by the Constitution to audit all Government funds to audit. Why are we not allowing this constitutional office to audit? You can have a thousand other private firms but we must have the body that the Constitution knows. We are also asking to be told why the Minister cannot step aside to facilitate investigations just like it has been done in the other cases. These are the issues we expect the Ministerial Statement to address.

Dr. Munyaka: Madam Temporary Deputy Speaker, I want to support my fellow Committee Member, Dr. Eseli, that this investigation is before the Committee and the hon. Minister is one of the witnesses. We have lined up several witnesses who have not attended the hearings. If we preempt this, it will undermine our investigations. So, I really beg that you allow the Committee of this House to undertake the investigations.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, first of all, I would want to say that just like Dr. Khalwale, I am concerned about the loss of funds or presumed loss of funds belonging to Kenyans. As a person nominated by a party that stands for reforms and accountability, I want to agree that a serious inquiry must be done. It must be done absent

politicization. Therefore, I want to urge my brother, Dr. Khalwale, to get politics out of this process and let the Government do its work.

I know that there is usually an attempt to demonize the Efficiency Monitoring Unit (EMU). When I listened to the statement that came out of the Prime Minister's Office yesterday, it mentioned EMU and a private credible audit firm. If hon. Martha wants the Government auditors to come in, please, suggest. However, you cannot demonize an institution that sits within the Office of the Prime Minister, who is the Prime Minister of Kenya.

Madam Temporary Deputy Speaker, I would like the Chair to give us directions on the following: Whereas we want that clarity; whereas we want to protect the funds of poor Kenyans, we still also want to preserve the rules of this House. We want consistency in this House. The direction I seek is that in the past when the House has ever made a ruling as Mr. Mbadi suggests; that when a matter is before a Committee, it cannot be discussed before the House, unless we are applying double standards, then we must follow the same rules. If the House has not made that ruling, really, I do not see what is difficult about discussing this issue. Nobody wants to hide anything. Bring it here and let us discuss it!

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we really have to bring this matter to a close. We have a lot of business to transact.

Mr. Bahari, please, proceed!

Mr. Bahari: Madam Temporary Deputy Speaker, this is not the first time we have heard of matters concerning NHIF. I believe it will not even be the last time we will hear of them. This is simply because NHIF is a very liquid organization. Because it is liquid, it has been prone to abuse. Indeed, this is an area that requires investigations. The whole purpose of a Ministerial Statement is for instant accountability. Mark my words: "instant accountability".

The Committee can proceed with its in-depth investigations. Kenyans are very keen; this is a matter that involves so many employees including yourselves. Indeed, the very poor ones are also there. Many of them have been brought on board.

Madam Temporary Deputy Speaker, when it comes to private audit firms, with due respect, if you ever looked at the Public Accounts Committee (PAC) Reports during the Moi regime, you will see that many State Corporations got exemptions from the Kenya National Audit Office (KENAO) audit. They ended up being audited by private audit firms with very poor results. Indeed, the best auditors that we have around are from KENAO. Private auditors protect their fees. If anybody wants to unearth what is going on at NHIF, which I believe and suspect is a big one, then KENAO should be involved. These are some of the issues that we want corrected so that the right approach is taken without derailing accountability to Kenyans.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, let me apologize for arriving here late. I wanted to wait, see and hear the drift of the discussion by Members. Indeed, I came late dealing precisely with this problem.

I would stand guided by the House. I do not want to dispute anything but there is nothing we are hiding in the Ministry of Medical Services, nor is there anything I, as the Minister, would like to hide regarding the NHIF affair. As a Minister, I am as concerned as the Members that we get to the bottom of this. That is because the very noble scheme that was initiated in January to have an insurance system for civil servants, the disciplined forces and the police--- Then, subsequently, NHIF had long negotiations with teachers for them to have the same, must be separated from the normal NHIF contributory scheme which is different.

Madam Temporary Speaker, the issue at hand is how that scheme for the disciplined forces, the police and civil servants plus teachers has been implemented. Issues are being raised

regarding efficiency, transparency and accountability. Indeed, that is why the Parliamentary Committee on Health called us, as a Ministry and NHIF---

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Let me just explain, please!

The Temporary Deputy Speaker (Dr. Laboso): Dr. Khalwale, allow the Minister to finish.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Please, let me explain. That is one of the reason why we were called before the Parliamentary Committee. However, if it is in the interest of this House that I issue a Ministerial Statement, I am not in any way reluctant to issue a Ministerial Statement because I need to inform the House how things have gone since the Parliamentary Committee started its work, awaiting the results of the work of the Committee. I need to inform the House the steps that the Government has taken over this issue. I need to inform the House why there was some controversy on how to handle the matter.

Madam Temporary Deputy Speaker, these are genuine issues. I think it would be good for us to be sober because what we want is to have facts and to discuss from a basis of facts. I do not think any kind of emotionalism or harassment will help any Member or myself. I would be the last one to harass any Member of Parliament in trying to get statements from them. So, I would expect and pray that a similar department be extended unto me.

Therefore, since we are just launching the investigation in the Ministry and we have a very useful meeting this morning with the Ministry of Labour, COTU and the Federation of Kenya Employers (FKE), I would request the House that I issue this Statement on Tuesday next week. That is precisely because I would not like to kind of short-circuit the Government.

Thank you.

(Applause)

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! We really must move on. The Minister has said that he can give the Statement on Tuesday next week. You can raise all your concerns after he has given the Statement. However, we still have the matter of procedure which you have already mentioned. You have said that in the past, it was decided that when a matter is before a Parliamentary Committee, do you proceed to then have a Ministerial Statement on the same and does it have any impact on what the Committee will say? We will let the Minister have his Statement ready, but we need to also give clear directions on what the procedure will be.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Madam Temporary Deputy Speaker. Just for the record, I see that Mr. Ruto is not in the House. I was ready with my Ministerial Statement on the implementation of the Constitution because last week we thought it was going to be in order for him to be in the House so that it is not seen like the Leader of Government Business is not up to speed on this matter. But I thank you for your ruling.

COMMUNICATION FROM THE CHAIR

PUBLIC HEARINGS ON ALLOCATION OF DEVOLVED FUNDS

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, I have a Communication to make. As you are aware, the Estimates of Revenue and Expenditure for the National Government and the Judiciary were submitted to Parliament on 26th of April this year. Members may also wish to note that the Estimates for Parliament were tabled in the House on 25th April 2012 by the Vice Chair of the Parliamentary Service Commission (PSC).

