

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd January, 2013

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

RETURNS ON BILLS ASSENTED TO BY THE PRESIDENT

Mr. Speaker: Hon. Members, I have two communications to make. First, regarding returns on Bills received from the Attorney-General pursuant to the Standing Orders. The Standing Order No.125 requires the Attorney-General to present to the President, within 14 days of receipt from the Clerk, every Bill passed by this House. Thereafter, at the expiry of 14 days, the Attorney-General is required to file a return to the Speaker indicating the time and the date that the Bill was presented to the President.

The returns now received indicate that the following five Bills, which were all passed by the National Assembly on various dates, were presented by the Attorney-General to His Excellency the President for assent and they were all duly assented to as hereunder:-

1. The Universities Bill, 2012, passed by the National Assembly on 5th December, 2012, and duly assented to on 13th December, 2012.
2. The Consumer Protection Bill, 2012, passed by the National Assembly on 2nd October, 2012, and duly assented to on 13th December, 2012.
3. The Truth, Justice and Reconciliation (Amendment) Bill, 2012, passed by the National Assembly on 27th November, 2012, and duly assented to on 13th December, 2012.
4. The Treaty Making and Ratification Bill, 2012, passed by the National Assembly on 27th September, 2012, and duly assented to on 13th December, 2012.
5. The Vetting of Judges and Magistrates (Amendment) Bill, 2012, passed by the National Assembly on 27th November, 2012, and duly assented to on 13th December, 2012.

SEASON'S GREETINGS AND BEST WISHES DURING CAMPAIGNS

Mr. Speaker: With regard to the second Communication, hon. Members, I wish to take this opportunity to wish all of us a Happy New Year and, further, to wish each and every one of you successful campaigns towards your nominations.

(Applause)

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Thank you for informing us about the five Bills. Under Article 115 of the Constitution of Kenya, Bills must be assented to within specific periods. You have enumerated the dates when the five Bills were passed by this House. Except for the first one, which was passed on 5th December, 2012, all the others were passed on 2nd October, 27th September and 27th November. All of them are outside the scope of the 14 days provided for in the Constitution. The guidance that I am seeking from you is that because responsibility is on the part of the Attorney-General to convey, may we know the reasons why they were not dispatched to His Excellency the President on time and why there has been no compliance with the Constitution.

Mr. Speaker: Yes, Member for Central Imenti, the matter that you have just spoken to, obviously, is of constitutional importance. Before I give any directions, I would want to hear the Attorney-General's position on the matter. I do not see him in the House. Minister for Finance, do you want to take this responsibility to convey this concern to the Attorney-General at the earliest opportunity? If possible, I would want the Attorney-General's reaction by this afternoon, so that I can give directions as need be and if he does not satisfy the House, not later than tomorrow.

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I will relay that information and also emphasize the urgency of the matter.

PAPER LAID

The following Paper was laid on the Table:-

The Medium-Term Budget Policy Statement for the Financial Year, 2013/2014.

(By the Minister for Finance)

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, the policy statement is actually due in February, but we are laying it on the Table in advance to show efficiency at the Treasury.

Mr. Mbau: Mr. Speaker, Sir, I appreciate that the Minister for Finance is saying that they are able to lay the Budget Policy Statement (BPS) about two months before the stipulated time in the Public Finance Management Act, which should be by 15th of February but he does know that by 15th of February, this House will not be sitting. Therefore, the law requires that once the Minister lays this Statement, the Statement shall be committed to the various departmental Committees to conduct engagements, discussions and consultations with the line Ministries with a view to making an input so as to enable Government agents, Ministries and departments eventually come up with proposals for the Budget.

As you note, between now and when the departmental committees ought to prosecute this particular agenda, Members are either absent or rare to find--- Of course, 14 days from now we may not be in a position to do deal with it. 14th February will still be within the time when the Minister should lay the Statment, even though this

House will have dissolved. Could the Chair consider transferring the responsibility of processing the BPS to the next Parliament in March of this year, so that this Minister does not go saying he has done his part, he has left the rest to members of this Tenth Parliament, and it was them who were not able to prosecute their duty as effectively as was required? I seek your guidance on this particular matter.

