

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 9<sup>th</sup> May, 2012

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### QUESTION BY PRIVATE NOTICE

#### KILLING OF SAIDA HUSSEIN BY POLICE OFFICER

**Mr. Bahari:** Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that Ms. Saida Hussein, a teacher at Kilimani Primary School in Isiolo, was shot dead by a police officer on 28th March, 2012?

(b) What action has the Minister taken against the officer?

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

(a) I am aware that Ms. Saida Hussein, a former teacher, was allegedly shot dead by people believed to be police officers during an exchange of fire between police and cattle rustlers near Livestock Marketing Department Quarters in Isiolo on 28<sup>th</sup> March, 2012.

(b) The circumstances surrounding the death are that on the same day at about 10.30 a.m., it was reported to the police by one Mr. Peter Ekai that three Turkana herdsmen who were moving their goats and sheep from Eremet to Maili Saba were attacked and shot dead by bandits believed to be Borana tribesmen, who had also stolen their livestock and were moving them towards Livestock Marketing Department Quarters in the outskirts of Isiolo Town. A contingent of security officers comprising of the GSU and Administration Police (AP) officers were dispatched to pursue and recover the livestock. The bandits were sighted some distance away as they moved towards Livestock Marketing Department Quarters. Three of the bandits were sighted entering the Borana manyatta. As the officers approached the manyatta, they came under heavy fire from unknown people shooting from the cover of the manyatta.

The officers responded by firing in the air owing to a high civilian population in the manyatta as the residents started pelting the officers with stones, forcing them to withdraw to avoid injuring innocent civilians. However, soon after withdrawal, a report was received at Isiolo Police Station that a Borana female adult, Saida Hussein, aged 37 years, and a teacher at Kilimani Primary School, had been shot and had died instantly in her house. Immediately after the report was received at Isiolo Police Station the OCPD, the DCIO, Isiolo, and a team of police officers visited the scene and investigations commenced immediately vide Inquest File No. 15/2012. At the scene, five spent cartridges and one bullet head of 7.62 millimeters ordinary caliber were collected and forwarded to ballistic experts for forensic analysis. The report is still awaited and the case is pending under investigation.

**Mr. Bahari:** Mr. Speaker, Sir, of late, Isiolo has been prone to clashes. The police officers ought to be the ones to protect citizens against attacks by bandits. The place where the Assistant Minister has said goats were reported to have been stolen is 15 kilometres away from where this incident took place. This was a teacher who had left her classes and she was in her house. According to post a postmortem report she was shot at a very close range. So, this had nothing to do with what the Assistant Minister is saying. Could the Assistant Minister explain exactly what transpired? I have the postmortem report which I will table immediately. It shows that she was shot at close range and there was no exchange of fire between the police officers and the bandits. There was no pelting with stones by the people in the manyatta. Could he explain exactly what happened and why the police are covering up this matter?

**Mr. Ojode:** Mr. Speaker, Sir, this is a serious matter because we have lost a life. I have explained the circumstances and the only thing I am waiting for in order to assist the Questioner is the ballistic experts to tell us who actually killed this innocent lady. The law is very clear. If you misuse your gun, we will know. If it is the police, we will know the particular officer and take him to court and charge him with murder. As at now investigations are ongoing and we are waiting for the report from the ballistics experts and then we will take action. That is the only thing we can do. It is the only sane thing one can do.

**Mr. M.H Ali:** Mr. Speaker, Sir, this incident took place on 28<sup>th</sup> March, 2012, that is about one month and two weeks ago. Why is the Assistant Minister, through his officers on the ground, unable up to this time to know whose gun actually fired the bullet that killed this lady? Why has it taken too long to unearth this simple fact?

**Mr. Ojode:** Mr. Speaker, Sir, it is not easy for ordinary detectives to know which gun was used to kill this innocent lady. That is the reason why the ballistic experts are required to identify for us whose gun actually fired the bullet.

**Mr. Njuguna:** Mr. Speaker, Sir, the life of this innocent teacher was terminated during the commotion. Could the Government consider immediate compensation to the family of this teacher?

**Mr. Ojode:** Mr. Speaker, Sir, the law is very clear on compensation. If the family members want compensation, they will have to go to court to seek it. That is the law.

**Mr. Bahari:** Mr. Speaker, Sir, looking at this report, this teacher was shot at a very close range. She was in the house – in her own house!

**Mr. Speaker:** Order, Member for Isiolo South! You know you said all that you have said so far just about three minutes ago. Get to new ground.

**Mr. Bahari:** Mr. Speaker, Sir, I was just trying to confirm this and then go to my point. Could the Assistant Minister, now that the police cannot investigate themselves, institute an independent investigation team that will come out with an independent report on this matter?

**Mr. Ojode:** Mr. Speaker, Sir, there is nothing we are going to hide. This is a life which has been lost. Let us wait for the ballistics experts to show---

**Mr. Bahari:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, hon. Bahari?

**Mr. Bahari:** Mr. Speaker, Sir, is it in order for the Assistant Minister to mislead the House that there is nothing to hide when a teacher was shot at close range? We are being told of a crowd. She was in her house next to the police lines. Why is he misleading the House? There is already an attempt to cover up the matter.

**Mr. Ojode:** Mr. Speaker, Sir, if I were the Questioner, I would have waited for the ballistics experts to tell us whether it was the police who killed the lady or the bandits. Then the

other question would have followed, that since the police are covering the up matter, why do we not go for independent experts? I want him to bear with us. Let us get the report from the experts and then we will arrest the person who killed the innocent lady.

#### LEVEL OF DISCUSSION BETWEEN GOK/EU ON EXPORT LEVIES

**(Ms. Chepchumba)** to ask the Minister for Trade:

(a) Is the Minister aware that the decision by European Parliament to impose a deadline for reaching a binding Trade Pact with East African countries is causing discontent between the Government and the exporters who feel the matter is not being addressed urgently enough?

(b) Could the Minister confirm that high taxation on goods will introduce extra cost on exports to lucrative European Union (EU) markets and, if so, what measures will the Government take to remedy the situation?

(c) What is the level of discussions between the Government and the European Union to introduce levies such as carbon prints which may impact negatively on the export trade?

**Mr. Speaker:** Is the Member for Eldoret South present? She is not. The Question is dropped.

*(Question dropped)*

#### ORAL ANSWERS TO QUESTIONS

*Question No.1198*

#### COMPENSATION TO NDEWA MULATYA

**Mr. K. Kilonzo** asked the Minister for Forestry and Wildlife:-

(a) if he is aware that Mr. Ndewa Mulatya was bitten by a snake and was treated at Kitui District Hospital (AD/NO.3128/08) on 26th August, 2008;

(b) why the Kenya Wildlife Service (KWS) has not compensated him despite their commitment to do so; and,

(c) when he will be compensated.

Mr. Speaker, Sir, I have not received the answer to this Question as yet.

**The Assistant Minister for Forestry and Wildlife** (Mr. Nanok): Mr. Speaker, Sir, I believe that my officers sent an answer to Parliament much earlier. If he agrees, I will give him a copy now. Thank you.

Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that a minor by the name Ndegwa Mulatya was bitten by a snake on 26<sup>th</sup> August, 2008 and was treated at Kitui District Hospital.

(b) My Ministry has processed compensation for Master Ndegwa Mulatya.

(c) He will be paid during this month of May, 2012.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I wish to thank the Assistant Minister for this answer. However, when this Question came up last week, he asked for more time, so that he could give a

comprehensive answer. He has said that he will be paid in May, 2012. We are in the month of May. When do we get the actual payment and how much is it?

**Mr. Nanok:** Mr. Speaker, Sir, we are processing a cheque for Kshs50,000 and before the end of May, that amount of money will be sent to the relevant District Commissioner. We really want to apologize to the Member of Parliament for having delayed processing of this particular cheque. We know it was not only this particular case. We had other nine cases which the Ministry compensation committee had approved for payment, but documents did not seem to have gone through the process of payment. We are, however, concluding that in a couple of days.

**Mr. Kioni:** Mr. Speaker, Sir, this incident happened almost three years ago. Could the Assistant Minister inform this House what kind of time period Kenyans should expect compensation in future given that it took them three years to pay Kshs50,000?

**Mr. Nanok:** Mr. Speaker, Sir, in the past, you will realize while responding to the Questions of compensation, we have had problems of the amount allocated by this House but in the last two years, that amount has been increased. Normally, it would take about three months from the time the compensation is processed by the District Compensation Committee before it comes to the Ministry Compensation Committee for payment. In this case, I want to apologize because it is us who delayed the process. I hope that, in future, we will not have such an anomaly again. I urge my colleagues that if there is any case of compensation which has delayed, they should contact me, so that I can help to follow up and make sure that the compensation cheque is paid immediately.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, the Assistant Minister must be aware that reasons for human/animal conflicts have been caused by the small amounts of compensation. If you look at the Kenya Wildlife Service Act, the money which is paid when somebody is injured by an animal is very minimal. What will the Assistant Minister do to ensure that they review that figure upwards given that the medical expenses and funeral expenses have gone up?

**Mr. Nanok:** Mr. Speaker, Sir, I want to agree with the hon. Member that actually the compensation amount is small. However, I want to urge the House to be patient for a couple of weeks because we are waiting for the Cabinet to approve the revised Bill which contains revised figures for compensation which will be brought to this House. The House may decide the requisite amount for payment for death injuries and destruction of properties by wild animals.

**Mr. Speaker:** Next Question by hon. Member for Gatundu North, Mr. Waibara!

*Question No.1367*

DROPOUT RATE OF STUDENTS IN GATUNDU  
NORTH CONSTITUENCY

**Mr. Speaker:** Is he not in? Then that Question is dropped!

*(Question dropped)*

*Question No.1369*

REPAIR OF CHANGAMWE-MIRITINI SECTION OF MOMBASA ROAD

**Dr. Otichilo** asked the Minister for Roads:-

(a) whether he is aware that the section of the road between Changamwe and Miritini in Mombasa is in a deplorable condition and has seriously stifled vehicle movement to and from Mombasa Town;

(b) whether he is also aware that some sections of the road are too narrow;  
and,

(c) when the road will be repaired and widened.

**The Assistant Minister for Roads (Mr. Kinyanjui):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the condition of the road section between Changamwe and Miritini in Mombasa has deteriorated and is impeding vehicle movements.

(b) I am also aware that some sections of the road are too narrow as a result of tearing off of the road shoulders.

(c) My Ministry, through the Kenya National Highways Authority (KENHA), has procured a contractor to carry out emergency maintenance of the road. During the repair of the carriageway, the shoulders will be reinstated to seven metres and the shoulders will be given 1.5 metre wide length.

The contract details are Telewa Roads Construction Limited and the sum contract is Kshs341,180,000. The contract period is eight months. The contract has already commenced.

**Dr. Otichilo:** Mr. Speaker, Sir, allow me to thank the Assistant Minister for Roads for the good work he is doing, specifically the action he has taken on this road. However, when will these road repair works expected to be completed?

**Mr. Kinyanjui:** Mr. Speaker, Sir, we expect the construction to be complete before August this year. But unfortunately, the rains have been going on and this has affected the progress of the work. However, we have not had a request for extension, therefore, I believe by August, it will be completed. We should be able to complete on schedule.

**Mr. Lessonet:** Mr. Speaker, Sir, now that the rains are destroying the roads, what plans does the Assistant Minister have for rural roads after the rains.

**Mr. Kinyanjui:** Mr. Speaker, Sir, it is, indeed, true that the ongoing rains have had a major impact on our roads. We will be carrying out a survey of the condition of the roads as soon as the rains are over. This is because even if we did a survey right now, the rains are still going on and we expect roads to get worse with time. We have requested our regional engineers at the Kenya Rural Roads Authority (KeRRA) to give us a status update as soon as the rains are over, so that we can request Treasury to give us money to restore the roads to motorable conditions.

**Mr. Gunda:** Mr. Speaker, Sir, what plans does the Ministry have to work on the road from Changamwe to Moi International Airport which is equally in a bad state?

**Mr. Kinyanjui:** Mr. Speaker, Sir, you appreciate that is an entirely different question but we appreciate the need to expand that road, and more so, because it leads to the airport. We also know that when there is congestion, our visitors are not able to get to the airport in good time. Some of the traffic using that particular road is not actually headed for the airport. We are trying to come up with a by-pass. This is the city southern by-pass which is expected to be completed by 2015. We are also planning to do the connecting roads or the missing links within Mombasa as we did in Nairobi. This will ease traffic within that section. In the meantime, we are in the process of designing that road and expanding it to reduce congestion.

**Mr. James Maina Kamau:** Mr. Speaker, Sir, considering what has happened as a result of heavy rains, what is the Ministry doing to make sure that at least Nairobians are safe because we have a problem in the City of Nairobi? What plans does he have to help ease traffic jam in Nairobi, especially during the rainy season?

**Mr. Kinyanjui:** Mr. Speaker, Sir, primarily drainage would fall under a different Ministry, but we are only concerned about drainage to the extent that it affects the roads. I want to say that we have a serious challenge, especially here in Nairobi, sections of Eastleigh and other parts where we are unable to move from one place to another because of drainage. In the fullness of time, we may require a full design of this town because when it rains, we are unable to move. We are currently studying that and together with the City Council of Nairobi, we will be able to come up with a complete plan.

**Dr. Otichilo:** Mr. Speaker, Sir, I am very happy with the action that the Assistant Minister has taken. Therefore, I have no further questions.

**Mr. Speaker:** Next Question is by the hon. Member for Gichugu.

*Question No.1450*

VIOLATION OF THE CONSTITUTION  
IN RECRUITMENT OF ASSISTANT CHIEFS

**Mr. Speaker:** Is the hon. Member for Gichugu not here? Then that Question is dropped!

*(Question dropped)*

LACK OF FACILITIES AT NORTH HERR GIRLS SCHOOL

**Mr. Chachu** asked the Minister for Education:-

(a) whether he is aware that North Herr Girls Secondary School was constructed as a centre of excellence in 2010 under the Economic Stimulus Package and started operating in February 2011 with 30 pioneer students;

(b) whether he is also aware that the school still lacks a sewerage system, water system, kitchen, dining hall and administration block; and,

(c) when the Ministry will provide additional funds to provide the necessary facilities to the school, considering that the allocated Kshs.30 million is not sufficient.

**Mr. Chachu:** Mr. Speaker, Sir, I have not received a written response.

**Mr. Speaker:** Minister for Education! Is the Minister for Education not yet here?

Order, Mr. Khaniri! What is happening to your colleague? I could see a lively exchange between you and the Assistant Minister for Provincial Administration and Internal Security, so I decided that you are the one to account for the absence of your colleague.

**The Assistant Minister for Communications** (Mr. Khaniri): Mr. Speaker, Sir, I can stand in as the Leader of Government Business. I beg to request that we come to this Question the second time. In the meantime, I will try to find out where the Minister is.

**Mr. Speaker:** Very well! Is that an indication of things to come?

*(Laughter)*

Hon. Member for Chepalungu!