Pursuant to the provisions of the Standing Orders, all the Estimates were committed to the relevant Departmental Committees of the House for review. I, therefore, expect that the Departmental Committees and the Budget Committee are currently reviewing the Annual Estimates and Financial Statement referred to them and will report back to this House as required.

Hon. Members, last year, and specifically on the 7th of June, 2011, I delivered a ruling in this House in which I directed that the Estimates submitted by the National Government together with the Estimates submitted by the PSC and Judiciary would be referred to the Budget Committee and Departmental Committees in accordance with Standing Order No.152. I also directed that the Ministerial Statement and any document laid by the Minister for Finance would be referred to the Budget Committee and that all Department Committees would review the Estimates and submit a summary of key issues to the Budget Committee and detailed Reports on the Estimates to the House. I specifically directed that the Committees should review the Estimates and allow the public to access their respective review meetings in order to ensure an inclusive budget process in line with the constitutional requirements.

I further directed that upon tabling of the reports by the Departmental Committees on the Estimates, the Committee of Supply would commence as per the provisions of Standing Orders No.153 up to No.155 and based on Supply Resolutions, the Minister for Finance would be required to introduce an Appropriations Bill in the House to give legal effect to those resolutions. I expect that the process this year will follow the practice set last year.

Hon. Members, you may recall that last year through a time-constrained process you were able to identify several segments of the society through the public hearings and mitigate their concerns through subsequent review of the Estimates. Several cases in point are the Albino members of our society as well as our teachers. You also, in the same breath, listened to the concerns of the public in relation to wastage of resources and you came back and adjusted the resource allocation accordingly.

It is my belief that this year a similar exercise will be conducted in order to turn the Estimates presented to this House into a national budget. This process will be designed to ensure that the public have a voice in the sharing of the national cake by articulating their needs in order that they may be reflected in the finances of this country.

In this regard, I am informed by the Chair of the Budget Committee that it proposes that this year countrywide hearings be held from 11th to 14th May, 2012.

The Chairperson of the Budget Committee will inform the House tomorrow the names of the centres for the hearings. In addition, during the public hearing, the public will be able to give their views on the proposed formula by Commission on Revenue Allocation (CRA) on allocation of devolved funds.

Hon. Members, the theme of this year's hearings, I am informed shall be "Creating Job Opportunities Through the Available Resources Within the Budget". It is expected that the public will go to the centres and as was the case last year, propose areas where savings can be

made and areas where resources can lead to increased job opportunities. I, therefore, invite the Members to sign up for areas where they will be available. I have directed the Clerk of the Assembly to facilitate the Members to attend these constitutional Budget hearings.

Thank you!

(Applause)

Mr. Mbadi: On a point of order, Madam Temporary Deputy Speaker. I appreciate the Communication from the Chair. But I just want to ask the Chair to find that in the spirit of the new Constitution, the Appropriations Bill should be prepared by the Parliament of the Republic of Kenya and not the Executive arm of the Government. I would like to bring the attention of the Chair to the provision of Article 221. It says the Parliamentary Budget Office, once the Estimates have been approved by Parliament, should prepare an Appropriations Bill. If you look at the Constitution, the Executive or the Treasury is only given the responsibility of presenting the Estimates of the National Government and of the other arms of Government; the Estimates are supposed to be forwarded to Parliament through the accounting officers; the Clerk of the National Assembly and the Chief Officer of the Judicial Service Commission (JSC). Therefore, your ruling has indicated that the Treasury will prepare the Appropriations Bill. I would like to ask you to reverse that ruling and find that this role now belongs to Parliament.

The Temporary Deputy Speaker (Dr. Laboso): That is noted!

POINT OF ORDER

INSECURITY IN TURKANA COUNTY

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I beg to seek the indulgence of the Chair to allow me to deliver a Statement on insecurity in Turkana County.

The Temporary Deputy Speaker (Dr. Laboso): Is it a Statement you are making, Mr. Assistant Minister?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, yes, it is a Statement which I am requesting the Chair to allow me to make because last week I was supposed to deliver this Statement but the person who sought it was on the Chair. So, now that he is not chairing, I would request that I dispose of this because it is a security matter.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Assistant Minister, we really do not have the time. I think the hon. Member can be patient enough up to tomorrow for you to deliver the same.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Will you be patient up to tomorrow morning?

The Temporary Deputy Speaker (Dr. Laboso): He can! I believe he can for us to move on!

Mr. Ethuro: Madam Temporary Deputy Speaker, I want to confirm that I can be patient but the Assistant Minister should assure me that there are no more killings because there is another eminent raid about to occur.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Assistant Minister, please, take precautions that no more raids happen before you give your Ministerial Statement.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Madam Temporary Deputy Speaker, I want to confirm that there will be no more killings because you know we also have oil within that area. So, the killings will go down a bit. So I will issue the Statement tomorrow morning and I would request that my friend be around for us to interact.

The Temporary Deputy Speaker (Dr. Laboso): Thank you! Next Order!

MOTION

ADOPTION OF REPORT ON ELECTION RULES OF MEMBERS OF EALA

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on proposed Rules of Procedure for the Election of Members to the East African Legislative Assembly (EALA) laid on the Table of the House on Wednesday, 2012, subject to referral of the Rules to the Committee of the Whole House.

(Mr. Keynan on 2.5.2012)

(Resumption of Debate interrupted on 2.5.2012)

Mr. Mungatana: Madam Temporary Deputy Speaker, I want to thank you for giving me an opportunity to make a small contribution on the Rules of Procedure for the Election of Members to the East African Legislative Assembly (EALA). Essentially, in this Motion, we are debating something akin to the Second Reading of these rules. So we shall give our generalized opinions and then when these rules come up on the equivalent of Third Reading according to the Motion, we shall move what we think are necessary amendments.

With that understanding, I want to say the following and I will go straight to the point.