Mr. Speaker: Before I give any guidance at all, I want to hear the Minister for Finance----

(Mr. Ogindo stood up in his place)

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir---

Mr. Speaker: Sorry, Order, hon. Githae! I think there is another Member, who wants to speak to the same matter. So, it is best that we collate those issues before you respond.

Yes, Member for Rangwe.

Mr. Ogindo: Mr. Speaker, Sir, I want to thank the Minister for his efficiency on this matter. But I do not quite agree with him that it is efficiency. It is compliance with the law.

Mr. Speaker, Sir, my Chair has just pointed out the position and I want to build on to that. Indeed, it is not just a matter of procedure that we have this laid before the House; it calls for public input. We look forward to engaging the Minister so as to find a way of securing that. I would also want to point out that much as the Minister claims “efficiency”, there are certain requirements in law on the part of the Minister, particularly the pre-election fiscal and economic report, that are due ahead of the election.

Mr. Speaker, Sir, there is also a requirement that we have the Division of Revenue Bill, as well as the Allocation of Revenue Bill. In the name of “efficiency” and take-off, these things are urgently needed here. Indeed, if Treasury was efficient, they should have prioritized this. Maybe in his response, the Minister, needs to include that.

Mr. Speaker: Minister for Finance, may I now hear you?

Minister for Finance (Mr. Githae): Mr. Speaker, Sir, the term of this Parliament officially and legally ends on 14th of January and today is only 2nd of January. So, the Budget Committee has still a lot of time to interrogate this Budget Policy Statement.

Mr. Speaker, Sir, secondly, the Budget Committee, as in the past, has been very efficient. They have been able in some cases, where matters have been urgent, to go an extra mile and they have been able to come up with a report. So, I think the BPS is no exception. I am sure the Chairman is well equipped and is capable of interrogating this within a very short period.

Mr. Speaker, Sir, on the pre-election fiscal and economic report, I will be tabling it tomorrow, again, to show efficiency at Treasury. The law requires it three months before election and still I see that we have two more months to do so but I want to do it before. So, I will be tabling it tomorrow.

On the Division of Revenue Bill and County Allocation Bill, the Supplementary Budget has already been tabled in this House. On the County Appropriation Bill, I am told that as we were celebrating the New Year, the Minister for Finance and his team were at the Treasury working. We have managed to have them finalized. I am told the Attorney-General has actually published them, or they are the Printer. So, I think they

will be arriving in this House today in the evening. I am told the Government Printer has actually published them.

Concerning the BPS, in my view, we do not have to refer to the next Parliament. The Budget Committee is equal to the task; the way the Minister for Finance has burned the midnight oil. He did not have Christmas. He did not have New Year. I am sure the Budget Committee can also do its bit in a period less than three or four days. I am not anticipating any debate, but since this Parliament's life is up to 14th January, even if we go on Recess, we can be recalled for one day to approve the Paper.

Mr. Speaker: Very well. Hon. Members, in the circumstances, really, I do not have to give any directions. You will do what you can as soon as you can within the period of your life, which is up to 14th of January. So, let us do what we can. Some of these are just constitutional challenges and just like nature, the Kenyan Constitution abhors a vacuum. So, there will be no vacuum. Let us do what we can.

Next Order!

ORAL ANSWERS TO QUESTIONS

Question No. 1847

DELAYED RESETTLEMENT OF MAU FOREST EVICTEES

Mr. Speaker: Carry on Member for Chepalungu. If you have difficulties, then go to the Dispatch Box.

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

(a) whether she could provide a list of all the Mau Forest evictees who are incorporated in the Internally Displaced Persons (IDPs) Resettlement Programme; and,

(b) when they will be resettled.

Mr. Speaker: Yes, Minister of State for Special Programmes. Maybe, she is on her way. We will want re-visit this Question a little later.