*Question No.1431*

## RESETTLEMENT OF MAU FOREST COMPLEX EVICTEES

**Mr. Ruto** asked the Minister of State for Special Programmes:-

- (a) whether she could table a list of all persons who were evicted from Mau Forest Complex; and,
- (b) when they will be resettled.

**The Minister of State for Special Programmes** (Ms. Murugi Mathenge): Mr. Speaker, Sir, I beg to reply.

I wish to table the list of the Mau Forest evictees.

*(Ms. Murugi Mathenge laid the document on the Table)*

The resettlement of the Mau evictees is ongoing. Currently, we have resettled 297 and we are continuing. We have also given an option to the evictees because of the challenges we are facing in purchasing land, so that they can identify small parcels of land or small plots where the Government can actually do the purchase directly with the owners.

**Mr. Ruto:** Mr. Speaker, Sir, first, although I have not received the list, so that I could confirm the veracity of the same. I still want the Minister to explain how long it takes to resettle 3,000 people if at this rate she has only resettled 240 in three years and yet there are 3,000 households.

Secondly, in the interim then, who is taking care of these families? Are you giving them adequate shelter, food and medical care? Are you sure that the children are safe? How about their schooling? What was the purpose of evicting them before identifying where they were going? Is that not against all the protocol signed with the United Nations (UN)?

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, the Questioner has asked me a host of questions. I think I can only answer the ones that relate to my Ministry.

Yes, we are giving them adequate shelter. Yes, we are also giving them food. The Ministry that is in charge of buying land is the Ministry of Lands. If they gave me adequate land today, I have the facility and the capability to actually construct houses and resettle them. Until the Ministry of Lands gives me land, I am unable to resettle them.

*(Mr. Ruto stood up in his place)*

**Mr. Speaker:** Order, hon. Member for Chepalungu! Let us take your colleagues first.

**Dr. Kones:** Mr. Speaker, Sir, while appreciating what the Ministry is doing so far, I would like to know from the Minister what she is doing to provide food for those who have already been settled, particularly those who were settled at Kipkabus in Uasin Gishu.

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, I have given the people in Kipkabus food to last them the next three months. We are ploughing for them and also giving them seeds. After six months, I expect to win them off from the relief food.

**Mr. Mbadi:** Mr. Speaker, Sir, the Minister has talked about providing adequate shelter for these individuals in light of the fact that the new Constitution has specified that all Kenyans are entitled to proper housing. Could the Minister confirm to us what is this that she calls adequate shelter?

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, if they are in camps, I can only give them tents. When I get land to resettle them, I construct houses for them on a quarter of an acre. I do not have land as we speak so that I can go and provide them the shelter that is prescribed in the Constitution.

**Dr. Laboso:** Mr. Speaker, Sir, I just want the Minister to confirm when we will stop playing politics with the people of Mau and address the question of resettling them once and for all.

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, I was not aware that I was playing politics. I talked about being provided land by the Ministry that is relevant so that I can do that which is within my mandate; that is construction of houses and not identifying the land. I am not playing politics.

**Mr. Ochieng:** Mr. Speaker, Sir, the Minister has alluded to the fact that they are providing food for three months for those who are settled at Kipkabus. Could she explain to us what kind of food is this?

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, we give them maize, beans, rice, cooking oil and nutripack. We do not give them fish because I do not have fish. We give them canned beef and powdered milk. If there was a place where I could buy tinned fish, I would also provide them with fish but I was not aware they were fish eaters.

*(Laughter)*

**Mr. Cheruiyot:** Mr. Speaker, Sir, I would like to ask the Minister to confirm when she will deliver tents because the ones that were issued three years ago are worn out and people in that area do not eat fish.

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, as soon as I get the details of how many tents he requires, I will do so immediately. It can even be tomorrow.

**Mr. Kigen:** Mr. Speaker, Sir, with regard to availability of land, I think there is a lot of land in Rongai at the moment which has been offered to the Ministry to buy for the last eight months. This is about 5,500 acres. The Government has chosen to purchase 3,000 acres and left a balance of 2,500 acres. What is the logic when she tells us that there is no land and yet there is land?

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, when we are given land, we send a technical committee. The technical committee went to inspect the land. Three thousand acres were found to be arable while the 2,000 acres are occupied by squatters. This land has rocks. Does the hon. Member want me to settle people on rocks? Does he also want people to go and settle with the squatters?

**Mr. Speaker:** Order, Minister! Please, supply information. Answer questions and do not ask questions.

Proceed, Minister!

**Ms. Murugi Mathenge:** The 2,000 acres are not “viable” for resettlement.

**Mr. Speaker:** They are not habitable!

**Ms. Murugi Mathenge:** I meant “habitable”. English is my second language. That land is not habitable for resettling IDPs.

**Mr. Kigen:** On a point of order, Mr. Speaker, Sir. I come from that place and I have inspected the land. The land is not different from Banita where the Minister has settled many



people. Is it in order for the Minister to mislead the House that that land is not habitable and yet it is equivalent to the one that she has settled people already?

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, I go by the technical report and not by what the hon. Members feels to be---

**Mr. Koech:** On a point of Order, Mr. Speaker, Sir. I seek your guidance on this matter. We have people suffering in camps and the hon. Member has confirmed that there is land. Could I be in order to request that you defer this Question and the Minister visits the land so that we get comprehensive answers?

**Mr. Speaker:** Order! I will not defer the Question on that ground but I would like to urge the Minister to visit this area and ascertain for herself what the land is like.

*(Applause)*

Please, do so Minister at the earliest opportunity. Kindly confirm that you will do so.

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, visiting is not an issue because I have photographs and they are---

**Mr. Speaker:** Order, Minister! I have directed you as the Speaker to visit this area and ascertain for yourself. You do not want to do so? I speak with the authority of Parliament and not for myself. Kindly confirm that you will visit the area and ascertain for yourself whether or not this land is arable. If you do not want to do so, say so. Kenyans will hear you!

**Ms. Murugi Mathenge:** If you so order, then I have no choice. I will go.

**Mr. Speaker:** I have ordered!

*(Applause)*

**Mr. Ruto:** Mr. Speaker, Sir, indeed, there were some contradictions in what the Minister has said because at the earlier stages, she kept telling us that it is the Ministry of Lands that has not identified land and yet apparently she has the information. I would like the Minister, as she visits to confirm the land, to also visit the squatters because she has never visited the place. For sure, I can explain that. She has never visited those squatters there. She should go and confirm that they are living in habitable shelter. The children are dying of pneumonia and the old people have died because of being rained on. Could the Chair so direct that this same Minister visits and confirms that there is adequate food in those IDP shelters in Kuresoi?

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, I am not sure whether the hon. Member is talking about the squatters or the IDPs. I deal with the IDPs. If it is the IDPs, I give them food. My biggest budget right now is giving the IDPs food. The ones in Rongai are not IDPs but squatters.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. My question is very clear. I am asking about the Mau evictees who are now IDPs. They are Government-generated IDPs.

**Mr. Speaker:** Order, the Member for Chepalungu! Will you kindly be clear on where these IDP camps that accommodate the Mau evictees are so that the Minister can answer your question?

**Mr. Ruto:** Mr. Speaker, Sir, the Mau evictees who are IDPs are in Kuresoi. I will immediately draw a map and explain it in a language other than English because she says English is her second language. I will request Mr. Kioni to assist me to explain.

*(Laughter)*

**Ms. Murugi Mathenge:** Mr. Speaker, Sir, it is unfortunate that the hon. Member of Parliament is taking this matter to be trivial and casual because I give food to IDPs. I know that the Mau evictees in Kuresoi are 3,037. If the hon. Member wants a specific answer as to how much food I have given them, let him ask and I shall give the answer. He did not ask that question. I have answered the question he has asked me. So, ask the question you want me to answer and I shall answer it.

*Question No.1444*

DELAY IN ADMITTING NYS GRADUATES TO COURSES

**Dr. Kones** asked the Minister for Youth Affairs and Sports:-

(a) whether he is aware that there are many graduates from the National Youth Service (NYS) who have stayed for too long without being given training opportunities, several years after pass-out from the military training;

(b) whether he could further provide a list of graduates from the NYS since 2008, indicating those who have been admitted to pursue various courses; and,

(c) what the Ministry is doing to ensure that there is transparency in admission of NYS trainees to the various courses.

**Mr. Speaker:** Minister for Youth Affairs and Sports! Dr. Otuoma, where are you?

**The Minister for Youth Affairs and Sports** (Dr. Otuoma): Mr. Speaker, Sir, I am sorry for that. Mr. Khaniri was engaging me.

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there are many graduates from the NYS who have not been given training opportunities due to the fact that the initial intake to the basic training is more than 5,000 young men and women each year, all of whom cannot be absorbed into the service training institutions at the same time. I am, however, not aware that there are graduates who have stayed for too long to the extent of several years after passing out without being given training opportunities.

It is important for hon. Members to note that graduates from the NYS training collages are expected to serve at least a year of national building before they are considered for training opportunities. The timing may further be complicated by the education training calendar, which may sometimes stretch for between six and 12 months.

(b) The list of all graduates from the NYS since 2008, indicating those who have been admitted to pursue various courses, is hereby tabled.

I beg to table it for hon. Members to peruse.

*(Dr. Otuoma laid the document on the Table)*

(c) To ensure that there is transparency in admission of the NYS trainees to various courses, the Ministry has put in place the following measures: constitution of a selection panel representing all NYS training institutions, and ensuring merit in the selection process based on the qualification and individual course choices.

**Dr. Kones:** Mr. Speaker, Sir, I would like to have more time to look at the report he has tabled. Meanwhile, I can ask a supplementary question as I go through the list.

Normally we get requests from our youths in different camps for financial assistance to buy this or that. What kind of support do you give these graduates when they are offering community service in the different camps?

**Dr. Otuoma:** Mr. Speaker, Sir, under the Act of Parliament under which the NYS was set up, these youths are recruited and given para-military training for six months. The earlier mandate was that they were also to serve as reserve forces for the Republic of Kenya. However, over the years, because of the demand, we have been absorbing almost over 5,000, yet our 16 vocational training institutes can only accommodate 1,800 at a time. So, we have to extend their services in the national duty building. Therefore, some can even go for up to two years. However, you must realize that once they do that, they get training for free from the Government of Kenya.

**Dr. Khalwale:** Mr. Speaker, Sir, in the recent past it has been the practice of the Government that these graduates are given an opportunity to serve either in the defence forces, regular police or the Administration Police. Could the Minister confirm whether in the recruitment this year this is going to be the case? If it is, how many people will be taken from each constituency to ensure equity?

**Dr. Otuoma:** Mr. Speaker, Sir, normally, the recruitment is done by relevant departments, either the Department of Defence (DoD) or the Department of Internal Security. They are the ones who determine the number that they absorb. Our mandate is to train these young men and women in nation building. The information as to what number to be recruited this year or in any financial year can best come from the relevant Government Ministries.

**Mr. Chachu:** Mr. Speaker, Sir, realizing the large number of unemployed youths in our country, could the Minister consider increasing the number of trainees they admit to the NYS every year?

**Dr. Otuoma:** Mr. Speaker, Sir, indeed as part of our contribution to solving this problem, we had proposed that we can take in 20,000 young men and women every year, if we are provided with funds to do that. Indeed, we had proposed that to solve some of the insecurity problems in some areas, which are prone to cattle rustling or youths joining illegal groups, we should admit these people and make them useful citizens to this country.

**Mr. Kioni:** Mr. Speaker, Sir, we continue to receive telephone calls from the young men and women, who are within these training centers. Their complaint is that the criteria they follow for them to be enrolled for courses is far from what the Minister has said. There are those who report and immediately they are through with the three months or whatever number of months they go through training, they get opportunities to undertake courses ahead of others, who have been on the queue. Could the Minister inform this House what the Ministry is doing to ensure that those youths from very poor families, who have nobody to hold their hands so that they get favours, also get opportunities?

**Dr. Otuoma:** Mr. Speaker, Sir, as I had already mentioned, we only have capacity to train within the 16 vocational training institutions. We have the capacity to train 1,800 at ago. For them to be admitted to the various courses--- It depends on whether they qualify for those courses, which area examined by the Kenya National Examinations Council (KNEC). Some courses have a higher demand than others; that is why you will find that some youths may have a better opportunity. It depends on whether the course they want to pursue is over-selected. That will give them opportunity to be absorbed earlier than others.

However, if it is driving, tailoring, masonry or any other course they want to undergo, it has not come to my attention that somebody has qualified and they have been overlooked. If it is different courses, you will have them being absorbed at different times.

**Mr. Speaker:** Last question, Member for Konoin!

**Dr. Kones:** Mr. Speaker, Sir, I had asked him whether he gives financial support to these graduates and how much gives.

**Dr. Otuoma:** Mr. Speaker, Sir, indeed, we have had a budgetary problem. We used to give around Kshs700; but because of the cutbacks that we experience during the revised budgets, it takes a long time for us to provide that Kshs700 per graduate during the period of training. However, we are aware that they are entitled to that money once it is available to us.

**Mr. Speaker:** Next Question by the Member for Kitutu Masaba.

*Question No.1525*

DISMISSAL OF EVANS MAISIBA BITANGE

**Mr. Nyambati** asked the Minister of State for Defence:-

(a) whether he is aware that Mr. Evans Maisiba Bitange (Force No.101461) was dismissed from the Defence Force on 20<sup>th</sup> November, 2009 after serving for 28 years;

(b) whether he is further aware that the said person has not been compensated since he was dismissed from the service, and, if so why; and,

(c) whether he could consider reinstating him to the service or immediately compensating him for the years he offered his service to the country.

**The Minister of State for Defence (Mr. Haji):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, the Minister of State for Defence is aware that one 101461 ex-Service Warrant Officer II, Evans Maisiba Bitange, was dismissed from the service after serving for a period of over 28 years on 30<sup>th</sup> October 2009 but not on 20<sup>th</sup> November 2009 as alleged by the hon. Member. This was after he was caught with stolen assorted aviation equipment.

(b)The Minister is also aware that one Force No. 101461 ex-service warrant officer II, Mr. Evans Maisiba Bitange, has not been compensated since he was dismissed from the service. Personnel who are dismissed from the service are not legible for payment of retirement benefits according to the Armed Forces Act, 1968.

(c)The Ministry of State for Defence cannot consider reinstating ex-warrant officer II, Mr. Evans Maisiba Bitange immediately or in future because he was dismissed for gross misconduct and, therefore, the dismissed warrant officer cannot also be compensated because of the gravity of the offence which led to his dismissal from the service. Previously, his personal records have been tainted by indiscipline cases as follows:-

(i) On 15<sup>th</sup> July, 2009, he failed to report to his place of work contrary to Section 3(2) (a) of the Armed Forces Act, 1968. He was tried, found guilty and fined one day's pay and forfeited one day pay.

(ii) On 24<sup>th</sup> July, 2009, he reported on duty late and provocatively challenged his colleagues in the Dash 8 Aircrafts section to be late for a scheduled VIP flight.

(iii) Over the weekend of 25<sup>th</sup> and 26<sup>th</sup> July, 2009, he failed to report to work contrary to Section 34 of the Armed Forces Act, 1968, as ordered of all the Dash Aircrafts 8 service crew. He was subsequently reprimanded for his offence.