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

*[The Temporary Deputy Speaker
(Mr. Ethuro) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, if you look at the proposed Rule No.4, it provides that all Members who wish to be members of EALA should receive notification through, at least, two daily newspapers of national circulation. Then within seven days, all the members of the public who wish to participate or to be Members of EALA should seek nomination by a political party. In Kenya today, we have a very unique situation that we need to take care of, but we also need to ensure that we will not go against the rules as they stand. If you look at the various shades of opinion that now exist in the House; if you look at the movement within the House of the Members to political parties other than those that have elected them, I find it very difficult for us to go strictly by a rule that says that you must seek nomination from a given political party.

Mr. Temporary Deputy Speaker, Sir, we need to come up with an innovation in which a political party or shades of opinion within political parties can propose names which should be taken as names properly proposed for purposes of making sure that we have these nine people, three of whom shall be at least of either gender. Also, the nine of them should reflect regional, ethnic balance and all these other issues that are required by the Treaty for the Establishment of the African Community. If we do not come up with properly innovated rules that will meet this criterion, we are going to have a problem. If you look at the parties that form the House now and the movement that has gone on, if we do not come up with an innovative way in which Members of Parliament can act within, we may end up having a hang situation in which this House will bring a problem to not only the Kenyan people but also EALA itself. I was going to propose that we should have a loser definition of who can nominate into EALA, so that if five or six political parties or shades of opinion or political caucus within the House agree that they could nominate “X” or “Y” candidate, then we should accept that kind of arrangement so that we can encourage discussion.

Rule No.4 which also sets out a particular format in the Schedule should also be looked at again, so that we can formulate it in such a way that we can accommodate as many Members of Parliament as possible. If you look down at Rule No.5 and go all the way to the proposed Rule No.10, including the formula that has been proposed, it is like a cut and paste situation from other East African Parliaments where they seem to have a steadier way of identification with political parties. These rules, if we put them in the Uganda Parliament, for example, they would work perfectly. If you take them to the Parliament of Tanzania, they would work perfectly. But with the kind of movement and confusion or lack of clear identification within the House now before the next general election, we are going to have a problem. I am finding these rules a bit too restrictive. So, we should find a way in which we can all think together and put some clauses that will allow discussions. The worst that can happen is for us as a Parliament to nominate, vote and then that list is rejected because of lack of ethnic, regional and gender balance. Then we are told that we do not have a proper list before the EALA. I, therefore, want to invite the House that we take these rules a little more seriously when they come for Third Reading. Let us think again together because it seems to me that the Committee has brought in as much as what other East African Community members have and failed to recognize the uniqueness of the composition of Parliament in Kenya as we approach the general election.

We need to be alive to the fact that it was Kenya that delayed the last inauguration of EALA by almost a year. Let us not do that by placing rules which will make it difficult for us to arrive at a quick solution. I propose that a number of amendments be brought to allow for flexibility to show that it should be possible just the way nominees have been brought to this House by the Executive, which is divided between the ODM side of the Coalition and the PNU side of the Coalition, and we have passed them in this House. It should be possible for us to create rules that will allow for discussions to take place bipartisan and then these names to come to this House to be voted by acclamation, so that we do not have unnecessary problems. Even the way they have defined voting in these rules, they have left out the fact that there could be a list that can be agreed upon within Parliament after lengthy discussion and then it sails unopposed.

The requirement that people who want to be Members of EALA should go around canvassing the Members of Parliament, in itself does not sound nice. It can also be an avenue for bad publicity to the Members of Parliament. When you say that these candidates can canvass for support from individual Members of Parliament, the next headline that you will have in the Press is that so and so was elected because he was able to pay his way through. Whether this is true or

false, this dent will stick on this House. So, I am urging a situation where we make rules that will not expose Members of this House to ridicule. Let us think again about these rules. If political parties have agreed, whether as political parties or as caucuses of political parties, let us not have unnecessary voting here where individual Members again come to cast vote. Let us have it like something that is already agreed upon, so that we do it like we have done in all other vetting processes that have required approval of the House.

If we leave these rules the way they have been proposed, they may work for Uganda and other countries in EALA, but they can bring a lot of shame to this House. Just the other day, it was a hot topic in this House when Members went to consult in different camps and there were very strange allegations put before this House. I was not there, but I do not believe that Members can be subjected to ridicule because of such little money that was said to have been given in those meetings. I understood that certain issues were being explained, but the matter ended up in this House and some Members were saying that people were being given money. There was no corroboration of those things but it stuck in the minds of Kenyans that Members of Parliament were paid so that some legislation could pass in this House.

Mr. Temporary Deputy Speaker, Sir, how much worse will it be when we say in the rules: "These Members of the East African Parliament are going to visit. They are going to lobby them one by one. These Members are going to vote one by one." Not even political parties but individual members. What we are inviting is a horrible accusation that will stick on this House. Then, it will also result in those Members who are going to the EALA to lose credibility. They will be told there are people who purchased their way into EALA.

Mr. Temporary Deputy Speaker, Sir, let us think again. It will cause no harm in us looking at this and having a sort of agreement between Members of Parliament. It could even be better if we can have the Committee bringing those Members and we vote on them, the way we have done with other appointments that have gone to Government. But these rules that are saying that the Returning Officer shall be the clerk and we shall be required to vote one by one personally, I would not want to be in that voting because once the names come out, you do not know what the gutter Press will say; how each Member of Parliament was paid to vote for who.

Mr. Temporary Deputy Speaker, Sir, let us not allow this kind of thing. I know many of us are not here and those who are not here are not even paying attention. We could pass these rules and then we find ourselves fixed. Let us look at these rules again. When we voted for members of the CRA; when we voted for members of the Independent Electoral and Boundaries Commission (IEBC), there was no mention--- We could have disagreed. The different angles of the Coalition could have disagreed---

Mr. Keynan: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Mungatana: You want to inform me. Let me finish because---

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Mungatana! You have not given an indication whether you want to be informed or not.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I was just about to complete and since he is going to respond, there will be no harm.

Mr. Temporary Deputy Speaker, Sir, all I am trying to say is that let us be careful before we pass these rules and then they become a burden to all of us collectively as a Parliament. I particularly dislike this point where we are supposed to vote each Member of Parliament. It is not a good thing. We should be able to reach an agreement. This House has risen to very many occasions, where opposing sides of the Coalition have been able to agree on nominees and we have been able to vote.