Next Question, Member for Naivasha.

Question No.1866

DISMISSAL OF PC PETER MUCHIRI

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

(a) whether he is aware that a suspect, Mr. Henry Ouma Oyunga, escaped from lawful custody at Bondo Police Station on 25th May, 2008, and that a police officer No. 40571, PC Peter Muchiri, was subsequently dismissed from service on 11th June 2008, without any benefits;

(b) whether he is further aware that a police inquiry file was not opened to ascertain how the suspect escaped and that judgement was entered on Criminal Case No. 58 of 2009 on 8th April, 2010 after

establishing that the suspect was actually released by a police officer and did not escape, and that PC Muchiri was never summoned to give evidence at the said court; and,

(c) when PC Peter Muchiri will be reinstated and paid all his salary arrears or have all his benefits paid, having dutifully served the force for 27 years.

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

(a) I am aware that a suspect, Henry Oyuda Ouma, escaped from lawful custody at Bondo Police Station cells, which at the time were being manned by a PC Peter Muchiri, who was later charged in Orderly Room Proceedings with two offences against discipline as follows:

(1) Negligently allowing a prisoner committed to his charge, or whom it was his duty to guard; to escape, contrary to Regulation 3(xvi) of the Police Regulations. He was found guilty and reprimanded.

(2) Making or signing false statement in a document or official record, contrary to Regulation (3), Sub-Regulation 27 of the Police Regulations. He was found guilty and dismissed from service.

It is important to note that the ex-officer had two previous disciplinary cases:

(1) Disobeying a lawful command in 1983 while serving at Likoni Police Station, for which he was fined Kshs15.

(2) Leaving a place of duty in 1988 at Malindi Police Station, for which he was fined Kshs100.

(b) I am aware that a police inquiry file was not opened. However, the suspect, Henry Oyuda Ouma, was later re-arrested and charged with the offence of robbery with violence and escaping from lawful custody before the Senior Resident Magistrate's Court. The trial court acquitted him, under Section 215 of the Criminal Procedure Code, of the charge of escaping from lawful custody on technicalities.

The suspect was not released as alleged but the ex-police officer made a false entry in the OB to the effect that the suspect had been escorted to Kodiaga Prison as per OB No.14 of 25th May, 2008. The ex-officer was not called to testify as he was not available as he had been dismissed from police service.

(c) The officer cannot be reinstated as he was dismissed from service and his appeal for reinstatement, dated 12th June, 2008, did not succeed. While reviewing the matter, the Police Commissioner, through letter Ref. PF40571/49, dated 2nd February, 2011, addressed to the ex-officer, through the Nyanza Provincial Police Officer, disallowed the appeal and upheld the sentence of dismissal. As such, the ex-officer is not entitled to any benefits or privileges of a police officer.

Mr. Speaker, Sir, it is important to note that it is the desire of every Kenyan to have a police force which is functional and free of corruption. Indeed, those are the reforms that are now taking place in the police force. The removal of such rogue police officers, who dent the image of the force, is necessary as it will facilitate the reforms that we are talking about.

Thank you.

Mr. Mututho: Assistant Minister, you realise that the total fines for the so-called "previous convictions" totalled a sum of Kshs115. That dates back to 1983-1988 and the

matter was disposed of as such. In this particular case, I believe that you have seen the court rulings. The presiding magistrate was very candid. If I may read part of the judgement, it says:-

“I find that there are lots of flaws in the prosecution’s case in respect to the first count and also that the offence of robbery--- “

Mr. Speaker, Sir, without debating, the import of this quotation is that the Assistant Minister should have looked at the proceedings to conclude that he was actually the one who made the false allegations. Does he intend to go and look at the proceedings verbatim and make a sound judgement as to whether PC Muchiri can be reinstated or not?

Mr. Khangati: Mr. Speaker, Sir, I agree that the fines imposed against Mr. Muchiri for previous offences appear to be very little as they amount to only Kshs115. However, that is Kshs115 of 1983, which could now be in the tune of thousands of shillings.