**Mr. Nyambati:** Mr. Speaker, Sir, I wish to thank the Minister for the answer and say that I am very surprised that a man who has spent nearly 25 years of his life working for the forces has to be dismissed without benefits. The Minister has said that one of the offences was just being late for one day; a man who had worked for this nation for 29 years. Could the Minister consider giving him his benefits because he has children to take care of unless they want him to become a robber? Could the Minister consider giving him some of his benefits so that he can take care of his family and pay the loans that he has?

**Mr. Haji:** Mr. Speaker, Sir, it is unfortunate but according to our records, this ex-service man was enlisted on 24<sup>th</sup> December, 1980 and on completion of his basic training, he was posted to the Kenya Air Force where he progressively underwent an aircrafts technician course. However, in view of the seriousness of the offence that he committed, it is very difficult to trust this officer anymore in the Army because he is likely to cause even more serious offence.

*(Messrs. Cheruiyot and Kigen stood up in his place)*

**Mr. Speaker:** Proceed, Mr. Kigen!

**Mr. Kigen:** On a point of order, Mr. Speaker, Sir. The Minister was asked whether he can consider paying benefits to sustain his family. Is he in order to avoid that particular question?

**Mr. Speaker:** Order! The Minister answered! Maybe you need to visit the answer yourself.

Proceed, Mr. Cheruiyot!

**Mr. Cheruiyot:** Mr. Speaker, Sir, I think this is a case where the Minister is very familiar with from his previous background. This is really a simple case of indiscipline. It is not a very serious one. Could his officers review the position, at least, pay the citizen for the 28 years he served this country?

*(Applause)*

**Mr. Haji:** Mr. Speaker, Sir, I find it very difficult to answer the questioner. Once he was my deputy and another time he was my Permanent Secretary but all the same as I said, it is very unfortunate. We cannot change the rules and the law of the country simply because of one officer. I sympathize but I think it is very unfortunate that there is nothing that I can do about it.

**Mr. Njuguna:** Mr. Speaker, Sir, the Minister has just said that this officer was dismissed because of the theft of aviation equipment. Could he inform the House the value of this equipment and the nature of application of these facilities?

**Mr. Haji:** Mr. Speaker, Sir, I was never asked that question. Unfortunately, I do not have the answer. If you want the value, you can put a question and we shall answer it.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to refuse to answer that question while he knows very well that information in our possession tells us that this officer was actually found with empty cans that carry oil that fills the engine. If that is the value that they are calling aviation equipment, it is only fair that he gives us the list of that equipment. You cannot just sack a Kenyan because he was found with cans.

**Mr. Speaker:** Order, Dr. Khalwale! From the Speaker's position, I am satisfied that the Minister has given adequate information. Even if it is an empty can that carries oil to fill an engine, assume, for example, you are flying a plane in Somalia or to Somalia and it runs out of oil and you have no oil can, what will happen? Dr. Khalwale even as a professional, you know if

you steal a needle or a syringe and you are in the operating theater, you cannot carry on the operation if simple things are not there. So I am satisfied that the Minister has dealt with this matter adequately.

**Mr. Nyambati:** Mr. Speaker, Sir, I am really disappointed with the Minister for the answers he has given. I have papers here which show that this service man was working with the aircrafts and the only crime that he had committed was that after fueling the aircrafts, he took the empty cans that they had used to put oil into the engine to his house. This is the only crime that he took the empty cans to his house and two of the used oils.

Is this the way we can treat our own people? Is it fair? Could the Minister review this in view of the fact that I have the papers which show that he was caught with empty cans? Can we throw away our people who have worked for this nation for 29 years without any benefits because of empty cans? Could the Minister review this issue or give me an appointment so that we can discuss this issue? I am very unhappy! I am actually crying!

*(Applause)*

**Mr. Speaker:** Order, Mr. Nyambati!

**Mr. Haji:** Mr. Speaker, Sir, this officer is a very senior officer! He was one of the officers who---

*(Mr. Nyambati moved to the Dispatch Box)*

**Mr. Nyambati:** I want to table these papers!

**Mr. Speaker:** Order, Mr. Nyambati! That is not how we conduct business here! Proceed, Mr. Minister!

**Mr. Haji:** Mr. Speaker, Sir, as I said, this was a senior officer and unfortunately he set a very bad example. Stealing is stealing whether you steal a pin or a thousand shillings. Therefore, there is nothing I can do about it. I am sorry!

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. The Minister is a highly experienced person with all due respect but I am sure he is fully aware of some of these laws that are very oppressive which were passed a long time ago. It is within his powers to recommend the same to the Attorney-General for repeal or adjustment of such laws. Is he in order to plead with the House to understand that we should obey a law that is now decadent? Already, an officer has contributed towards pension for over 20 years and I believe he could take a position or even promise to look at the possibility of reforming that law.

**Mr. Haji:** Mr. Speaker, Sir, these laws were made way back in 1968. If we were to change any law, we have to change all the laws dealing with stealing. For example, somebody who steals a goat, say in Samburu or even in Ijara, is accused of cattle rustling and sometimes, he is jailed for seven years, but somebody who steals only Kshs10,000 which is more than the value of a goat may also be jailed for only two years. So, it is unfortunate. We have laws and we have to go by them.

*Question No.1370*

LACK OF FACILITIES AT NORTH HERR GIRLS SCHOOL

**Mr. Chachu** asked the Minister for Education:-

(a) whether he is aware that North Horr Girls Secondary School was constructed as a centre of excellence in 2010 under the Economic Stimulus Package and started operating in February 2011 with 30 pioneer students;

(b) whether he is also aware that the school still lacks a sewerage system, water system, kitchen, dining hall and administration block; and,

(c) when he will provide additional funds to provide the necessary facilities to the school considering that the allocated Kshs30 million is not sufficient.

**Mr. Chachu:** Mr. Speaker, Sir, I do not have a written response from the Minister.

**Mr. Speaker:** Minister for Education not here?

*(Loud consultations)*

Order, hon. Members! I was actually advised that the Minister for Education has been called to come and answer this Question by the Member for Hamisi who is also the Assistant Minister for Information. So, the Minister's failure to be here at this time, notwithstanding that undertaking, is obviously gross disorder because in the first place, it was disorderly conduct by his failure to be here when the Question was called. We accommodated him, extended indulgence such that he was even called on telephone and he is still not here. So, for the first time, I am afraid the Minister has to take some punishment. So, the Minister will not be allowed to come to the House for the next two days.

## PRIME MINISTER'S TIME

*Question No. QPM003*

### PROVISION OF ROADMAP TO PEACEFUL GENERAL ELECTIONS

**Mr. Kutuny:** Mr. Speaker, Sir, I beg to ask the Prime Minister the following Question by Private Notice.

Could the Prime Minister provide a comprehensive road map towards a peaceful general election, considering that the next general election will be most complex under the new Constitution?

**Mr. Speaker:** Right Hon. Prime Minister, you may proceed to answer as part of the Prime Minister's Time

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I decided that I use the time to give a comprehensive response to this Question.

Article 4 of our Constitution declares the Republic of Kenya to be a multi-party democratic State founded on the values and principles of democracy, participation of the people, good governance, integrity, transparency and accountability, among others. Our Constitution outlines in Article 81 the principles of our electoral system which includes free and fair periodic elections by secret ballot, free from violence, intimidation and improper influence or corruption conducted by an independent body and administered in a transparent, impartial, neutral, efficient, accurate and accountable manner.

The number of elective political positions open to competition in the next general elections will be one President, 47 governors, 47 senators, 47 women representatives, 290 Members of Parliament and 1,450 county assemblers. There will be roughly 18 million voters, 45,000 polling stations, 350,000 election officials, 100,000 security officers, 380 tallying centres at constituency, county and national levels and 47 voting points for the diaspora. In assessing the state of our national electoral preparedness, we must examine the prevailing political environment and review the state of the laws that regulate elections including the judicial mechanisms for prompt and impartial adjudication of electoral disputes. Equally important is to consider the level of preparedness of both the institutions that manage elections and political parties. The extent of enfranchisement must also be assessed. The ability of the national security organs to guarantee peaceful and orderly elections and the degree of involvement of the civil society and the international community in observing and monitoring the elections must also be assessed.

Let me acknowledge from the outset that certain uncertainties remain with respect to the state of the national electoral preparedness. The date of the next general elections, delimitation of the new electoral units, issuance of identity cards to all eligible voters, establishment of clear judicial procedures for dealing with electoral disputes, the operationalization of gender balance requirements in the elective offices, entrenchment of vetting process for the aspirants of political office, compilation of the final voter register, enactment of the rules and regulations on independent candidates and reform of the Kenya Police Service all remain pending. This august House, the Judiciary and the Executive have the important roles in addressing the uncertainties mentioned above. This House has enacted various pieces of legislation on elections. This includes: The Elections Act, The Independent Electoral and Boundaries Commission Act, The Political Parties Act, The Ethics and Anti-Corruption Commission Act, The Kenya Citizens and Foreign Nationals Management Service Act, The Kenya Citizens and Immigration Act, The Supreme Court Act, The Transition to Devolved Governments Act, The National Police Service Act and The Independent Policing Oversight Authority Act. Several laws relevant to the elections have not been enacted. This includes The Campaign Financing Bill, currently undergoing stakeholder consultations and The County Governments Bill which has been referred back to Parliament by the President. There is also The Leadership and Integrity Bill currently being finalized and The Assumption of Office of The President Bill pending publication. There is also The National Security Council Bill and The National Intelligence Bill currently being drafted.

I table here a matrix on the enactment of the laws to implement the new Constitution.

*(Mr. Raila laid the document on the Table)*

A functioning multi-party democracy requires functioning political parties as established vehicles for the political organization and competition. Dysfunctional political parties lead to a dysfunctional multi-party democratic system. To borrow from one of Kenya's foremost legal scholars, the late Prof. Okoth Ogendo's dictum on the challenge of writing good constitutions and not respecting them: "constitutions without constitutionalism", we should avoid multipartism without political parties. Political parties, from the foundation of our multiparty democratic system, they form that foundation. Our democracy will only be as strong as our political parties. Political parties give life to our democracy. Political parties and leadership thereof that does not respect constitutionalism undermines, as opposed to promoting democracy.



The ethnization of our political parties is a cause of great concern. Equally worrying is the pattern of behaviour by political leaders to exhibit open disrespect of the laws that regulate membership and activities of political parties.

The enforcement of the laws on political parties needs to be strengthened to safeguard our democracy against opportunistic politics and instil the necessary level of democratic discipline among the political class.

Mr. Speaker, Sir, the Office of the Registrar of Political Parties established April, 30<sup>th</sup> 2012 as the deadline for political parties to comply with the with Political Parties Act. At the expiry of the deadline, 24 political parties had been registered, while 25 applications are undergoing verification. Throughout the month of April, 2012, the Office of the Registrar of Political Parties carried out nationwide public sensitization through the popular media and forums in each of the 47 counties on operations of political parties as vehicles for promoting democracy. The Office of the Registrar of Political Parties has established political parties liaison committees both at the national and county levels as forums of fostering inter-party relations and platforms for dialogue between the Registrar, Independent Electoral and Boundaries Commission (IEBC) and political parties. The Registrar plans to conduct training programmes for members of the political parties liaison committees on the values and principles of our electoral system, election related laws and electoral code of conduct.

In addition, the Registrar will train duly nominated candidates and their polling agents in all counties on their roles before, during and after the election. I table a matrix on the preparation by the Registrar of Political Parties for the general elections.

*(Mr. Raila laid the document on the Table)*

Mr. Speaker, Sir, enfranchisement of the youth, the diaspora, women, internally displaced persons and marginalized populations remain a priority of the Government. The Government has procured and installed production equipment with a capacity to produce 60,000 identity cards per day. In the past six months, a total of 1.6 million identity cards have been produced and dispatched to the districts. The Government plans to issue 3.5 million new identity cards by the end of the year 2012. I have given direction to the Ministry of State for Immigration and Registration of Persons to ensure that all seven million eligible Kenyans get identity cards by the end of the year. Field registration centres have been directed to identify mobile registration. The Government has waived fees for replacement of first generation identity cards and second generation identity cards. First time identity cards are issued free of charge. The requirement that married women produce affidavits before being issued with identity cards has been removed. The Government is investigating the option of combining the issuance of national identity cards with voter registration. There is also a proposal to distribute national identity cards through new channels such as learning and religious institutions, in addition to the system of Provincial Administration.

Mr. Speaker, Sir, I table a record of identity cards issued to the districts between September, 2011 and March 2012.

*(Mr. Raila laid the document on the Table)*

Mr. Speaker, Sir, IEBC is undertaking various activities in preparation for the next general elections. The Commission is finalizing regulations under the Political Parties Act and

the Elections Act before presenting the same to the stakeholders for consultations and further action by the Executive. The regulations will require to be tabled and approved by Parliament, at least, six months before the elections. In addition, the Commission has identified several shortcomings in the Elections Act and in the Political Parties Act and has proposed for amendments to be effected via the Statute Miscellaneous Amendment Act, which is going to come before this House.

With regard to the delimitation of boundaries for constituencies and wards, the Commission gazetted its final report in March this year. In excess of 120 court applications are pending in the High Court for determination with respect to the proposed boundaries. The applications must be heard and determined by June 6<sup>th</sup>, 2012.

Mr. Speaker, Sir, the Commission is in the process of procuring 9,750 biometric voter registration kits that will allow the Commission to reach the targeted 18 million voters from the current 12.4 million. A new round of voter registration both within and outside Kenya is planned to commence immediately after the determination of the pending court cases on boundaries. The exercise will take 30 days and is planned for August, 2012.

Mr. Speaker, Sir, I understand from courts that the Chief Justice has determined to consolidate all the cases for speedier hearing and disposal of the applications which have been made with regard to the boundaries. The Commission has, in consultation with the Kenya Institute of Education, civil society, media, political parties and other stakeholders developed voter education manuals and voter education handbook to promote continuous voter education at various stages in the electoral cycle. The Commission has also initiated the process of recruiting voter education providers to compliment the work of the Commission in offering effective grassroots voter education.

Mr. Speaker, Sir, the Commission has successfully piloted electronic transmission of election results in 12 by-elections and to the national referendum on the new Constitution. The Commission is currently looking into ways of simultaneously transmitting the election results as voting takes place. The law requires all registered political parties to submit their nomination rules to the Registrar of Political Parties, at least, seven and half months before the general elections. The parties must also submit their party membership lists to the Registrar, at least, 21 days before the general elections. Political parties must complete their party nominations, at least, 45 days before the general elections. I table an activity plan by IEBC for the next general elections.

*(Mr. Raila laid the document on the Table)*

Mr. Speaker, Sir, in order to provide sufficient security during the elections, new 7,000 police officers have been recruited and trained, and an additional 7,000 will be recruited and trained before the next general elections. Our political environment requires urgent cooling to stop it from overheating along ethnic lines. This is the responsibility of all leaders within and outside the august House. The National Security Intelligence Service (NSIS) has informed the Government that there are indicators of possible political violence ahead of the next general elections. The Service has warned and I quote:-

“The recent trend where sections of the political elite have resorted to using ethnic groups for political mobilization in order to advance personal and community interest to the exclusion of other sections of the Kenyan community is posing a threat to national cohesion and security.”