I also want us to define this voting to say that acclamation is enough. So, these rules as they stand, as far as I am concerned, when they are brought for the equivalent of Third Reading, I will be proposing amendments to allow for acclamation. I will be proposing amendments to allow for relaxation of the rules as they stand so that, where there is an agreement, this Parliament can formalize those agreements and those members can be elected into the East African Assembly.

Mr. Temporary Deputy Speaker, Sir, I also want to suggest to members that we look at these rules again. I am really pleading. There are a number of Members who do not think and they just pass. If we can look at these things and agree which is the best one which can protect the dignity of this House, it will be good for all of us represented in this House. We will also be setting a good precedence that can be utilized for future Parliaments, so that we do not have a problem of credibility both for ourselves and for those Members who we are taking to the East African Assembly.

Mr. Temporary Deputy Speaker, Sir, that is why I have been thinking about this. I believe in the same manner that we agreed in the formulation of CRA, where one side of the Coalition was given a number of promises and I believe they were five or so and the other side of the Coalition was given four and then there were discussions between the Whips of the House so that the gender balance is achieved. There were discussions between representatives of political parties and then the names were brought to this House. Discussions were made through the Finance, Planning and Trade Committee and when we came here, the only issue that was at stake was just one name. The other names were all agreed on. We passed them despite the fact that we have two different Coalition partners in the House. If we can have a simplified method, I believe with all my heart that we will not let down the Kenyan people. If we have disagreements or discussions, the lobbying that must go on, must go on in the back room of this House. Members of Parliament, political parties and Whips must go behind there. But we must not bring these things to this House and start voting and create a situation which we cannot defend.

Mr. Temporary Deputy Speaker, Sir, with those many remarks, I want to say thank you very much and I believe that, that is the way we should go. We amend but I support the way we are going. But we amend the rules to make them more efficient for us.

Thank you.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to take this opportunity from the outset, to support the Motion and thank the Parliamentary Committee for a job well done.

Mr. Temporary Deputy Speaker, Sir, from the outset, I really want to appreciate the fact that the Committee took cognisance of the ruling of the East African Court of Justice that sits in Arusha. The ruling was made as a result of our last nomination or election or fiasco with respect to Kenyan Members to the current EALA.

Mr. Temporary Deputy Speaker, Sir, when the Committee realized or took cognisance of the court ruling, they have tried their best to avoid the embarrassment. The Kenya Government and the people of Kenya were really embarrassed with respect to the procedure that was followed in the election of the current EALA Members, Kenyan Chapter. The Committee did so by trying to make the process more consultative. They made it public. They invited public views and I am happy that they also invited some who have served in our Assembly in Arusha. I think it was more transparent and more inclusive.

Mr. Temporary Deputy Speaker, Sir, I just want to say a few things about the East African Community. The EAC's main objectives are to enhance, advocate and solidify social,

economic and political gains of the diverse cultural and shades of opinions of the people of EAC. It is good that those interests are taken care of. I want to say that, as we go through the process of nominating and eventually electing those who will represent Kenya in that Assembly, we really must take cognisance and a lot of consideration on those objectives. We must take cognisance of our different shades of opinion and diverse cultural practices. It is good that they all be represented. But before I come to that, I want to agree with my party Secretary General on two things. In the composition of our current National Assembly, where there have been a lot of shifting alliances, some of the rules by the Departmental Committee really may lead us to where we were in 2006. I think it was towards the end of October or early November. There are a lot of party squabbles. So, if we just leave the nomination to the political parties that are represented in the House---- I want to really refer to one or two rules. One, the one that says it is the party leader and party chief whip who will sign the nomination certificate to those who will be brought to this House.

If you take into consideration our party alliances, and then you also try to go as per the other rule that says that there should be a very transparent, democratic process whereby every political party will make or will even provide minutes of all the meetings that have taken place; that may be a little bit contradicting. I want to agree with hon. Mungatana that we really need a lot of consultation.

Mr. Temporary Deputy Speaker, Sir, as much as we do that, the ruling of the East African Court of Justice with respect to our last election to EALA said that elections in the Kenya National Assembly did not follow procedure. There was no election but rather appointment by the Government House Business Committee. I think we should also try to be very careful because we do not want controversial election. We must have confidence in the process of electing people who will represent Kenya in the East African Legislative Assembly. We cannot achieve this if we repeat the process of appointment. So, I think we are able to do a credible election.

Mr. Temporary Deputy Speaker, Sir, that is why I want to believe, and it is my submission that we should not really do this election of members to the EALA by acclamation. I really do not agree with that. As much as we do not do it by acclamation, we should not also do by just mere appointment by political parties, then they are taken to the House Business Committee, then the Leader of Government Business just tables it as a statement on the Floor of the House. I think that is the route we went last time and that was what the court said was against Article 50 of the Treaty.

Mr. Temporary Deputy Speaker, Sir, we must also be up to the task. We must be honorable to really give the process credibility and to give those who will represent this country confidence. That can only be done through an election.

The only thing I want to agree with hon. Mungatana is Rule 12(1) whereby those nominated are allowed to seek for votes from among the hon. Members of this House. I really want to agree with him that, that will give bad publicity. It will give a bad image to the process. But I want to believe that the Departmental Committee should have said that those nominated can seek for votes within their party, not among the hon. Members of this House.

(Applause)

There is nothing wrong with those would be Members of EALA really to campaign among their party structures. Even if campaigning among the MPs of their parties; there is nothing wrong.

But they should not be seen in the corridors of this august House really soliciting for support from hon. Members of the House.

Mr. Temporary Deputy Speaker, Sir, I really want to applaud the Committee for a proposal that the political parties should bring, per every slot allocated, three names. That will give us now the reason why we should do an election. This is because if they just bring nine names and then we say by acclamation “unopposed”, there will be no election. In fact, I want to say; it is not really unopposed, but there was no alternative. You know, an election should be a process whereby you are given a choice to choose from. If you we just get nine names here, I am very sure we will still raise some objections on issues like “it does not represent regional balance; no gender balance; it does not represent special interests” and then that will end up, again, in court as it did last time. So, I was very happy when I saw the rules proposed by the Committee; that, per every slot that a party is given, they bring three names for that slot. So, if a party has been allocated five names, the party brings 15 names and then this House votes from among the 15 to elect five to represent or to take the slots of that party. There is no harm even with that political party asking us to elect five members from a list of 15 people. We have no problem. This is because we will have a wide variety and a good menu to choose from. Let this 15 represent the following groups: region, shade of opinions, special interests, youth, gender and so on. So, I think that is the way that we should go.