Secondly, the irregularities that the hon. Member has alluded to are in regard to the case of Mr. Oyuda. Mr. Muchiri had an opportunity to present his matter to court but he never did. So, the reference made is in regard to irregularities that were committed while prosecuting Mr. Oyuda.

Mr. Speaker: Yes, Member for Lari.

Mr. Njuguna: Mr. Speaker, Sir, listening to the Assistant Minister very keenly, I note that PC Muchiri was fined Kshs115 allegedly for disobedience. Could he inform the House what acts compounded the disobedience charge?

Mr. Khangati: Mr. Speaker, Sir, the first count is in regard to 1983 while Mr. Muchiri was serving at Likoni Police Station, during which he disobeyed lawful command, for which he was fined Kshs15. The second count relates to 1988 while he was serving at Malindi, for which he was fined Kshs100 for leaving a place of duty without permission.

Mr. Speaker: Yes, Member for Naivasha.

Mr. Mututho: Mr. Speaker, Sir, does the Assistant Minister intend to look at the proceedings? As I said, without holding the House to ransom, there are lots of flaws in the allegations made against the ex-officer. Before making a sound arrangement, does he intend to go through the proceedings of the court and establish the circumstances under which the suspect escaped from custody?

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I have two sets of proceedings with me here, which I have already gone through. The first one is with regard to the process of review of the ex-officer’s case, which was internally done. The other set of proceedings, which hon. Mututho is referring to, is in regard to the case of Oyuda, which hold very little relevance with regard to the matter we are talking about.

What we are talking about now is very straightforward – that Mr. Muchiri made a false OB entry regarding a suspect charged with robbery with violence in custody under his care. The entry he made into the OB indicates that the suspect was being taken to Kodiaga yet he knew very well that he had released him. If the hon. Member does not have a copy of the internal trial proceedings, I can give a copy to him, so that he can go through them and he will appreciate the position that had been taken by the police.

With your permission, I beg to table the proceedings.

Mr. Speaker: Table those proceedings, Assistant Minister, so that the Member for Naivasha can peruse them.

(Mr. Khang'ati laid the documents on the Table)

Next Question by the Member for Moyale!

Question No.1870

DELAYED COMPLETION OF WORKS ON
SOLOLO ELECTRIFICATION PROGRAMME

The Member for Moyale is not here! The Question is dropped.

(Question dropped)

Next Question by the Member for Yatta!

Question No.1669

PLANS FOR CONSTRUCTION OF TRAIN SUBWAYS IN NAIROBI

Mr. C. Kilonzo asked the Minister for Transport what plans there are to build train subways in Nairobi and its environs.

Mr. Speaker: Minister for Transport! No representation. We will revisit the Question a little later. Let us hope that the Minister is on his way.

Next Question by the Member for Vihiga!

Question No.1874

DELAYED ISSUANCE OF TITLE DEED TO
HAMUYUNDI PRIMARY SCHOOL

Mr. Chanzu asked the Minister for Lands:-

(a) whether he is aware that Hamuyundi Primary School in Vihiga County is yet to acquire a title deed/lease for the parcel of land it stands on;

(b) when the school will be issued with a title deed/lease; and,

(c) whether he is also aware that many schools in the county are in the same predicament.

Mr. Speaker: Minister for Lands, I understand that this Question was transferred to the Ministry of Lands. Apparently, there is nobody from the Ministry of Lands. Maybe they are not properly on notice.

Member for Vihiga, is it okay for you if we defer this Question to tomorrow afternoon just for an attempt to see if the Minister maybe here to answer it? Is that good for you?

Mr. Chanzu: Mr. Speaker, Sir, that is okay so that we can get a proper answer.

Mr. Speaker: Very well. The Question is deferred to tomorrow afternoon. The Minister for Lands should be notified that it will be on the Order Paper tomorrow afternoon.