The use of tribal groupings to rally ethnic communities to denounce the ICC process may lead to deterioration of inter-ethnic tensions pitting those perceived to be for and against the process. The trend where most of the political parties attract bedrock support from specific ethnic groups is fuelling ethnic hostilities.”

Mr. Speaker, let me end by saying that the key to establishing a political environment conducive to free and peaceful elections lies in intensified civic education. In this respect, I commend the work of the Ministry of Justice, National Cohesion and Constitutional Affairs and the Independent Electoral and Boundaries Commission (IEBC) in rolling out the Government’s programme on civic education.

I also acknowledge the work of the Department of International Development (DFID), Canadian International Development Agency (CIDA), Danish International Development Agency (DANIDA), FIDA-Kenya, International Commission of Jurists-Kenya, the local media fraternity and other organizations working under the ‘Drivers of Accountability Programme’ for committing US\$48 million in civic education ahead of the next General Elections.

I appeal to the media, particularly those broadcasting in local languages to refrain from fuelling ethnic propaganda. I also call upon the relevant Government institutions to vigorously implement laws on hate speech.

Finally, I invite our development partners and the international community at large to get involved through observation and monitoring of the election cycle in Kenya and to extend such assistance as may help us organize free and fair elections.

Thank you, Mr. Speaker, Sir.

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

**Mr. Speaker:** Order! Hon. Members, we will allow five interventions for a start, beginning with the hon. Member for Cherangany.

Right hon. Prime Minister, please, keep note.

**Mr. Kutuny:** Thank you, Mr. Speaker, Sir. The Prime Minister has outlined the Government roadmap that will ensure we have peaceful elections, be it at the end of the year or early next year. But there is something that remains unclear or he did not talk about it. That is the election date. He has been on record saying that elections should be held this year, 2012, but the President has been rooting for 2013. The two principals are reading from different scripts. This is causing anxiety among Kenyans and polarizing the tranquility that Kenyans have been enjoying for a while.

Mr. Speaker, Sir, could he give the real Government position about the election date, so that it ends this anxiety and ensures that Kenyans know the specific times they will go for the polls?

**Mr. Speaker:** That is fair enough! Right hon. Prime Minister, it has just come to my attention that is a question. It is not a clarification from the Ministerial Statement. So, you need to answer it.

**The Prime Minister (Mr. Raila):** Thank you, Mr. Speaker, Sir. On the question of election date, hon. Members of the House will remember that there was, indeed, a court case which was determined by a panel of judges. They did make a ruling which suggested that elections could only be held after the end of the life of this current Parliament. This Tenth Parliament will last its full term.

The date of elections subsequently is fixed in the Constitution as the second Tuesday of August, every fifth year. The question now is: When does the life of this Parliament end? In the opinion of the court, Parliament was elected in December of 2007 and sworn in on the 15<sup>th</sup> of January of 2008. So, in the opinion of the court, the life of Parliament ends on the 15<sup>th</sup> of January, 2013. That ruling has been challenged through appeal in the courts and the results have not been determined.

Mr. Speaker, Sir, the President has actually expressed an opinion that he stands by the ruling of the court. There are other people who are entitled to hold different views on that matter. I, myself, do hold a different view on this issue.

Mr. Speaker, Sir, if you go by precedence, since Independence, elections in this country have always been held in December, except for 1983, when elections were brought forward by one year, and in 1988. The elections in 1969, 1974, 1979, 1992, 1997, 2002 and 2007 were all held in December. In all those cases, Parliament was always dissolved in October for elections to be held in December. The new Parliament was always sworn in, in January.

Mr. Speaker, Sir, if we go by the logic of the court, then the country will not be holding elections in December all the times---

**Mr. Samoei:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Right hon. Prime Minister, there is a point of order!

**Mr. Samoei:** Mr. Speaker, Sir, is the Prime Minister in order to give a long story to the House and yet, he was asked a specific question?

Mr. Speaker, Sir, we all have our opinions and I even share the opinion of the Prime Minister, but that is beside the point. The question is: What is the Government's position on the date of the election?

*(Applause)*

It is not about his opinion or anybody else's opinion. What is the Government's position on the date of election?

*(Loud consultations)*

**Mr. Speaker:** Order! Order, hon. Members! Right hon. Prime Minister, that is a valid point of order.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I have a right to answer a question the way I want to answer it!

**Hon. Members:** No!

*(Applause)*

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, unless the hon. Member wants to answer it.

Let me conclude by saying this---

**Mr. Speaker:** Order, Right hon. Prime Minister! You have put on record a very dangerous Statement. Members of the Front Bench who are led by you in the House have a right to give accurate information to the House, not to answer the way they want.

*(Applause)*

So, please, review that position accordingly.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, what I am saying is that I was answering the question to the best of my knowledge and ability. So, I was just giving that kind of background information, to state why there is no official Government position on this matter. There are only partisan positions.

Mr. Speaker, Sir, the position is that sections of the Government prefer March elections and other sections prefer December elections, like myself, for good reasons that in March schools will be on and teachers who act as Returning Officers and Presiding Officers will be teaching. It will also be raining. That is why I am saying that there is no official Government position.

**Mr. Samoei:** On a point of order, Mr. Speaker, Sir. This House this afternoon, wanted to listen to the Prime Minister on the issue of a comprehensive roadmap for a peaceful election. If the Government does not even have a position on the election date, a very fundamental issue to having peaceful elections in Kenya, how can the Government then claim to have any roadmap that has no date on when the elections will be held? How are they planning? I think the Prime Minister should take the business of this House seriously. If the Government does not have a date, it is actually the source of the confusion and anxiety that is going to inform an election that will have serious challenges. So, the Prime Minister needs to tell the House---

**Mr. Speaker:** Order! Order, Member for Eldoret North! You have asked a very good question, but you stood on a point of order. I do not see any point of order in that question. So, I am afraid the Right hon. Prime Minister need not respond.

Member for Eldoret North, while you sit there you can reflect on how best to articulate that point of order.

**Mr. Ethuro:** On a point of order, Mr. Speaker, Sir. Indeed, I rise on a point of order because when the Prime Minister gave the roadmap, which I appreciate, he also said that there are some uncertainties that are going to affect that peaceful roadmap to a general election. He conceded that the first one was uncertainty over the date of the general election. So, what the Prime Minister only needs to tell the House and country is that the Government has no position and so, they will go by the IEBC's date. We will be satisfied.

**Mr. Speaker:** Order! That also is not a valid point of order.

Hon. Nyamweya!

**Mr. George Nyamweya:** On a point of order, Mr. Speaker, Sir. Is it in order for the Prime Minister of the Republic of Kenya to rubbish a judgement of the High Court of Kenya? The High Court has stated very clearly that elections will be held within 60 days of the expiry of the term of this Parliament and the IEBC has followed that judgement by saying that elections will be held on 3<sup>rd</sup> March. So, when the Prime Minister says that there is no certainty, he is actually saying that they do not care what the court says. Whether or not there is an appeal, the valid judgement is that, that is what we must stand by. Is the Prime Minister in order to mislead the House and country?

**Mr. Speaker:** That is valid.

Right hon. Prime Minister!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, let me correct myself. First, I said that the court made a ruling and we respect that ruling. That is what the President has gone by. I should even have added that, that is what was also adopted by the Cabinet. So, if you want the

official Government position, that is the official Government position. But I talked about my own position and said that I disagree. I have said clearly that there is an official position. I also said that, that ruling was being contested in court and there is an appeal.

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

**Mr. Speaker:** Order! Order! Order, hon. Members! Please, calm down. This is an important matter for this nation. I want to move on and take further supplementary questions.

Member for Gichugu!

**Ms. Karua:** Mr. Speaker, Sir, I am aware of the court ruling and also that a ruling of the court does not stop us from thinking. Therefore, as a thinking Kenyan, I disagree with it totally.

Mr. Speaker, Sir, having said that and the Prime Minister having acknowledged that constitutions without constitutionalism do not help, and the Constitution says that elections will be held every fifth year, this being the fifth year, why would the Government not, if at all it believes in constitutionalism, instruct the Attorney General to concede the appeal that is before the court, so that we hold the elections in December this year, within the fifth year?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I have actually stated clearly what the Cabinet decision was. I only wanted to add that it was not a unanimous decision, but it is a decision all the same. That is the reason I went on to state my own preference. But as the hon. Member knows, this matter is already being contested in court. There is already a court case that is ongoing and, therefore, we will await the outcome of that petition.

**Mr. Lagat:** On a point of order, Mr. Speaker, Sir. The Prime Minister has said that the Government position is that elections will be held in March, and his position is that it should be December. Who is the Government and who is the Prime Minister? Is there a difference?

**Mr. Speaker:** Order! Order! Hon. Lagat, if you were attentive, the Government position will be the position taken by the Cabinet and the Right hon. Prime Minister is bound, pursuant to the doctrine of collective responsibility, to abide by the Cabinet position.

Member for Gem!

**Mr. Midiwo:** Mr. Speaker, Sir, I want to know from the Prime Minister what the Government is planning if the elections were to be held on 4<sup>th</sup> March. How will the Government deal with the school calendar? Further, if there was a re-run which would happen on 4<sup>th</sup> April, how would the Government deal with the school calendar? The first term is the foundation for the final year in school. This is what the parents are saying and I do not think that we can ignore what Kenyans are telling us will affect them. This will affect a whole generation in our country. Could the Prime Minister tell us, since the Cabinet adopted that bit, what they are doing to deal with the issue of the school calendar during that period?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, because a decision has already been made by the court, there will be no choice but to try and live with it. As I was saying, it will disrupt learning in schools and that is the reason there was preference for December. But if that is what the law will say, then the Government will just have to live with it. It is not just the schools, but even the budgetary circle based on the new Constitution that will be affected to a certain extent. This is because, as you know, the Minister for Finance is required to table the Budget Estimates before the House latest by April.

**Mr. Duale:** Thank you, Mr. Speaker, Sir. I want to thank the Prime Minister for a very elaborate roadmap touching on ethnic mobilization or communities that are mobilizing themselves. As much as the Constitution recognizes the existence of communities and respect for

their cultures and diversities, I want the Prime Minister to confirm to the nation that he is the father and architect of ethnic balkanization and mobilization in this country starting with the region he comes from since 15 years ago?

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. Is it in order for hon. Duale, in a bid to ask the Prime Minister questions to cast aspersions on the character and personality of the Prime Minister by saying that he is the architect of---

**Mr. Speaker:** Order, Member for Gwassi! The Member for Dujis merely asked a question. He has asked the Right hon. Prime Minister to confirm if he is the--- That is not imputing improper motive. As a matter of fact, I, as the Speaker, I am very much awake to the provisions as they are in the Standing Orders. I followed that very closely. If the Member for Dujis was out of order, I would have ruled him out of order. I would have applied sanctions instantly. But he merely asked a question which he is entitled to.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I do not know whether the hon. Member lives in Kenya. He needs to know that I am a Member of Parliament for a constituency that is not far away from the House here. That is a very metropolitan constituency.

*(Applause)*

If I were to be an architect of ethnic balkanization, I would never see the Floor of this House. I have never been elected on the basis of the votes from one ethnic community in the constituency that I represent. However, when ethnic drums are sounded, Kenyans become very shocked. Kenyans know when the ethnic drums are beaten.

Recently, they heard them being beaten in Limuru. A group of people from a few ethnic communities went to a meeting and said: "We will elect you. We have already said that you are our candidate. But go and tell us in which party you are going to stand." That runs against multiparty democracy. This is because we vote on the basis of the ideologies that the political party represents. However, if I come and say that because you are a member of my ethnic community you are my candidate but tell me on which party you will run, these are intellectuals who are taking this country 30 years backwards.

*(Applause)*

When others go and assemble in Eldoret and say that they are the KAMATUSA or the KAMATUSI and that you are their leader, they are beating ethnic drums. These are the kind of groupings that the National Security Intelligence Service (NSIS) is talking about. These are the kind of groupings that will not take this country very far.

When I am a leader of a national political party and I want to consult but I only invite members of my ethnic community, even from other political parties of which I am not a member, to tell me the way forward, I am beating ethnic drums. Our plan must be there. This House consists of intellectuals. These are the leaders of this country today and they need to show leadership. These people need to look at this country as one country and they should not divide the people of this country along ethnic lines. You have heard the unfortunate statements emanating from hon. Members of Parliament which do not help the unity of this country.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. The Right hon. Prime Minister is asking us to provide leadership in the arena of bringing peace. Is he in order to continue saying that

without telling us what exactly happened over the weekend when people purported to be his friends caused mayhem in a funeral? They snatched a microphone from Dr. Khalwale!

*(Laughter)*

**Mr. Speaker:** Order, Member for Chepalungu! Order, hon. Members! I have followed the point of order by the Member for Chepalungu and I am afraid it does not pass the test. So, it is not valid, it amounts to a false point of order and we will leave it there.

**Mr. Kiuna:** Thank you, Mr. Speaker, Sir. The Prime Minister has said that there are some intelligence reports indicating that there is likelihood of political violence in the coming year. The Chair remembers that there was such a report in the previous general election. What measures does the Government intend to take to make sure that this report is preempted and those who are behind it, action is taken against them?

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I quoted extensively from the report by the NSIS which pointed political leaders and urged that they desist. I was doing this because I know that Members of this House know some of those leaders that are being urged to desist. There are other groups which have been campaigning asking people not to register as voters. Those are also being dealt with so that we create an enabling environment. We have been urging that we engage each other on the basis of ideas. Let us talk about ideologies rather than personalities. We should de-personalize this issue and de-ethnicize politics. Let us not be talking about communities; that this community should unite with this and that community to capture the political leadership of this country. That will create a kind of colonial governance.

**Mr. Kutuny:** Mr. Speaker, Sir, is it in order for the Prime Minister to talk about communities coming together and yet recently, when there was a meeting dubbed “Limuru II” which was dispersed by the police, the Prime Minister came to the defence of that group from a particular region of this country? That was good enough to show that the Prime Minister was also supporting tribal cocoons coming together.

**Mr. Speaker:** Order! The Member for Cherangany, that is a valid point of order although you have not prosecuted it very well. However, it was a good attempt. So, the Right hon. Prime Minister, maybe you should respond to that.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the hon. Member is trying to compare apples with oranges. The agenda of the first meeting was purely ethnic. The second meeting was to counter it by saying: “We are nationalists and we do not support what was said by the other people.” They made it very clear in their statement that they were against this and they were dispersed in a very crude and old fashioned manner which was reminiscent of those days of *baba na mama*. That is why I came to the defence of those victims of ruthless violence.

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

**Mr. Speaker:** Order! That was a response to a point of order and I think it is adequately responded to. Hon. Dr. Khalwale!