Mr. Temporary Deputy Speaker, Sir, I want to really urge the political parties that as per Article 50 of the Treaty, where it says that you should consider regional balance, shade of opinion, gender and special interest, I believe the people who really know what is happening at the East African Community are the people who live along border of the East African Community. Therefore, it is my humble submission to the political parties to nominate people living along the border. They can nominate people from Lunga Lunga in Kwale County, Taveta in Taita Taveta County; Loitokitok, Namanga and Magadi in Kajiado County; Trans Mara in Narok County, Malaba in Busia County and so on. This is because those are the people who know the gains, the challenges and the solutions of the East African Community. Therefore, it will be nice if these political parties really could consider, at least, out of the nine, a minimum of five, taking them all the way from Kwale up to Malaba. If they give five slots along that borderline that borders Tanzania and Uganda, the benefits of the East African Community will be realized in this country because a lot happens on the border points. For instance, there are a lot of activities along Namanga/Loitokitok and Taveta borderline. By so doing, we can fast track integration of East African people. I believe those are the people who can speed up integration because they really understand the cultural diversity. They can turn the cultural diversity into positive gains for this country.

The benefits of economic integration really cannot come to Kenya without going through the people who border Uganda or Tanzania. The political benefits that tend to unify the people of these five countries really are known and can be well championed and advocated by the political leadership which borders those countries.

Mr. Temporary Deputy Speaker, Sir, this is the third time that we are going to do election or will send as this country our representatives to that regional Assembly. But for the last two sessions not much has been done in terms of the interests of the people who border the East African Community. It is good that the party whip is also here with me. I would like to appeal that as they do the nomination they should really take into consideration the special interest groups. They should consider the interests of those who border the East African Community. I am very sure that many of the applicants will even come from those regions. So, it will be good

to consider three people for that category and then this House will have a responsibility of electing in order to balance all those issues.

Mr. Temporary Deputy Speaker, Sir, I want to applaud the Committee for a job well done. But I know that we need to really do some amendments to these rules. I urge the hon. Members really to take keen interest because if we pass the rules the way they are, there will be a lot of loopholes and disagreements that may lead us again to where we were in November, 2006.

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

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, you appreciate that we really must conclude this matter today.

Hon. Ojaamong!

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I also just wanted to add my voice in support of this Motion.

Mr. Temporary Deputy Speaker, Sir, if you listened to the last two hon. Members, they spoke very cunningly. They allege that we have had so many realignments or parties coming together. We should be very careful because that is what caused the problems in 2006. This is very clear. Once you have said that it is the political parties that will bring in people, let it be political parties. I have just talked to hon. ole Metito and he said that in case we fail to agree on the political party nominees, the House will decide. I think that is where we will cause a crisis. If the House is going to decide on the nominees that political parties have to appoint, that is where we will cause a crisis again, just the way we did last time. As much as we condemn the incidents of 2006, where as a Member of NARC Coalition, we were sidelined--- Hon. Tuju and hon. Mwakwere were the ones who were nominating for us and they were not even party leaders. It was very shameful and this caused the Government lots of taxpayers' money.

Mr. Temporary Deputy Speaker, Sir, I want to emphasize again on party discipline. People should be courageous enough. Once you have left ODM, move with all your goods. There is no point again now that we are going to have nominees for EALA that you start claiming that you are also a Member of ODM party and want to be considered and heard, yet you have said that you have already moved out of the party. Let people be men enough. Once you have moved, move with all your goods and be a member of your new party.

Mr. Temporary Deputy Speaker, Sir, I want to urge our party, ODM, to be democratic and transparent in its nomination. It has been accused of dictatorship and this time it should be considerate of the minorities; the marginalized, women and youth. This is because most of the appointments that have been coming from either PNU or ODM have been against the interest of minorities, marginalized, women and youth.

Mr. Temporary Deputy Speaker, Sir, I beg to support

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and record my appreciation of the work that has been done by the Committee and, indeed, the origination of the work from the Speaker's Office. I would also like to appreciate the fact that now we have some rules to guide us in the appointment of the Members to the EALA.

Mr. Temporary Deputy Speaker, Sir, I agree with all the other contributors and do not want to repeat what they have said. This is because we will be looking at those rules in the Committee and could well amend where we feel that there is need for some amendment. But going forward, I am looking at the issues being expressed about the wider East African Community (EAC). From my own interaction at the Community level during my days in Ministry of Trade and Ministry of Finance, where I had to spend quite a bit of time in Arusha, I

am quite aware that the five member countries do not have the same financial capacity to sustain the operations of the Community.

Mr. Temporary Deputy Speaker, Sir, going forward, one may wish to think whether as the Kenyan Parliament or people, we should not be thinking of different ways of achieving the same objectives at EALA through the change of the mode of representation in EALA. I have in mind the model that we currently use for the Pan African Parliament, where the membership is drawn from the individual parliaments. I know that the founders of the Community and, indeed, people who supported the direct appointment of Members of Parliament from outside, were very passionate about the people being represented within EALA. But, obviously, one sees some total disconnect between the issues as expressed in the national Parliaments in the various countries and what is going on within EALA. Since member countries are showing very clearly that the cost of sustaining the Community is quite high, if for some reason we are able to moderate, nine members from each of the member countries could well come from the appointed Members in the Parliaments of each of the Member countries, who will then be sent to EALA to sit on separate sessions. But, again, this is a suggestion that can be considered and processed through the Summit, with the concurrence of the other countries. But I do feel that it is time we started anticipating future burdens on our East African citizens as we move towards a federation. In any case, when we move to a federation then, perhaps, it will not quite make sense to have separate Parliaments. But I can see that there is a disconnect between what the “Wanjiku” – if you use that terminology in its acceptable sense – expects of what is happening within East Africa and their Parliaments. They can tell that they appointed somebody to Parliament and there is an accountability mechanism and feedback. What happens within EALA and ourselves here is that we will receive a report and relate with it. But how do the Kenyan people relate with that report on the work of the EALA. The appreciation is not quite there in terms of what is happening. As we move towards getting the public to participate, including if we were to ask them about this election, they would actually be throwing that challenge to us, saying: “We elected you into Parliament. Who is this going to this other Parliament that we do not seem to know?”