(Question deferred)

Next Question by the Member for Keiyo South!

Question No.1790

TESTING OF BOTTLED DRINKING WATER

Mr. Kiptanui is not here. The Question is, therefore, dropped

(Question dropped)

Hon. Members, Question No.1873 is deferred infinitely. It will reappear on the Order Paper when we are notified that the Member for Kisumu Town West will be available to transact business.

Question No.1873

DELAYED REVOCATION OF TITLE NO.KISUMU MUNICIPALITY/BLOCK 9/169

(Question deferred)

Next Question by the Member for Kitui West, Mr. Nyamai!

Question No.1868

ALLOCATION OF FUNDS FOR CONSTRUCTION OF DRIFTS ON
KIUSYANI-MANDONGOI-KISEUNI ROAD

Mr. Speaker: Mr. Nyamai is not here? The Question is dropped.

(Question dropped)

Next Question by the Member for Emuhaya!

Question No.1722

DELAYED APPROVAL OF THE NEW WILDLIFE POLICY/BILL

Dr. Otichilo asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that the increasing conflict between wildlife conservation and local communities is seriously threatening the survival of wildlife especially the carnivores and tourism industry in Kenya;

(b) whether he could confirm that the rise in human-wildlife conflict is due to failure by the Ministry to fast track the approval of the new wildlife policy and/or Bill; and,

(c) when the new Wildlife Bill will be introduced in Parliament for debate and in the meantime, what measures the Minister is taking to address the cases of human-wildlife conflict.

Mr. Speaker: Minister for Forestry and Wildlife!

We will try and revisit the Question. Member for Emuhaya for the moment, we will pass it.

We are therefore, going back to Question No.1847 by the Member for Chepalungu!

Question No.1847

DELAYED RESETTLEMENT OF MAU FOREST EVICTEES

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

(a) whether he could provide a list of all the Mau forest evictees who are incorporated in the Internally Displaced Persons (IDPs) resettlement programme; and,

(b) when they will be resettled.

Mr. Speaker: Minister of State for Special Programmes!

Leader of Government Business, for the second time, the Minister is not here.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I am sure you do appreciate and the House does that people are still trying to come back to the House. I think I read that Ms. Esther Murugi together with the Member for Eldoret North were to make a trip to check on the Internally Displaced Persons (IDPs) but I am not quite sure whether that is the case.

Mr. Speaker, Sir, could this be dealt with tomorrow? I would not even suggest that we take it to any other day other than tomorrow.

Mr. Speaker: Member for Chapalungu, is tomorrow afternoon fine with you?

Mr. Ruto: Mr. Speaker, Sir, the question of IDPs is a very serious matter considering that their situation is a concern for the entire country especially now that we are going to elections. Much as I am willing to accommodate tomorrow, I would like to take exception with the Leader of Government Business taking the matter a little bit lightly including indicating that people are still on Christmas. The IDPs are not on Christmas. The Minister has to take this matter extremely seriously. This also includes the Leader of Government Business. I beg that he becomes more considerate and makes it clear that the Minister will be here with a very clear answer.

I am aware that the Member for Eldoret North is nowhere near the IDP camps right now. He is within the city and definitely the Vice-President and Minister for Home

Affairs has not cross checked his facts. I am sure possibly the Minister is just still relaxing somewhere in Nyeri or in the Indian Ocean.

Mr. Speaker: Order, Member for Chepalungu! You will have to stop there.

Hon. Members, we will defer this Question to tomorrow afternoon for the Minister to come and answer.

Leader of Government Business, if the Minister is not there, I am sure she has an assistant. Let the deputy come and deal with the Question.

You want to say something?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Yes, Mr. Speaker, Sir.

If I had the time, I would have wished my very good friend, Mr. Isaac Ruto, and Member for Chepalungu, a happy new year, but he has chosen to welcome me with very tough remarks. I am sure you will have noticed that Ms. Esther Murugi has actually been visiting these areas that have been affected by the land slides. In any event, I am prepared to commit her to deal with this matter tomorrow afternoon.