**Dr. Khalwale:** Mr. Speaker, Sir, one sure way of sparking off violence on nomination day is for a popular candidate to go into the nomination and come out and tell his supporters: “I have been blocked.” Under the Elections Act, Section 22, we have provided high standards that presidential contenders and their deputies, governors and their deputies must hold a degree and



as a result of that, many potential candidates are now scrambling going around for certificates, diplomas and degrees – some of those degrees even being honorary and not academic.

*(Laughter)*

Could the Prime Minister tell us what instruments the Government is going to put in place to ensure that some of these certificates, diplomas and degrees that people are scrambling for – some of which are obviously fake - will receive sufficient authentication so that people with fake documents do not sneak into leadership in the country?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, the laws are very clear about eligibility for elections whether it is for a county representative, governor, Member of Parliament, a senator or a president. So, the IEBC will have the responsibility of referring it to relevant institutions to verify because it talks about recognized degrees. I do not know where the hon. Member is coming from but I was recently awarded an honorary doctorate degree by the Florida Agricultural University.

*(Applause)*

Mr. Speaker, Sir, over and above that, I have received similar degrees from the University of Nairobi (UON), Maseno University but I am also a holder of a Master of Science degree in Mechanical Engineering from a recognized institution.

*(Applause)*

So, I want the hon. Member to talk about other presidential candidates.

**Mr. Speaker:** Order! Right Hon. Prime Minister, could you just come back to the crux of the question? What mechanisms are you putting in place to authenticate degrees and certificates?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, if people are getting fake degrees, of course they will not meet the test of time because there will be due diligence that will be done by proper authorities and the law is very clear and the Government has no intention of compromising standards.

**Mr. Speaker:** We will want to come to the last question. Hon. Samoei, you have a question?

**Mr. Samoei:** Mr. Speaker, Sir, I have listened very carefully to the Prime Minister, especially when he expounded on the issues of political parties and how Kenyans should elect parties on the basis of their manifestos, programmes and policies, which is a very good thing. Secondly, the Prime Minister has also explained in detail that parties should not be ethnic based. Those are very good values that have been given by the Prime Minister but I do not know whether he was listening to himself because he holds the record in this House for having changed parties. He has not told the House how he managed to change to all these parties. I think he must be in the eighth party. What drove him from one party to another? Was it the policies he was following as he is telling the House? What was it?

Mr. Speaker, Sir, secondly---

**Mr. Speaker:** Order, hon. Samoei! You are asking a supplementary question and the rules that we apply allow one question at a time.

**Mr. Samoei:** Okay, Mr. Speaker, Sir. I want to ask the Prime Minister; while he has said all these nice things which he himself does not practise because he ran a party which I belonged to one day which has now been reduced to a shell and people have to look for alternatives when parties become private properties and they are reduced to tribal chieftains--- The Prime Minister should be able to tell the country---

**Mr. Speaker:** Come to the question!

**Mr. Samoei:** Mr. Speaker, Sir, the question therefore to the Prime Minister is: How does he lecture the whole House on issues which he himself has no intention and has not showed any concrete credentials or following? Who is he talking to?

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, notwithstanding the fact that you allowed the hon. Member a lot of latitude whereas when I was answering the other question, he was the one who came and actually lectured me that I should not give him an opinion. But I talked about political parties and ideologies and I believe in this. It is understood that when the political party formation is at its infancy, several political parties will emerge. Experiences in the former Eastern European countries actually testify to this; that at one time they had over 50 political parties in Poland. A ballot paper was actually a booklet. Eventually, these political parties coalesce into bigger political parties and movements and there will be a lot of changes in that process. I have been saying that our political party system has come of age.

Wilson Churchill said when he was actually on his third political party that there was nothing wrong in changing so long as it is a change for the better. Wherever I have changed, it has always been for the better but the hon. Member is saying that I hold a record; I have changed political parties four times because the National Rainbow Coalition (NARC) was not a political party as such. We were in the Liberal Democratic Party (LDP). The Kenya African National Union (KANU), Orange Democratic Movement (ODM), United Democratic Movement (UDM) and United Republican Party (URP) are four. He himself has changed parties four times like myself.

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! Right Hon. Prime Minister, move to conclude!

**The Prime Minister (Mr. Raila):** Finally, Mr. Speaker, Sir, he is saying that he was once a Member---

**Mr. Ruto:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Right Hon. Prime Minister, do you want information?

**The Prime Minister (Mr. Raila):** No, Mr. Speaker, Sir.

*(Laughter)*

**Mr. Speaker:** Proceed, Right hon. Prime Minister!

**The Prime Minister (Mr. Raila):** Yes, Mr. Speaker, Sir. He says that he was once upon a time a Member of my own party. In fact, he was a deputy leader. He quit and whenever an opinion poll is carried out about the popularity of political parties, ODM comes top.

*(Applause)*

So, in all this information, the ODM is the only national party today. It is the strongest national party.

**Mr. Nyambati:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Member for Kitutu Masaba?

**Mr. Nyambati:** Mr. Speaker, Sir, I appreciate that the Member for Eldoret North is a good student of the Prime Minister but is it in order for the Prime Minister to conclude his Statement on roadmap for peaceful elections without giving us an idea as to how Kenyans in the diaspora and those in the correctional centres are going to vote?

*(Loud consultations)*

**Mr. Speaker:** Order! Order! Hon. Members, if you look at the clock, you can see where we are. That, therefore, brings us to the end of Order No.6.

Next Order!

**Mr. Speaker:** Will Members on the French Bench kindly indicate who has a Ministerial Statement to deliver this afternoon? Is there any Minister with a Ministerial Statement ready?

*(Mr. Ojode stood up in his place)*

**Mr. Speaker:** Hon. Ojode, you will do that tomorrow afternoon, please, because of where we are in terms of time!

## POINTS OF ORDER

### DELAYED STATEMENT ON REVENUE ACCOUNTS

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. This afternoon, I feel a bit frustrated. You remember that there is a Ministerial Statement I sought from the Ministry of Finance with regard to revenue statement but the Ministerial Statement has not been coming. Actually, the other day it was scheduled to be delivered. I will, therefore, urge the Chair that your ruling will be in vain if the Minister does not comply and bring the Ministerial Statement, at least tomorrow.

**Mr. Speaker:** Fair enough! I have indication that the Minister has been out of the country, and that he is due back, perhaps, tomorrow. So, we will ensure that he is sensitised to bring that Ministerial Statement tomorrow, when he is back and ready to transact business. I will actually treat that request as priority. We will not allow the Minister to transact any other business before that Ministerial Statement is delivered.

Is there any other Minister with a Ministerial Statement, so that we can give you timing? If there is none, are there any requests for Ministerial Statements?

### DELAYED STATEMENT ON DEPORTATION OF MUSLIM CLERIC

**Mr. Duale:** Mr. Speaker, Sir, while you were on the Chair on Thursday last week, and on subsequent days, you directed the Leader of Government Business to present a Ministerial Statement that I was waiting for from the Minister of State of Immigration and Registration of Persons. Yesterday, the substantive Chair ruled in the presence of the Leader of Government Business that the Ministerial Statement be delivered today.

The Chair said then that if the Ministerial Statement is not delivered today, the Minister will not transact business in this House. This morning, I went to the Office of the Leader of Government Business and reminded him. This is the fifth time that the Minister of State for Immigration and Registration of Persons has failed to bring the Ministerial Statement on the deportation of a Muslim cleric two months ago.

Mr. Speaker, Sir, I want your guidance and ruling on this matter.

**Mr. Speaker:** Hon. James Orengo, will you kindly hold brief for the Minister of State for Immigration and Registration of Persons on the Ministerial Statement sought regarding deportation of Muslim cleric?

**The Minister for Lands** (Mr. Orengo): Mr. Speaker, Sir, with tremendous respect, can this be given on Thursday, next week? Earlier in the morning, there were lots of Statements sought.

**Mr. Speaker:** Minister, there has been a lot of undertakings on this one. Can it come on Tuesday afternoon?

**The Minister for Lands** (Mr. Orengo): Mr. Speaker, Sir, I will communicate the same to the Minister.

**Mr. Speaker:** Do so because it is pretty urgent. Member for Dujis, please, note. I will ensure that, that happens.

*(Mr. Ethuro stood up in his place)*

**Mr. Speaker:** Yes, Member for Turkana Central!

**Mr. Ethuro:** Mr. Speaker, Sir, I would like to request that tomorrow the Minister gives the Ministerial Statement I had sought on security.

#### STATE OF FLOODING IN TURKANA COUNTY

Mr. Speaker, Sir, secondly, I would like to seek a Ministerial Statement from the Minister of State for Special Programmes on the State of flooding in Turkana County, especially within Lodwar Municipal Council. In the Ministerial Statement, I would like the Minister to provide the following details: The areas affected by the floods, particularly in terms of the suburbs of Lodwar Town; the number of residents who have been affected and disposed of property in the process; and, what the Government has done in order to prevent such flooding, especially the washing away of a bridge at River Kawalajasol.

Thank you.

**Mr. Speaker:** The Minister of State for Special Programmes is not in, but Minister for Wildlife and Forestry, this Ministry is close to you. Maybe you want to give an undertaking as to when the Ministerial Statement can come to the House.

**The Minister for Wildlife and Forestry** (Dr. Wekesa): Mr. Speaker, Sir, I would like to accept the responsibility of telling my colleague to issue the Ministerial Statement on Thursday afternoon.

**Mr. Speaker:** Hon. Members, I am made to understand that there is a Statement due from the Chair of the Budget Committee, which is of critical national importance. So, I will take that one now. So, do it very briefly, please, Committee Chair.

#### STATEMENT BY CHAIR OF BUDGET COMMITTEE

SCHEDULE OF PUBLIC HEARING MEETINGS  
BY THE BUDGET COMMITTEE

**Mr. Mbau:** Mr. Speaker, Sir, the Statement is very brief because yesterday you gave a very elaborate Communication from the Chair on the same matter. The purpose of this Statement is to further appeal to Members of Parliament from the various parts of this country to mobilise their constituents and also participate in this constitutional requirement of holding public Budget hearings in the various counties that have been selected.

Mr. Speaker, Sir, Article 221 of our Constitution requires that Parliament, through the Budget Committee, gives the public a chance to participate in the Budget making process. Therefore, as Parliament, we have proposed to visit 17 counties for this purpose between Friday, 11<sup>th</sup> May, 2012 and Monday, 14<sup>th</sup> May, 2012. The schedule of our visits is as follows:-

<u>County</u>	<u>Venue</u>	<u>Date</u>
Machakos	Machakos Municipal Hall	11.5.2012
Nyeri	Nyeri Municipal Hall	11.5.2012
Nakuru	Nakuru Municipal Hall	11.5.2012
Kitale	Kitale Municipal Hall	11.5.2012
Kericho	Kericho Municipal Hall	11.5.2012
Kisumu	Kisumu Municipal Hall	11.5.2012
Kisii	Kisii Municipal Hall	11.5.2012
Bungoma	Bungoma Municipal Hall	11.5.2012
Malindi	Malindi Municipal Hall	11.5.2012
Wajir	Wajir Municipal Hall	12.5.2012
Isiolo	Isiolo Municipal Hall	12.5.2012
Meru	Meru Municipal Hall	12.5.2012
Kakamega	Kakamega Municipal Hall	12.5.2012
Nyandarua	Nyahururu Municipal Hall	14.5.2012
Lodwar	Lodwar Town Hall	14.5.2012
Voi	Voi Municipal Hall	14.5.2012
Nairobi	County Hall	14.5.2012

Mr. Speaker, Sir, I appeal to the Members of Parliament who come from those areas to attend the hearings and articulate the issues that are relevant in terms of being integrated in the Budget. I also appeal to members of the public in those areas to come to the hearings and articulate the issues and challenges affecting them and give their aspirations, so that they can be catered for through the national Budget.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Fair enough, Chairperson. Will you, please, cause that document to be circulated to all Members of Parliament!

**Mr. Mbau:** Mr. Speaker, Sir, I oblige as well as notifying hon. Members that the same information is included in today's *The Standard* Newspaper and shall be carried in tomorrow's *Daily Nation* for purposes of informing the entire public.

**Mr. Speaker:** Order, hon. Members! That then brings us to the end of Order No.7. Before we move to the next Order I have the following Communication to make.

## **COMMUNICATION FROM THE CHAIR**

### **PROPOSED RULES OF PROCEDURE FOR ELECTION OF EALA MEMBERS**

I wish to state as follows with respect to the procedure to be followed in considering the proposed rules of procedure for the election of Members to the East African Legislative Assembly otherwise acronymed “EALA”:

As you are aware, the House, yesterday, Tuesday, 8<sup>th</sup> May, 2012, adopted a report of the Departmental Committee on Defence and Foreign Relations on the proposed rules of procedure for election of EALA Members and resolved that the rules be committed to the Committee of the whole House. Upon the Order being read, the House will move to the Committee of the whole House and Members will examine sequentially and substantively each of the proposed rules and schedules one by one as is the case in a Committee Stage of a Bill.

Hon. Members will be at liberty to propose amendments to any rule once the Chairperson proposes the question “that Rule No. X be approved” as we normally do in consideration of clauses of a Bill. After all the proposed rules and schedules have been disposed of, the Chairperson will call upon the Chairman of the Departmental Committee on Defence and Foreign Relations to move “that the Committee of the whole House doth report to the House its consideration of the proposed rules of procedure for election of Members of East African Legislative Assembly and its approval thereof with or without amendments.”

If the Question is agreed to, the House will resume and the Chairperson reports to the House. Finally, the Speaker will call upon the Chair of the Committee to move the Motion “that the House doth agree with the Committee in the said Report”. The resolution of the House in accordance with the provisions of Standing Order No.119, paragraphs 2 and 3 which states *inter alia* “that the House doth agree with the Committee in the said Report” will conclude the consideration of the rules by the House.

Thank you.  
Next Order!

## **BILLS**

### *First Readings*

**THE PROHIBITION OF PYRAMID SCHEME BILL  
THE PUBLIC PRIVATE PARTNERSHIPS BILL**

*(Orders for First Reading read - Read  
the First Time and ordered to be referred  
to the relevant Departmental Committees)*

## **COMMITTEE OF THE WHOLE HOUSE**

*(Order for the Committee read)*

*(Mr. Speaker left the Chair)*

IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Dr. Laboso) took the Chair]*

PROPOSED RULES OF PROCEDURE FOR  
ELECTION OF MEMBERS OF EALA

**The Temporary Deputy Chairlady** (Dr. Laboso): Hon. Members, we are now in the Committee of the whole House to consider the Rules of Procedure for the Election of Members of the East African Legislative Assembly pursuant to the rules of the Speaker.

*(Rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
12, 13, 14, 15 and 16 agreed to)*

*Rule 17*

**Dr. Khalwale:** Madam Temporary Deputy Chairlady, if you look at Rule 17(a), and allow me to read it, you will find it says:-

“the Returning Officer shall report to the National Assembly the results of the election together with the number of votes recorded for each candidate under the cluster of each party.”

I support this, but I would just like it to be on record that it would have been clearer if we had indicated report at what time because it leaves it hanging. We would like it to mean that the reporting is at the end of the exercise and it is not after three days.