Mr. Temporary Deputy Speaker, Sir, I just thought that I should put that on record, so that the relevant Committee on Defence and Foreign Relations may well want to take up the matter with the other member countries. If there was merit in that, perhaps, it could then be processed through the organs of the EAC or Summit, and next time round, in another five years, we could then have a different model of drawing our membership from a different source, rather than through the election. But for now, our leaders have expressed themselves and a new session has been declared. So, we now have to go forward and the best we can do is to make sure that we have the rules to enable us, as political parties, appoint the right people to serve the people of East Africa within EALA and without any contestation, as happened in the past.

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

Mr. George Nyamweya: Thank you, Mr. Temporary Deputy Speaker, Sir. Perhaps I should start by mentioning that I am a Member of the Departmental Committee on Defence and Foreign Relations and I may want to clarify a little bit what my good friend, the Deputy Leader of Government Business, has said.

Indeed, the reason why we got into trouble with the last people who went to EALA was because we actually appointed or selected them. That is what took us to court. We are required to have an election and all the 222 Members, perhaps less those who are no longer with us, become the electors. We have become the electors ourselves and whatever we do, we must conduct an election. Thinking about the rules on how to achieve the Constitutional requirement and the

Treaty requirement that we must have regional, gender and all these other interests in place, is why we were proposing that we widen the nominees so that during voting, we try and achieve this balance.

The second thing I want to point out is that I went to Arusha the other day, on the Extraordinary Summit of the EAC Heads of State and one of the things that came out which was particularly embarrassing to both our Head of State and ourselves, as a country, is that for some reason or another we do not appear to take our financial commitments to the East African Community seriously. We have countries like Rwanda and Burundi who have already paid. They have already remitted between 110 and 120 per cent when we are still idling around. These countries are looking up to us to support the whole system. So, we need to urge, as a Committee and as Parliament that we give some seriousness to our biggest trading partner, that is the EAC. With regard to the institutions we are building there, we must put our commitment into making sure that they work because we are expected to give this leadership. We see this when we go there and they ask us what is the next thing we are doing. They look to us as we develop a new Constitution and our political parties. It is very important that we take very serious corrective measures on this one.

When it comes to nominations by the parties, I think it would be important for parliamentary parties which will be doing their nominations to look at East Africans. The people we are sending there should not just be people that we want to give jobs. I think they should have a clear picture of the East Africa that we want to attain and the ultimate objective of our federation, the common market and so on. I think it is critically important in that sense.

Finally, and maybe the Deputy Leader of Government Business might want to take cognizance of this, the Ministry of the East African Community, for some peculiar reason is taken as one of those Ministries which are a by the way sort of thing and yet in my view, it is probably the most important Ministry we could possibly have in terms of our strategic, geographic, economic, political, social and security considerations. Our future is tied up to the Community and even us, as a Committee, when we have the Minister coming to us, we find that they feel as if they are unwanted or like the poor cousin coming up and yet the Ministries we oversee like the Ministry of Foreign Affairs, Ministry of State for Defence and the National Security Intelligence Service (NSIS) Department are security Ministries.

For some reason, it seems as if the Government itself does not seem to appreciate the value of that particular portfolio and the energy and resources which we put into it.

With those few remarks, I beg to support.

Mr. Muthama: Mheshimiwa Naibu Spika wa Muda, nashukuru kwa nafasi ya kuchangia Hoja hii. Yangu yatakuwa machache. Tunapoendelea na kujitayarisha kuwaweka Wajumbe ambao watawakilisha taifa letu katika Bunge la Afrika Mashariki, nataka kutoa mwito kwamba vyama vya kisiasa vizingatie kabisa kikamilifu watu ambao wana uwezo wa kuwakilisha taifa, lakini sio kuangalia ni nani anayemfuata, kumsihi and kumtii mwingine.

Bw. Naibu Spika wa Muda, ni ajabu kwamba hivi sasa tunavyongea, kampeni inaendelea ya hali ya juu sana, na cha kushangaza ni kwamba yule mtu ambaye hana muhusika katika chama ambacho kina wengi wa Wabunge ambao wataweza kuteua mwakilishi katika Bunge la Afrika ya Mashariki, huyo mtu hana lake. Hawezi kutokea pahali popote. Kwa hivyo, utagundua kwamba ni vyama tu vya kisiasa vitakavyoamua ni nani na nani ataweza kuingia pale.

Bw. Naibu Spika wa Muda, kampeni ya juu sana imeanza na majina--- Hivi sasa, mimi kama Kiranja wa Serikali, majina ninayoona ni mengi, majina ambayo yanatajwa kutoka kila chama lakini ya ajabu ni kwamba hakuna mwanawake hata mmoja. Kwa hivyo, ni juu ya

wanawake wazingatie na kujitahidi kabisa kikamilifu waone kwamba wanaweza kuomba ruhusa ya kupata nafasi katika Bunge la Afrika Mashariki.

Bw. Naibu Spika wa Muda, tukisema tunataka umoja wa taifa na tunataka kuunda taifa ambalo msingi wake ni wa utafa wa Kenya, ningomba vyama vizingatie sana viongozi wake wanatoka ukoo fulani. Kwa sababu ukiangalia kama Mkoa wa Kaskazini hivi sasa, hauna viongozi wa vyama. Kwa hivyo, utaona kwamba mwenyekiti akiketi chini kuamua ni nani atachaguliwa, anaangalia ukoo wake. Basi wengine hawatakuwa na nafasi. Wakati tunaanza kutafuta viongozi, hao watu wataingia tu kusindikiza wale ambao wanajiita jamii kubwa na wanajiita majina yanayofanana na uongozi wa chama. Lakini wale wachache bado wataendelea kufinywa.

Ukiangalia upande wa Turkana, hakuna kiongozi wa chama. Kwa hivyo kama mwenyekiti wa kuchagua ni kiongozi wa chama, basi hawa watu hawana nafasi kutokea katika uongozi wa taifa. Kwa hivyo, nataka kutoa mwito nao wawe macho, wakubali na kuamua kwamba watafanya maamuzi kwa misingi inayozingatiwa.

Bw. Naibu Spika wa Muda, kwa sababu Hoja hii imechangiwa na wengi, nataka kukoma hapo na kusema kwamba itakuwa ni dhahiri na jambo la maana kumuita Mwenyekiti wa Kamati kujibu na kufunga.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Muthama! You cannot contribute and deny others an opportunity to contribute. Mr. Njuguna!

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity again to make a small contribution on this very important Motion. Let me reflect on a few observations and recall that the former EAC was destroyed by suspicions among our leaders in the region at that time. Some of the political leaders or presidents in our region took different ideological positions. Some went to the East and others went to the West and that philosophical alignment destroyed the co-operation of the EAC. Therefore, it is important that this new Assembly will work towards regaining that harmony and co-operation in East Africa.

Mr. Temporary Deputy Speaker, Sir, we note that the present EAC was formulated by the current political leadership in the region. Without their goodwill and dedication, that co-operation would not have been formed.

Mr. Temporary Deputy Speaker, Sir, the East African region is endowed with a lot of resources and these must be exploited for the well-being of the East Africans. In Tanzania we have gas. Uganda has oil and in Kenya we have huge resources of crude oil that is likely to be exploited soon. The hon. Members that we are likely to send to the Assembly will be expected to address some of the major problems that have been hindering economic growth in this region.

You will recall there have been trade barriers when our trucks take goods to Tanzania and Uganda. These barriers have hindered growth of transport. We need to revive rail and road transport to create the necessary employment opportunities for our youth in this region.

Generally, East Africa has experienced a common threat. Not very long ago Kenya, Tanzania and even Uganda were attacked by terrorists. This is an issue that the new Assembly must be able to address. They must strive to make sure that the East African region is secure and peaceful. The political leaders in East Africa must again try and make sure that South Sudan is already liberated. We need to enhance and expand education opportunities for our students in the region. Bursaries must be extended for our students who learn in Uganda and Tanzania.

Exchange programmes must be allowed to thrive. It is, therefore, important that we recognize the good work that has been done by the Departmental Committee on Defence and Foreign Relations under the steady leadership of Mr. Keynan and hope that the rules that have

been developed will provide the necessary environment for the most qualified Members of Parliament to be offered these opportunities to go to the Assembly to represent the interests of this country. These rules will enhance bond of unity in the African region.

With those few remarks, I fully support the Motion.

The Temporary Deputy Speaker (Mr. Ethuro): In the absence of any other contributor I will call upon the Mover to reply.

Mr. Keynan: Thank you, Mr. Temporary Deputy Speaker, Sir. I will also try to take the shortest time possible.

I want to appreciate the contribution by different hon. Members. It seems even from the contributions that many hon. Members did not go through the East African Treaty and what informed this Committee and Parliament by extension to come up with these unique rules.

First of all, as a country, we are not operating in isolation. The proposed rules we have here are as a result of Article 50 of the East African Treaty which clearly stipulates how different member States are supposed to formulate the rules that will enable them to elect their EALA representatives.

Mr. Temporary Deputy Speaker, Sir, as a country, we already have a serious scar not only on the Members of Parliament but also on the entire citizenship of the Republic of Kenya. In 2006 we failed to agree taking into account that Kenya is a premier nation; Kenya is a leading nation in this region. Therefore, because of the party-based squabbles and the disagreements that we have had, the same things went to the East African Court of Justice at Arusha and on 9th November, 2006, a number of litigants from Kenya went to court. It is the findings of that particular court that has informed the Committee to change some of the rules to make sure that we do not face the same criticism that we were subjected to by the court and the other member States.

Mr. Temporary Deputy Speaker, Sir, this takes into account: Do we do acclamation; do we just rubberstamp? In every aspect of Article 50 of the Treaty, it demands that there shall be elections and there shall be voters. The voters are the Members of the Kenya National Assembly. The elections will be conducted by the Clerk of the National Assembly.

For those who are doubting their role as Members of Parliament, if, indeed, you have no confidence in yourself; if, indeed, you have been entrusted by the Kenyan public to discharge their function as their elected representative, instead of lamenting you have no business being in this House. If you have acted in line with your conscience, the Constitution and rules of natural justice, you have no reason to worry. I want to urge my colleagues that, as we think of this particular process--- This particular process was informed by the challenges we have had and the challenges we continue to have as a country.

The issue of delaying remittances is one thing that remains an embarrassment to this important Republic. Why should Kenya, with 60 per cent of the Domestic Gross Product (GDP) of the entire East Africa Community (EAC), be the last to pay its remittances? Why should we be the last to comply with the rules that we have set and yet, we are the biggest beneficiaries economically in every aspect? This is an issue that the Government must address. I am glad that the Deputy Leader of Government Business is here.

Mr. Temporary Deputy Speaker, Sir, as I speak today, Kenya has defaulted in her remittances to the EAC. It is a big shame. We want you to pass this message to His Excellency the Prime Minister and those in the Government. This is not the way we are going to be called the big brother. These rules are just going to be on paper. If we are not going to discharge our constitutional regional duty and yet, we remain the biggest beneficiary of the process, I do not

know what we can call ourselves. This is an issue we must take seriously and, therefore, we must discharge our functions. We hope the leadership - and in particular the President and the Prime Minister - wherever they are right now in their comfort, are hearing our lamentation and ensure we pay our dues to EAC.

These rules are party-centered, party-based and party-oriented. It is the parties that will decide, but not on an open-ended situation. The parties have to operate within the rules. They will nominate, they will agree but they must remember that it is not like before. They will be subjected to thorough scrutiny by both Parliament, the Committee and the Kenyan public, so that we do not repeat the same mistakes that we made in 2006.

Mr. Temporary Deputy Speaker, Sir, look at our Constitution, Article 2(6) clearly talks about the domestication of all international treaties and rules. Therefore, it is a constitutional requirement that we go through the process the way we are doing.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Keynan, you are supposed to be responding. So, you should deal with the issues that Members raised!

Mr. Keynan: It is the same thing. I am sure because you came late you will give me an opportunity to air what the Members said.

The Temporary Deputy Speaker (Mr. Ethuro): Order! The Chair never comes late or leaves early. It is ever present!

Proceed!