**The Temporary Deputy Chairlady** (Dr. Laboso): Just propose an amendment. Remember the Speaker said you can propose an amendment on the Floor.

**Dr. Khalwale:** Madam Temporary Deputy Chairlady, allow me to propose that after the word “and” we say, “at the end of the voting exercise”.

**The Temporary Deputy Chairlady** (Dr. Laboso): Just give us the exact place where you are putting that.

**Dr. Khalwale:** I am on Rule 17 – Declaration of Results; I am looking at part “a” which provides that the Returning Officer shall report to the National Assembly the results of the election together with the number of votes recorded for each candidate under the cluster of each party. So, I am saying we must specify the time of the reporting, which I am saying should be at the end of the voting exercise.

I move the amendment and Mr. Keynan will support me.

**Mr. Keynan:** Madam Temporary Deputy Chairlady, I second the same because it clarifies further the same sentence.

*(Question of the amendment proposed)*

*(Question, that the words to be added be added,*

*put and agreed to)*

*(Rule 17 as amended agreed to)*

*(Rules 18, 19, 20, 21, 22,  
23, 24 and 25 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Rule 1 agreed to)*

**Mr. Keynan:** Madam Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of The Proposed Rules of Procedure for Election of Members of East Africa Legislative Assembly and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## **REPORT**

### THE PROPOSED RULES OF PROCEDURE FOR ELECTION OF MEMBERS OF EAST AFRICAN LEGISLATIVE ASSEMBLY

**Dr. Laboso:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Proposed Rules of Procedure for the Election of Members of the East African Legislative Assembly and approved the same with amendments.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**Dr. Khalwale** seconded.

*(Question proposed)*

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, this is a great step. As you know the whole region is waiting for us to complete this process.

Let me thank the Chair and the Committee---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Midiwo! You could do that in the Third Reading.



*(The Temporary Deputy Speaker  
(Mr. Ethuro) consulted the Clerks-at-the-Table)*

Mr. Midiwo, proceed! There is no Third Reading.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I thought I listened to the Speaker properly.

I just wanted to thank the Committee for putting something where there was nothing. Five years or six years ago we were victims of a very lawless nomination of Members of this particular Parliament. Thanks to God that the court has brought sanity to the Government and this Parliament. I remember the former Chief Whip Mr. Norman Nyagah, saying that he was the law and anybody he picked would go and surely he did that. Hopefully now nobody will be the law. The law shall be the law.

With those few remarks, I want to thank the Committee once again.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Committee for this work; it reminds me that at the time when we had difficulties in identifying the current Members of EALA, I was an Assistant Minister in charge of the East African Community (EAC) and I was working in Arusha. It created a lot of national shame for Kenya; for a fact the other partner states of the EAC started doubting whether Kenya would be ready for political integration.

Now that we have put our act together, I hope and want to ask the partner States to know that our nation is committed to the integration of our region for the greater interests of the people of the EAC.

I thank you.

**Dr. Laboso:** Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to add my voice to this great thing that we have just passed today giving us some order in how we choose members to the East African Legislative Assembly. I just want to urge now that we have had these very specific rules which are a good guide, we will now not go to our usual party politics and keep pulling in all directions until even with these rules we are unable to get our members to join that legislative assembly by 4<sup>th</sup> June, 2012.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, as I thank the Committee for its good work in the rules that they have brought, I want to urge them not to fall into the trap of looking at women through different lenses. In terms of the rules, I have not seen any rule that says that you must be married in one region or you must have been born in a region.

*(Applause)*

I am very glad that the Committee has not used that parameter. I hope that when the names come here, women will not be judged from where they are married or where they were born but it is from their qualifications and the fact that they are qualified as the rules stipulate.

*(Question put and agreed to)*

## **MOTION**

### **ADOPTION OF REPORT ON BUDGET POLICY STATEMENT**

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

*(Mr. Mbau on 26<sup>th</sup> April, 2012)*

*(Resumption of Debate interrupted on 8.5.2012)*

**The Temporary Deputy Speaker** (Mr. Ethuro): This Motion was moved yesterday by the Chairman and I think Mr. Vice-Chairman you are to second.

Proceed, Mr. Sambu!

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I rise to second the Motion. The Budget Policy Statement (BPS) remains a very important document in the planning process and we in the Budget Committee have taken cognizance of this in preparing this report. We have closely examined the framework which is the basis for the next national Budget and provided for key interventions that should result in the robust growth of our economy, poverty alleviation as well as providing for quality service for the citizens of this country. We realize that in future once the scrutiny and approval of the BPS process has been done, it will provide the policy direction that will pave the way following reintroduction of the annual division of the Revenue Bill and the county allocation for the Revenue Bill as required by Article 218 of our Constitution.

The Budget Committee, however, has raised some concerns with regard to this BPS. First is the concern with regard to the delay in presenting this particular BPS. This has left Parliament with constrained opportunities to provide requisite input and direction to ensure that the Estimates for the next financial year reflect the resolutions and guidelines of the House.

The next concern is that because of these delays, we feel that as we go through the Public Financial Management Bill which is before this House, it might be pragmatic to provide for Parliament to go ahead and apportion resources accordingly in the event of the delay or the absence of the BPS. In discerning, the procedure used to allocate the resources to individual votes and programmes remained a very significant concern. The law is very clear on the criteria used, but this has traditionally not been the case. No one can really say why, for instance, a certain vote could get so much while another vote does not. This House should expect that in going forward, a definite and precise criterion be submitted along with the BPS clearly enumerating the reasons behind the proposed allocations for the following Budget.

The third concern is about the ability to absorb the funds allocated to the Ministries. It is of concern that at the end of this month, 16 of the Ministries, departments and agencies have spent less than half of the resources that they were allocated with some spending as little as 20 per cent. This is in spite of having only three months to the end of the financial year and it implies that the proposed projects for these votes will not be implemented in time. This, therefore, means that delays in provision to Kenyans of the Finance Bill must come to a stop.

Mr. Temporary Deputy Speaker, Sir, the fourth concern is with regard to devolution. While scrutinizing the BPS, we, as a Committee have realized that devolution has not been provided for with the adequate financial support as it is required. We have, for instance, noted that there is no specific allocation to allow for the Transitional Authority to be set up; the structure in various counties or the starting of the devolution process. It is imperative that we take this seriously as it is our promise to Kenyans and we voted in large numbers to adopt our

Constitution. In fact, this particular matter was highlighted by none other than His Excellency the President in his Speech to this august House when he said:-

“One beautiful aspect of our Constitution is the creation of the 47 counties and modalities for making the counties operational have begun in accordance with the devolution laws”. In this regard, the process of deploying resources, staff and equipment to the counties should be completed by August this year. The postings should reflect the diversity of our country.”

The Committee notes that this has not been done and it may not be achieved by August this year.

Mr. Temporary Deputy Speaker, Sir, the last concern is that resolutions are passed in this House to be translated into action, but very little is done or, generally, they are ignored. This was the experience for the Budget Policy Statement where Parliament passed several resolutions which have not been implemented. Amongst them was making provision in the 2011/2012 Budget for strategic food reserves and setting up a Livestock Development Fund. This has not been done.

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

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

The other resolutions were; coming up with an appropriate regulatory framework to rein in commercial banks to reduce the lending rates in line with international best practice and to narrow the gap between the lending and deposit rates, putting in place measures to ensure that the required level of import cover is maintained at the stipulated four months level at all times, so as to sustain adverse external shocks. Lastly, there was the resolution to reduce the leakage in Appropriation-in-Aid by turning them into revenue to improve efficiency and accountability.

Coming to specific priorities, when the Chairman of the Budget Committee was making his concluding remarks, he indicated that Ministries’ ceiling for the Executive be limited to Kshs936.75 billion. To be within this ceiling, the Government will have to initiate expenditure cuts and also within these ceilings, the following sector specific priorities will have to be considered. The Committee went into various areas of these specific sectors’ priorities and we singled out the following sector priorities:-

1. The Government should move with speed to complete the refurbishment of the railway network as it is vital in easing transportation. The development of the land rail system in the Nairobi metropolitan area will reduce the man hours and fuel cost in traffic jams being experienced at the moment.

2. There is need to increase rural electrification funding in order to expand the outreach. In the report of the Budget Committee on the Estimates of Expenditure 2011/2012, the Committee recommended for additional resources to the Rural Electrification Authority. However, this did not happen. The Committee reiterates this position and that this consideration be factored in the 2012/2013 Budget.

3. That more resources should be allocated to develop science and industrial polytechnics. At least Kshs10 million should be allocated to each of the 520 registered youth polytechnics in Kenya to purchase equipments and infrastructure.

4. To increase tuition support for students enrolled in youth polytechnics and provide Kshs2 billion towards the Kshs890 million that was allocated in 2010/2011.

5. To increase the allocation to the Veterinary Services Development Fund to Kshs1.2 billion to facilitate infrastructure development.

6. To increase the allocation to Kenya Animal Genetic Resource Centre by Kshs234 million to the already allocated Kshs60 million to the Parastatal for infrastructure development.

7. To increase allocation for Livestock Extension Services from the current Kshs200,000 per district to Kshs2 million per county.

8. That the irrigation component be reverted to the Ministry of Agriculture since it is well endowed with the technical capacity to explore the irrigation potential for food security. That Kshs1.3 billion be allocated towards post harvest crop management for driers and stores.

9. That additional Kshs5.3 billion be allocated for capitation and employment of, at least, one Early Child Development (ECD) teacher per centre.

10. That an allocation of Kshs5 million be made, per constituency for establishing at least five ICT centres for each constituency.

11. That the Treasury should provide Kshs13.6 billion for the employment of 40,000 teachers.

12. That the Government allocates Kshs2.1 billion for the promotion of teachers and Kshs200 million for the automation of the TSC records.

13. That an additional Kshs5.8 billion be provided for the improvement and infrastructural development in the university colleges and to consider allocating Kshs3.9 billion for accelerated admission and loans to our students.

14. That the Ministry of Finance should also allocate Kshs3 billion for research regeneration and technology.

15. That the Government should increase the funds for the recruitment of 750 medical staff made up of doctors, clinical officers and nurses. We should increase the funds for enhanced remuneration and training expenses to existing health personnel. We should increase funding for the procurement of drugs, non-pharmaceuticals and capitation of KEMSA. We should increase funding for the purchase of ARVs and cancer screening machines and to provide necessary funding for the procurement and maintenance of 290 ambulances for each constituency. The Government should provide sufficient funding in all referral hospitals with focus on Kenyatta National Hospital.

On the legal framework, Parliament should fast-track the legislation process on the Public Finance Management Bill, 2012, in order to create an enabling environment for the functioning of both levels of Government.

With those few remarks, I ask the House to adopt the Report of the Budget Committee. The Minister should take note of the above recommendations and the respective Ministries be ready to make the proposed changes during the review of the Estimates by the Departmental Committees. With those remarks, I second the Motion.

*(Question proposed)*

**Mr. Mbadi:** Madam Temporary Deputy Speaker, as I rise to support the Motion, first of all, I would like to say that as the Budget Committee, we are so grateful to the Speaker for making a ruling to accommodate our Report even though it became practically impossible to meet the requirements of the Fiscal Management Act. That happened because the Treasury did

not submit the Budget Policy Statement in good time for us to scrutinize and table it before the House within the legally provided timeline.

Madam Temporary Deputy Speaker, the ruling of the Speaker has saved this important process. But I am a bit saddened by the fact that even as we make contributions after tabling this Report here to seek for adoption by the House, I will say that it has actually been overtaken by events because the estimates of revenue and expenditure, which were tabled in this House on 26<sup>th</sup> last month, should have incorporated the recommendations of the Budget Policy Statement as adopted by the House. Therefore, we are now legislating after the event. It is a bit complicated. But I appreciate that we are just in the second year of the budget making process after promulgating the current Constitution. Therefore, it should be understood in that context. I urge and request the Treasury to live within the spirit and letter of the new Constitution so that, in future, we are not caught up in this complicated state of affairs.

Having said that, it is my wish that this House will take cognisance of the recommendations of this Statement so that, when we bring our report on estimates of revenue and expenditure, which will accommodate or incorporate the adjustments that we made on the Budget Policy Statement, this House will again co-operate with us and adopt those recommendations. I want to also mention that one would have expected that the estimates of revenue and expenditure follow to the script the Budget Policy Statement from the Treasury. But you find a mismatch of the same. But that will be debated later on when we will be debating estimates of revenue and expenditure.

Madam Temporary Deputy Speaker, I want to specifically mention a few highlights of this Budget Policy Statement. First of all, I want to talk about the projected rate of growth. I think following the events in the global market both internally and externally, they show that there is likely to be slowed economic growth. Therefore, given also that we are approaching elections; that elections will be conducted in this financial year--- Even if they are done in December or March next year, it will still be in this financial year. Elections come with uncertainties and political risks. Therefore, the projected economic growth of 5.7 per cent is ambitious. Last year, I remember many stakeholders and professionals criticised the projected economic growth. The Treasury believed that what they had projected was correct, only to turn out that our fears were actually genuine. I would expect that this time round, the Treasury listens to everyone else and have a correct projection of economic growth. That way, they will not be the only ones who believe in such an accelerated growth. Our suggestion is to lower the projected growth by 0.5 per cent. I still feel that, that probably will still be high. But, obviously, the rate as projected by the Treasury is off the mark.

Secondly, I would like to talk about the Constituencies Development Fund (CDF). The CDF is not very clearly specified in the Constitution as a fund. But the Constitution also provides for creation of other funds. My view is that the CDF should have a place. The CDF has done what it has done and recently, I think two days ago, I attended the launch of an audit of CDF by one of the civil society groups. I must say that they did some good work – a commendable job. But you can see that there is increased or improved performance even in their report. If the media does not report to Kenyans, because it is really not news when CDF is performing slightly better-- What we got from those civil society groups was that the last survey revealed that the performance had increased from 60 per cent to about 80 per cent. That, to me, is commendable and we need to increase and even reach 100 per cent. I must say that the CDF has done well. It has revolutionized development in this country. What we need to do is to review the CDF Act. That must be a priority for this Parliament. We cannot continue with the CDF Act as it is because

there have been a lot of questions raised on CDF. We need not ignore such sentiments and comments from Kenyans, professionals and other players. So, what we need to do as a House is to review and reform the Act, to bring it in conformity with the current Constitution.

Madam Temporary Deputy Speaker, I have heard people talk about the sharing of revenue among the counties. But I think, as a House, we are missing the point. As a House, we need to, first of all, audit and find out the amount that the Commission on Revenue Allocation, which is performing its constitutional function and mandate, is recommending to be devolved from the national to the county level. Is it sufficient, based on the functions that have been devolved to the county government? I think that is the bottom line. We need, first of all, to ask ourselves: Have we devolved sufficient funds? Remember most of the functions have now been devolved to county governments. For example, we have devolved health. We have devolved almost all the functions except for referrals, and we have very few referral hospitals in the country. In the roads sector, we have devolved all the roads except highways. All those functions need to be devolved together with the resources. That is what the Constitution says. Those resources should be devolved to match the functions that have been devolved. So, we need, first of all, to ask ourselves: Let us not talk about 15 per cent. Actually CRA has recommended that we devolve 33 per cent of revenue to counties. The first governors will not succeed if we do not devolve their share to the Counties. If we get it wrong, we will be setting up the governors and the entire county government management for failure. When that happens, as a country, we will have failed. The Constitution will have failed because the backbone of this Constitution is devolution.

Madam Temporary Deputy Speaker, my fourth point is on the Judiciary. The Judiciary requires urgent and immediate reforms. We all know and appreciate the importance of an effective and independent Judiciary. We need more resources to be allocated to the Judiciary. I do not understand why the Treasury denied the Judiciary the amount that it had requested for. The Constitution is very clear. It says that the Judiciary and Parliament shall prepare their estimates independent of the Executive. Therefore, if the Judiciary requires Kshs17.9 billion to be able to deliver justice, introduce reforms and conform to the requirements of the new Constitution and what Kenyans expect, we can only give them that. The Judiciary is only answerable to this Parliament. Therefore, I support my Committee's Report that we increase the allocation to the Judiciary from Kshs9.8 billion to, at least, Kshs16.4 billion that has been proposed.

I also want to touch on austerity measures. I remember that last year, the Budget Committee did what I would call a commendable job in recommending budget cuts. We recommended that we cut on hospitality and things like foreign travels so that we could be able to lower recurrent expenditure and make more money available for delivery of services and development.

What did not go well was the fact that even after we had done all this, again, the Government, through Parliament, did the complete opposite by undoing what we did when we passed the main Budget. In the Supplementary Budget, there were requests to increase the expenditure on austerity measures like expenditure on foreign travels and so on. So, it was an exercise in futility.

Madam Temporary Deputy Speaker, I would recommend and urge this Parliament to be more vigilant, so that when we make recommendations to reduce expenditure on areas that we thought there would be waste, it is important that we stick to that throughout the year. We should

even stop the Executive from increasing expenditure through the Supplementary Budget. Otherwise, we are wasting energy in trying to cut these expenditures.

Madam Temporary Deputy Speaker, the other point is about the Rural Electrification Authority (REA). If you want rural areas to develop, we need to provide power to the rural areas. The allocation to the REA has been going down every year. We need to stop this and put more resources to the REA. I believe our Committee has already made the recommendations on how this should be done.

My second last point is; how do we increase the percentage of development expenditure as a total percentage of the Budget? It has been Government policy that we increase the development expenditure with a higher percentage compared to the recurrent expenditure. What has happened in the current scenario is that we are increasing the recurrent budget by over 20 per cent and only increasing the development expenditure by 13 per cent. The net effect is that the percentage of recurrent expenditure is going to continue rising as opposed to that of the development expenditure. A country cannot survive on recurrent expenditure. For posterity, a country would rely more on development expenditure.

Remember that the Constitution is very clear that the benefits and burdens of taxation should be shared equitably between the current generation and the future generations. We can only be able to share the benefits and burdens of taxation with the future generations if we put more resources to development expenditure, so that those generations to come would be in a position to find resources to enjoy. But if we put resources to the recurrent expenditure, what we are doing, in effect, is to deny the future generations benefits and we are exposing them to liability; we are exposing them to the burdens.

Finally, Madam Temporary Deputy Speaker, is my pet subject of teachers. Last year, I must say that this House disappointed me because we had made recommendations that we should provide more funds for the employment of teachers. We did not push the Government hard enough to implement that. This year, we have another opportunity. I plead with the House that, this time, we should make sure that we provide enough funds to employ teachers. Building schools, having our children there and saying we have free primary education, when there are no teachers in classrooms is a waste of the future generations. We need to put more funds and have more teachers in classrooms to teach our children.

Madam Temporary Deputy Speaker, with those many remarks, I beg to support.

**Mr. Muthama:** Thank you, Madam Temporary Deputy Speaker. I also stand to raise my voice in support of this Motion. The Budget Committee has done a fantastic work. The Report is now before the House to be adopted.

Madam Temporary Deputy Speaker, I want to concur with those who have spoken before me. There are issues which do raise some great concern to us. One of them is the education system. Truly, if we are serious leaders of this country, then we need to take care of the people we are leading. We have to address their needs and concerns.

Madam Temporary Deputy Speaker, if there are people who work so hard in this country, it is the teachers. Surprisingly, the salary which they earn is not something to write home about. Just imagine a primary school teacher earning between Kshs7,000 and Kshs8,500. What can that money do? It is not enough for his transport. It cannot even cater for his needs and those of his family. It beats common sense to see some Ministries are allocated money, but at the end of the financial year, it is returned back to Treasury. Why can we not pay teachers well? They deserve a little better than what they are currently earning.

Secondly, it is a pity to see a school with a population of 400 and 500 pupils with only six teachers. In a primary school with four streams or three streams, you will find five or seven teachers. In these schools, you find the children of the poor parents or children from disadvantaged backgrounds. Their parents expect them to excel and be admitted in provincial and national secondary schools. The rich people in this country take their children to those well equipped primary schools and with very many teachers. How do we expect these children to compete? We need to equip all our public primary schools and employ more teachers if we expect children from poor backgrounds to compete effectively with children from well to do families who attend well equipped schools.

Madam Temporary Deputy Speaker, many of us have been spending CDF funds to construct classrooms. But in a constituency like mine where I have more than 175 primary schools, this money is not enough. Most of those schools are in a very bad state. Even if I try to improve the infrastructure with the CDF money, there is nothing much I can do. Last financial year, I received Kshs85 million. Even if I try to give each school Kshs100,000, that would make no impact. Still, there is no development that would seem to have been initiated in those primary schools. So, truly, we need to talk about issues that concern *mwananchi*.

Madam Temporary Deputy Speaker, I agree that President Kibaki's Government has done a lot in terms of development in this country. However, the development we are talking about is not felt by the ordinary Kenyan. This is because we are not addressing issues that affect them directly. For example, Thika Super Highway is being used by people who have vehicles that can transport their goods and services. Majority of *wananchi* are not enjoying the fruits of the development initiated by this Government. Their major concern is what they will eat today and the education of their children. They would like to see their children, after primary education, being admitted to good secondary schools.

Madam Temporary Deputy Speaker, we need to think seriously about the secondary school education in this country. This is an area which has been neglected for a long time. For example, if you go to the rural areas, secondary schools there are in a deplorable condition. Do you expect students in those schools to compete with their counterparts in Nairobi School, State House Girls High School, Alliance High School and others which have got very well equipped science laboratories and other equipment? It is a pity that some secondary schools in my constituency, and I believe in other constituencies, have never taken any student to the university. So, we need to show concern and direct money where it needs to go.

Madam Temporary Deputy Speaker, the other issue is security. Money has been allocated to provide security, but you will find that a big chunk of it is going to the military and the National Security Intelligence Service (NSIS). We are not bitter about this, but the real security that is required in the village or sub-location is not there. In Matungulu, for example, there are two districts each with a population of between 145,000 to 165,000 people. Although I have 12 chiefs in one of the locations, there are not many Administration Police (AP) officers, and hence, they cannot cope with crime. There are no police stations or police posts. You cannot have five AP stations attending to 40,000 people.

Madam Temporary Deputy Speaker, although we have gone into devolved government, when I look at the allocations--- I do not want to criticize but when I look at the eight constituencies in Machakos County and the allocation that has been given, compared to different areas, truly we need to revise this and ask ourselves: Really, are we putting money into the hands of those who deserve and need it?



Madam Temporary Deputy Speaker, the Government is building roads, but when you go to certain areas--- I do not want to be biased or tribal, but it is good to balance and look at issues the way they are. The road from Nairobi to Kangundo, which is about just 70 kilometres, has never been re-carpeted for the last nine years. About Kshs400 million has been allocated recently and the contractor was awarded this contract in November last year, but he is yet to report to site. This is Kenyans' money and so, if it is not being used on that road, then it should be taken to another place. That small amount of money has been allocated, yet it cannot complete that work. We want to see total allocation. If the Government decides to do a road between Migori and Kisumu, it should be done to completion and not halfway. You cannot allocate Kshs200 million to one place and then another Kshs200 million for the Nairobi-Namanga Road. This will mean that only 25 per cent of the works will be done. That is where stealing of funds comes in. When there is not enough money to do the job that needs to be done, it gives a loophole to misuse the money that is available.

Madam Temporary Deputy Speaker, the Budget this year must focus on water. We read in the newspapers the other day that billions of money have been set aside to import maize, in case we will need it. Every year, money is set aside for the same purpose. I think two years ago – and everybody is a witness in this House – about Kshs30 billion was spent to cushion the food deficit in this country. When we want dams to be built so that they can provide Kenyans with water to grow their own food, that money is not available. But it is set aside, awaiting that very needy hour so that it can be spent. We want Kenyans to be provided with water. It does not necessarily have to be in Ukambani region. If you provide people in Rift Valley with enough water, they can grow enough food and as a result, there will be no shortage of food in Ukambani. If you allocate enough money and give it to Narok people it will make them grow enough food. As a result, Kenyans will be okay and there will be no shortage of food. We will debate this issue, being a Member of the Budget Committee, and make sure that money goes where it should go, and Kenyans will be happy about this.

Madam Temporary Deputy Speaker, with those many remarks, I beg to support.

**Mr. Ogindo:** Madam Temporary Deputy Speaker, I rise to support the Committee Report on the Budget Policy Statement.

Madam Temporary Deputy Speaker, I want to start by regretting the level of participation in this important subject. It is with a lot of pain that when it comes to voting on this, you will see hon. Members coming in droves and voting without really appreciating the substance of the Report. The same goes even for the Estimates. I want to urge my colleagues to really take this matter seriously, because when it comes to our responsibility in this House, as representatives of the people, money counts most, because we want to see effective and efficient management of resources that can transcend all the way to every corner of this country.

Madam Temporary Deputy Speaker, having said that, the Budget Policy Statement is a broad guideline on how the Government intends to undertake economic development in the country. Our new Constitution imposes serious responsibility on Parliament. Previously, we have been joyriding on the back of Treasury to see to the macro-economic stability of this country. But today the new Constitution has shifted this mandate and Parliament has an equal share of the mandate to steer the macro-economic stability of this country. With that, it becomes imperative for Parliament or the National Assembly as a whole, to improve and strengthen its Budget Office.

Today, we have a Budget Office that is headed by a Director. I want to commend the Director for the good job that she has done, but I must point out that she is an overworked

person. She sits in the Parliamentary Service Commission (PSC) and serves all the Committees. What was envisaged in this Fiscal Management Act, when we created the Budget Office, was that we wanted to create an office that is capable of assembling staff who have the capacity of matching what is in the Executive side, in all sectors of this economy. It would be appropriate for this Parliament to take urgent measures, now that the new Constitution imposes this responsibility of the Budget making process squarely on Parliament, to upscale the Budget Office, so as to be able to live up to its expectation. I have in mind the need to bring into the Parliamentary Budget Office engineers, agriculturalists and educationists, so that at policy level, the Budget Office is able to interrogate educational policies, agricultural policies and infrastructural policies.

Presently, what we have are financial analysts. I believe that when we fully get into our presidential system of Government, then the need for a strong Budget Office will be more than clear.

Madam Temporary Deputy Speaker, having said that, I want to say that in the Budget Policy Statement, every time, our focus has always been on the expenditure side. We want to see where money goes to. However, it is important to look at the other side of the coin which is the revenue side. It goes without saying that there cannot be expenditure without revenue. The need to spend will forever keep on increasing. It becomes imperative for policy makers to formulate ways and means of increasing our revenue. That brings me to the projected Gross Domestic Product (GDP) growth which my colleague referred to.

I want to thank the donors who recently donated to the Parliamentary Budget Office a macro-economic modeling programme that probably has enhanced our capacity to equally model our projections as opposed to relying on Treasury generated models and the Kenya Bureau of Standards (KEBS). The projection we have from the Treasury is that the economy is expected to go up 5.7 per cent and this has been revised downwards by the Budget Office to 5.2 per cent. That means that the revenue, as projected by the Budget Office is less than the revenue projected by the Treasury. I believe and I want to concur with the Treasury that there are many expenditure areas that we have not yet satisfied. It is now calling on our creativity to find ways and means of enlarging the revenue basket.

I want to start by saying that in this time and age, the Government ought to have moved away from the manual receipting system of revenue. For all intents and purposes, everybody who touches money faces temptation. Everybody who deals with manual records is very creative. It is very important that we take this as a challenge and we take it positively because we believe it will enhance our resources.

In the last Budget Committee Report on the Budget Policy Statement, we recommended the use of the GPRS. That will take effect in the last Finance Bill that was recently assented to into the Finance Act, 2012. I want to call upon the Treasury to ensure that this measure is enforced as soon as possible. I project that with the mere enforcement of the GPRS, we will double our Value Added Tax (VAT) collections. I want to urge that the same is applied to other sources of revenue and various tax heads.

The other issue I want to talk about is that the Budget Policy Statement has not adequately recognized the need to actualize devolution. This makes us doubt the commitment of the Executive in the implementation of the devolved government system. At this point in time, we have months to get into a devolved system of government and yet we are seeing very little action, if any, on the ground to show Government commitment and readiness to implement devolution in terms of infrastructure at the ground level.

I have had an opportunity to travel across this country and I have gone to Mandera, Wajir and Lodwar. These are county headquarters that have no structures whatsoever that can serve as county assembly offices. This leaves one wondering, upon election, where the Governor and the County Assembly Members will assemble. We are lucky that we have the Estimates here.

I want to urge this House that we consider making adequate provisions for infrastructure development if at all we are true to the spirit and the intentions of the Constitution as far as devolution is concerned. We need to bite the bullet and make adequate provisions. Attempts have been made but we still have not conclusively believed in the Constitution. At this point, I want to urge the Front Bench to support our recommendations which are bound to come shortly with the review of the Estimates; that adequate provisions be made to accommodate the two levels of Government.

The other bit that I want to speak about is the popular topic of sharing of revenue. This is very critical in so far as going forward with our new Constitution is concerned. You will remember that the jewel in this new Constitution is devolution. It is a jewel to the extent that everybody expects to feel part of Kenya in terms of development. This can only be realized if, indeed, we remain patriotic, fair and committed to developing the entire nation.

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

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, it is very reflective for the Commission on Revenue Allocation (CRA) to have started with the allocation of revenue among the counties. What ought to have been is a division of revenue between the two levels of Government. Even before that is done, it is important for this county to appreciate how we project, collect, record and safeguard our revenue. It is important that as we allocate revenue between the two levels of Government – the Constitution says that money shall follow functions. Up to this point in time, we are not sure what steps have been taken by the Central Government to bring to bear what it has been costing this Government to provide services at the county level, which can only be an amalgamation of the cost of delivering services at the various district levels which comprise the counties.

It is very important that that exercise is carried out as soon as possible because time is of the essence here. You will appreciate that the Constitution says that the formula that shall be adopted will remain in force for the next three years. That is a long time to live with a mistake. You will also appreciate that people get accustomed to ways of doing things. If you get them accustomed to the wrong ways of doing things, it will be hard to change them, particularly on matters to do with resources which are very emotive and competitive.