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, the two emerging issues that Members clearly raised was how to vote. The voting is by Members of Parliament and anything outside that means we will be contravening the declaration of the East African Court of Justice and, therefore, that will open the same wounds and we will be back to the same process that has embarrassed the people of Kenya and Members of Parliament. Therefore, that is not the route.

The route is we elect. Let those who want to lobby--- But, again, that is governed by the rules. I do not think they will operate again in total freedom. Therefore, the issue of parties again is clearly spelt out. They will play their role; they will nominate and decide but they will be subject to the rules as Parliament is going to adopt. However, one thing must be clearly said.

Mr. Temporary Deputy Speaker, Sir, the Treaty says:-

“The National Assembly of each partner State shall elect, not from amongst its Members, nine Members of the Assembly who should represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that particular State in accordance with such procedure as the National Assembly of each partner State may decide necessary.”

Mr. Temporary Deputy Speaker, Sir, it is because of this that even as parties nominate, the Constitution requires that, at least, a third of those who are nominated must be from either gender. Therefore, one of the rules requires parties to, at least, nominate more than one person per slot.

Mr. Temporary Deputy Speaker, Sir, that will kill impunity when all parties nominate. That is when we will decide that a party has not nominated from a particular region or a particular party might have nominated one particular gender and eventually collectively the parties will sit down and say: “Look, how do we harmonize this?” That is the role now the Committee and Parliament by extension is expected to provide.

Finally, the Assembly is supposed to be in place by 5th June. The rules are here and the different rules we are likely to see since it is going to take us weeks. Therefore, it is fair that this process is not delayed. We should conclude it at the earliest possible time, so that by the time the

East African Heads of State are required to meet and inaugurate the next EALA members, Kenya should not be out of that group like it happened in 2007.

With those few remarks, I know hon. Members will have an opportunity, if they want amendments to do the same, but we must also bear in mind that these rules are subject to the East African Treaty, court rulings and our Constitution. This must be the basis of any amendment that we are likely to bring.

With those few remarks, I urge hon. Members to exercise caution and ensure that Kenya's role as a premier nation remains our number one agenda.

Thank you!

(Question put and agreed to)

ADOPTION OF REPORT ON BUDGET POLICY STATEMENT

THAT, the House adopts the Budget Committee Report on the Budget Policy Statement for 2012/13 laid on the Table on Wednesday 25th April, 2012.

(Mr. Mbau on 26.4.2012)

(Resumption of Debate interrupted on 26.4.2012)

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I thank you for this time. It looks late in the day, but nonetheless, we must proceed to prosecute that which we have to do. The Budget Policy Statement Report was laid here earlier on and we began discussion of the same. I believe that hon. Members have been scrutinizing that report. It is guidelines and recommendations and to be just to hon. Members, I just wish to reiterate that the Minister for Finance succeeded in laying the Estimates of revenue and Expenditure for the Budget of 2012/2013 without the benefit of the recommendations and input of Parliament through the Budget Policy Statement.

*[The Temporary Deputy Speaker
(Mr. Ethuro) left the Chair]*

*[The Temporary Deputy Speaker
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, you will realize that we said and I reiterate here from the outset that we shall be expecting as a Parliament and Committee that the recommendations and input of hon. Members through their various sectors will still be required to be filled in by the time the various Ministries finalise their estimates.

We are further set to debate the estimates that have been tabled through engagement with the public sometimes from Friday 11th going to Monday the 14th. We had made various recommendations some of which included the need for the Executive to ensure that the country is prepared for devolution as we go into 2013. We had recommended that the structures in the counties be set up by ensuring that estimates are provided for the same. As I talk now, we note that there are no such provisions and the various organs. For instance, the Transitional Authority remains in abeyance. We are concerned that, that should be in place as we go forward.

We also note that we have various ongoing projects from various sectors which require additional resources. For instance, the ongoing ESP markets that were never completed with the initial allocations of Kshs10 million per constituency. We have recommended and continue to emphasize that a further Kshs4.8 billion must be set aside to ensure that those market centres are completed, so as to redeem the initial Kshs10 million per constituency that was put in. of course, we note that the three arms of the Government also put in their requests in their reports. With regard to the first arm of the Government, namely, the Legislature, based on the cost of a Member of Parliament as we move forward, the Committee recommended and continues to emphasize that in the Budget for 2012/2013, there should be a provision of Kshs14 billion for Recurrent Expenditure and a further Kshs4.15 billion for Development Expenditure. The ceiling for the Judiciary, which has been further put into scrutiny based on the Circular No.2 of 2012/2013, the Judiciary had been allocated by the Treasury Kshs9.775 billion, but the total request from that arm of the Government was Kshs18 billion. To ensure complete transformation and overhaul of this arm of Government, the Committee has recommended a ceiling of Kshs12.6 billion for Recurrent Expenditure and Kshs3.8 billion for Development Expenditure. The total ceiling for the Judiciary amounts to Kshs16.4 billion.

This is not just for the sake of ensuring these departments receive funding. It is in the spirit of the reasons for which a new Constitution was discussed, passed and embraced by this country. This is to ensure that total transformation and change is felt by all Kenyans. We want to register the appreciation of the Members of Parliament because we take cognizance of what has been happening in the recent past in this particular arm of Government. We want to applaud what is happening there because it restores confidence and faith in Kenyan citizens in pursuit of justice.

We have more recommendations that we want to continue to put forward and I wish time was on our wing. On the part of the Executive, the Committee has recommended that the Ministerial ceiling for the Executive be limited to Kshs936.75 billion. To be within this ceiling, it is necessary for the Government to initiate expenditure cuts in non-priority areas and only leave resources to be channeled to productive sectors with a view to ensuring that this economy through its various development activities is more generative than consumptive. In addition, within this ceiling, the following specific sectors have already, through the relevant departmental Committees, prioritized certain aspects to be taken into account. The various sectors range from agriculture, energy, livestock, irrigation, health and education, all of which have specific recommendations. I shall be calling upon my colleagues from the Budget Committee and the entire House to move specific proposals.

May I call my Vice-Chairman to second this Motion?

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Order, Hon. Members! It is now 6.30 p.m. Hon. Mbau, your Secunder will proceed from there when the House resumes tomorrow, 9th May, 2012, at 9.00 a.m. The House stands adjourned until tomorrow, Wednesday, 9th May, 2012, at 9.30 a.m.

The House rose at 6.30 p.m.