Madam Temporary Deputy Speaker, it is also important that the relevant parameters that are being relied on to distribute and allocate revenue are made accurate. Any unreliability in these parameters will bring down the faith of Kenyans in the end product and we do not want to kill this new baby that we have for a long time yearned for. Away from that, I want also to add, before I leave that topic, that it is very important that we segregate the revenue that we are going to allocate into two categories.

**Mr. Deputy Speaker:** Hon. Ogindo, how many pairs of glasses should we give you to recognize that it is not Madam Deputy Speaker here but it is the Deputy Speaker? It is Mr. Deputy Speaker!

**Mr. Ogindo:** Mr. Deputy Speaker, Sir, my profuse apologies and I recognize Mr. Deputy Speaker and hitherto will not make that mistake, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, I want to point out that in the allocation of revenue, due recognition ought to be made of the two aspects of expenditure, namely; the Recurrent Expenditure and the Development Expenditure.

Madam Temporary Deputy Speaker, while I appreciate---

**Mr. Deputy Speaker:** Order, hon. Ogindo! You are out of order!

**Mr. Ogindo:** Mr. Deputy Speaker, Sir, I am out of order. Madam Temporary Deputy Speaker---

*(Laughter)*

Mr. Deputy Speaker, Sir, you will bear with me. I have had the gracious lady here for a long time.

Mr. Deputy Speaker, Sir, I want to point out that it is important that we separate the two votes of expenditure when we do our allocations. It is important to note that different parts of this country are at different levels of development. We know people require development however few they are and, as such, we need to craft a formula for Development Expenditure which is different from the formula for Recurrent Expenditure.

Mr. Deputy Speaker, Sir, before I forget, it is also important to mirror what is happening at the national Government. In the national Government, we have ensured that there is separation of powers and there is independence between the three arms of Government. It is important that we mirror the same at the county level of Government by ensuring that there is some independence of the Legislature from the Executive. It is important that consideration be made into making the budget of the county assembly separate from the budget of the Executive of the county Government if, indeed, we expect the county assembly Legislature to oversight effectively the Executive at the county.

Mr. Deputy Speaker, Sir, I have also noticed some anomaly in our budgeting process and we have all along accommodated and tolerated this on account of transition. If you look at our Standing Order No.152, I suppose, which deals with supply, it says that:-

“Upon being laid before the National Assembly, the Annual Estimates shall stand committed to the respective Departmental Committees according to their mandates.”

Madam Temporary Deputy Speaker, Sir, it is important that that is aligned to the Constitution which today recognizes a committee.

Madam Temporary Deputy Speaker---

*(Laughter)*

The lady is in red and she is very captivating.

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

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Thank you, Mr. Deputy Speaker, Sir. I have a few issues to raise and I hope I will not be repetitive. I want to support this Motion. The issue of climate change has not been addressed. What we are experiencing now; the heavy

flooding, buildings collapsing and our people being buried in mud, some being carried away by water is a clear indication that climate change is with us. A critical example of climate change is flooding and prolonged drought and we are already experiencing these two. Therefore, as we talk about allocation of resources, we must put aside funds to mitigate the negative effects of climate change.

Mr. Deputy Speaker, Sir, in this respect, we should be sensitive to why we are having these droughts and flooding. We must plant trees. We have said in my Ministry that every Kenyan should take it upon himself or herself a duty of reforestation. We must plant trees in our farms and in our empty spaces on our hills and mountains to limit these negative effects of climate change. Now, as we continue doing that we must also bear in mind that soil erosion and flooding in Budalang'i and elsewhere is due to deforestation that has taken place for a long time. Water from these hills is going down unchecked because the ground is bare and the water leaves with high speed and this is why we are having flooding in Kano Plains and in Budalang'i. We must therefore sensitize our people to plant trees and join the Government in planting trees.

Mr. Deputy Speaker, Sir, this issue of drought affecting food security is paramount. Many people only talk about security being about guns and thugs but they forget that the worst thing that can happen to a nation is not to have enough food. Kenya today should not be one of the countries that are continuously importing food from outside. We are capable. We have a good climate in the areas that receive rain. We have good soils and we have experienced farmers. Gone are the days when *mzungus* would tell us that we cannot farm. Many Kenyans now know the technology of farming and we should support our farmers. We should support our farmers so that they can produce food and stop this practice of importing food every year. How do we do this?

Mr. Deputy Speaker, Sir, we can do this by giving them money to purchase inputs in good time. The National Cereals and Produce Board (NCPB) has been doing a good job but they lack the funds to support the farming communities. So, as we talk about allocation of resources, we must make sure that the Ministry of Agriculture, and the Ministry of State for Special Programmes, receive enough funds, so that they can purchase fertilizers in good time.

As a government, we know that every year, farmers must plant but we make fertilizers available in February or March. Fertilizers should be available in October or November and, latest, in December, so that the farmer can know what to do. If we are going to give money to the NCPB to purchase these inputs, we should do so in good time. By so doing, we will be making sure that farmers are not late in planting maize or whatever it is that they plant. Therefore, as we talk about this, it is important for us to recognise the fact that it is very important to have food security in our nation.

Mr. Deputy Speaker, Sir, we cannot develop without research. You know very well that there is no country that does not allocate enough funds for research. The nations that have improved their economies have taken research very seriously. So, again, I want to implore the Treasury that in every Ministry, if there is a research component, enough funds should be allocated for research, so that we can improve our capacity to do research on crop and animal husbandry, road construction and in all other aspects of our development.

The issue of insecurity has been highlighted by my colleagues but I just want to add a few comments. In this House, we have seen my colleague who is in charge of internal security constantly on his feet, answering Questions about insecurity in this country. So, as a Government, we must be aware that there is a problem. The reason for insecurity is that although

we have very good officers who are doing their best, they do not have enough equipment. They do not have houses. They do not get good salaries. So, their morale is low.

So, as we talk about allocation of funds, let us give enough funds to the Ministry of State for Provincial Administration and Internal Security, so that they can buy vehicles and put up housing units, so that our police officers can stay in good houses.

**Mr. Kiuna:** On a point of order, Mr. Deputy Speaker, Sir. We have heard the Minister very clearly complaining and accusing the Government yet he is part and parcel of the same Government. Is he in order to criticise himself?

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Mr. Deputy Speaker, Sir, the Member for Molo is a good friend of mine but I do not think he was listening. I am not accusing anybody. I am saying that we, as Government, must be aware of the problem that is with us. There is insecurity in this country and as the Member of Parliament for Kwanza, I also have the responsibility of talking about insecurity in my constituency. Kwanza has been in the forefront in terms of cattle rustling and other forms of insecurity. So, insecurity is a problem today.

As a Government Minister, I agree that there is insecurity in this country, and that we must do the best we can to deal with it. If my colleague in charge of internal security was here, I would have implored him to join us and impress upon the Minister for Finance to provide enough funds for us to address this issue, so that every constituency, including Molo and Kwanza, can have enough vehicles for our security personnel to do their work.

Mr. Deputy Speaker, Sir, finally, we are talking about allocation of funds. Let us allocate these funds but if we find that some Kenyans are corrupt, please, let us send them to jail. It does not matter who the perpetrator of the crime is. I hope that the reforms that are going on in the Judiciary will change things for the better. I thank God that some of the bad workers in the Judiciary have been vetted out. Let us make sure that corruption is dealt with by giving the perpetrators of the crime the severest sentences possible.

In the past, the Government lost a lot of funds but we have seen very few of the perpetrators of corruption being taken to court and being imprisoned. So, let us do it as they do it in other countries. Let us do it as they do it in China and Rwanda. If anybody is suspected of misappropriating Government funds, be it a Minister or a Permanent Secretary, he should be put aside, so that investigation can be carried out. If somebody has to go to court, let him go to court. If somebody has to be jailed, let him be jailed. If we cannot do this, this thing called “impunity” will always be with us.

With those remarks, I beg to support.

**Mr. M’Mithiaru:** Mr. Deputy Speaker, Sir, I thank you for giving me a chance to support the Budget Committee’s Report on the Budget Policy Statement for the Financial Year 2012/2013.

Mr. Deputy Speaker, Sir, the spirit of the Budget Policy Statement is really to spell out priority areas that are intended to make the country pursue the required monetary policies and the overall micro economic policy. In doing so, the Budget Policy Statement gives an indication as to how the Budget Estimates will look like, taking into account the sectoral areas and the sectoral ceilings to ensure that the required priority areas have been taken care of.

From the Budget Policy Statement, we have seen that there are a number of priority areas which have not garnered the required attention. One of these is the area of water. Water is life. We know that water is a commodity whose availability is really wanting in most parts of Kenya. In particular, in Igembe North Constituency, water is our major problem. We do not have any

rivers or water springs. We rely heavily on piped water from very far. When the rains are not there, you find that accessing water is a big hustle.

Mr. Deputy Speaker, Sir, we would like the Budget to take this sector into account by having funds deliberately put aside for it, just as we have seen the Government come up with programmes for the development of the road infrastructure and for rural electrification. We also want to see that kind of concern within the water sector, so that all Kenyans can have adequate water.

On the same note, without repeating what the previous speaker talked about, in order for us to mitigate degradation of our environment, afforestation must be provided for adequately. Measures should be put in place to ensure that Kenya conserves her environment properly, a point which brings us back to what I said about water. That is not all. Almost every other year we import food in Kenya. The Government has not put in place adequate programmes to ensure that Kenya fully sustains itself in terms of food security. The climate and the soils are good. We understood the other day that within three or four years the Government of Malawi was able to roll out programmes and was able to sustain its population in terms of food. We can do the same in Kenya but it is only that the Government has not put in place adequate programmes for this.

Mr. Deputy Speaker, Sir, the other priority area is health. We know that a healthy nation is also a working nation. A nation that is inadequate in terms of health provisions will always be limping. I know Members of Parliament, through the Constituency Development Fund (CDF), have put up many health facilities and the Government knows that. However, most of them have not even been mainstreamed into the health sector of this country in terms of staff provision, the requisite medicine and an all-health instrument to ensure that, at least, those facilities are not in vain and that they are able to serve the communities that the CDF funds were channeled to.

Mr. Deputy Speaker, Sir, from issues discussed in the Budget Policy Statement, we understand that Kenya is steering off from donor-supported budgets to a budget that is being provided for from resources garnered from within the country. I think this is really a credit, especially to the Kenya Revenue Authority (KRA), whose collections are now almost gearing towards Kshs1 trillion. I am sure that one must be properly promoted now. At the same time, we also thank the Government which has ensured that this programme has actually realized the results in that now we are relying very little in terms of donor funds to finance our Budget.

The other bit on the Budget Policy Statement is that although it dealt little on the devolved funds, on the CDF, it was not clear how they want to treat it. If I may quote a World Bank report where they were crediting Kenya for having two important innovations which are almost changing the way the world economy is administered. One of them they say is MPESA. The World Bank itself was actually jittery about it and they were almost saying that Kenya was going to the ruins if it passed that route. Now they are giving Kenya us credit for the success of M-PESA.

The other one is that they talked about the CDF and said that Members of Parliament were misusing these funds. However, the latest report says that through the CDF and that micro-managing at that level has actually lifted Kenya. They can see the impact on the ground and the rural Kenya is now having a face of development. On that token, even now on the devolved funds, the CDF should be properly provided for as a conditional grant. Let it pass through the county governments and go directly to the constituency to ensure that all the work that has been started through that initiative or the gains are not negated or reversed.

Mr. Deputy Speaker, Sir, again, on that, there is an issue on which even Members of Parliament have talked. We even had a report on the weakening of the shilling. All these

monetary policies we are talking about; if we do not maintain a strong Kenya shilling and we revert to where we were in November or December, the amount of money we are going to use in terms of repayment and interest on the external loans is going to be too huge; it will interfere with the development programmes of the Government. The other thing is for the Government and the monetary authority to ensure that the Kenya shilling is strengthened both within Kenya and abroad.

Lastly, on the issue of the Commission on Revenue Allocation (CRA), I know even my colleagues in Parliament have said that the formula used by the CRA may not be the best. However, what I know is that the CRA wants to be equitable. This is because if it is equality, they do not even need a formula. They would just take the number of counties or constituencies and divide the amount of money available with that so as to get the results. I think this is where we should get real issues. If we say that a county that has two constituencies and a county that has seven, eight or nine constituencies should share the cake equally, that will be terribly inequitable and cannot be allowed. If there is equity, then why do you not even take constituencies and then divide the funds the way we divide the Constituencies Development Fund (CDF) funds? This will still be the same figures that the CRA are advocating for.

Mr. Deputy Speaker, Sir, I am saying that rather than us shouting without coming to grips with the real issue at hand, let us look at the formula and ensure that it is properly equitable, even if this means giving the population a lesser figure. Let us ensure that everything is properly equitable.

Lastly, on the Government side, we are now approaching June and we know for sure that there are Ministries and sectors that have not utilized all the funds, as it were. Since it is towards the end of the financial year, priorities, or projects, are forgotten and Ministries are now in a hurry to ensure that they spend all the funds, so that come the end of June, all the funds are properly accounted for and done. We would urge the Government and the Treasury at this time of the year to ensure that if there are any new projects started, the proper process is followed, and the normal procurement requirements are in place; we should not have things done in a hurry and at the end of the day we have shoddy jobs. We should also not ignore priority projects which the funds would have financed if the initiative was taken early enough in the year.

With those few remarks, I support.

**Mrs. Odhiambo-Mabona:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I want to support the Report by the Committee.

In supporting the Report, I wish to indicate that the Ministry of Finance needs to keep up with the time. We have implemented a new Constitution. We have a law called the Financial Management Act, with very clear timelines. When the Ministry does not follow the time lines, then we almost engage in an exercise in futility. Fortunately, I know that we will have an opportunity later on to remedy this by introducing amendments to the Estimates.

I would like to encourage the Budget Committee that as they go for the public hearings, they should concurrently give information to the public about the recommendations to the Committee, so that the public have information about what the Policy Statement provides and what the Committee recommends.

Mr. Deputy Speaker, Sir, I wish to indicate, first, that I am happy that the Report gives us an update on our compliance or possibilities of compliance with the Millennium Development Goals (MDGs). One of the things that I want to say about the Policy Statement is that it is very weak on gender mainstreaming. I would want to give the example that when it talks about the incidences of poverty it gives a comparison that was at 45.9 per cent in 2006, and that moved up



to 52.3 per cent in 1997. I would have loved to see the gender aspects of that. This is because we know that there is feminization of poverty and the persons who suffer the most, and the poorest of the poor in this country, tend to be women. Therefore, I would want to indicate that in future we need to have the Ministry and the Committee---

**Mr. Deputy Speaker:** Order, Mrs. Odhiambo-Mabona! You will have 18 minutes when this debate resumes.

### **ADJOURNMENT**

**Mr. Deputy Speaker:** Hon. Members, it is now time to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Thursday 10<sup>th</sup> May, 2012 at 2.30 p.m.

The House rose at 6.30 p.m.