Mr. Speaker: Fair enough! It is so directed.

(Question deferred)

We will take the Question by the Member for Yatta!

Question No.1669

PLANS FOR CONSTRUCTION OF TRAIN SUBWAYS IN NAIROBI

Mr. C. Kilonzo asked the Minister for Transport what plans there are to build train subways in Nairobi and its environs.

Mr. Speaker: Minister for Transport!

The Minister for Transport is normally very dutiful. Now that he is not there, Leader of Government Business, what will not be happening to his Assistant?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, you are quite right. The Minister for Transport had deputized me very ably. I think that we could indulge him by having this matter on the Order Paper tomorrow. In fact, if there be any others which have not been dealt with, I want to suggest to the Chair that all of those Questions that are on the Order Paper today and are not dealt with sufficiently could be placed on the Order Paper tomorrow afternoon.

Mr. Speaker: Fair enough. Member for Yatta, is tomorrow afternoon good for you?

Mr. C. Kilonzo: Yes, Mr. Speaker, Sir.

Mr. Speaker: It is so directed!

(Question deferred)

We will then take the Member for Vihiga once again!

Mr. Chanzu, did we deal with your Question?

Mr. Chanzu: Mr. Speaker, Sir, we said that we put it on the Order Paper tomorrow afternoon.

Mr. Speaker: Very well. We re-emphasize that position then. Finally, the Member for Emuhaya!

Question No.1722

DELAYED APPROVAL OF THE NEW WILDLIFE POLICY/BILL

Dr. Otichilo asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that the increasing conflict between wildlife conservation and local communities is seriously threatening the survival of wildlife especially the carnivores and tourism industry in Kenya;

(b) whether he could confirm that the rise in human-wildlife conflict is due to failure by the Ministry to fast track the approval of the new wildlife policy and/or Bill; and,

(c) when the new Wildlife Bill will be introduced in Parliament for debate and in the meantime, what measures the Minister is taking to address the cases of human-wildlife conflict.

Dr. Otichilo: Mr. Speaker, Sir, I am asking this Question for the second time.

Mr. Speaker: Minister for Forestry and Wildlife!

(Dr. Wekesa entered the Chamber)

Dr. Wekesa, please, hasten your pace!

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Speaker, Sir, I apologize for coming late. I have the answer with me.

Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that increasing conflict between wildlife conservation and local communities is seriously threatening the survival of wildlife, especially carnivores and tourism industry in Kenya, as conflict between humans and wildlife has occurred since the dawn of humanity varying according to the particular environment and people's way of life.

However, I can confirm that the conflicts have become more frequent and the number of cases has increased as a result of increasing human population with limited land, extension of transport routes and expansion of agricultural and industrial activities, which have led to the increased human encroachment on previously wild and uninhabited areas. In addition, competition for available natural habitats and resources has increased. This is coupled with the effect of climate change that has exacerbated this conflict.

(b) No, the apparent rise in human-wildlife conflict is not due to the failure by my Ministry to fast-track the approval of the new wildlife policy and Bill.

(c) The Draft Wildlife Policy and/ or Bill have been forwarded to the Cabinet, and the Cabinet has finished with them. We have forwarded them to my colleague, the Attorney-General, who is doing the necessary. I hope that before we break, we will have to debate this very important draft policy in this House.

Dr. Otichilo: Mr. Speaker, Sir, as much as I appreciate what the Minister has said regarding the wildlife policy and the Wildlife Bill, if we check the HANSARD, for the last two years, this same Minister has been telling this House that this Bill is with the Cabinet. I want the Minister to categorically state why it is that it is only the wildlife policy and the Wildlife Bill that have stuck in the Cabinet for the last two years while other Bills are going through the Cabinet very fast.

Dr. Wekesa: Mr. Speaker, Sir, I do appreciate that this is a very important Bill and all of us in this House have been waiting for it to come here to be debated, but there were a lot of Bills with the Attorney-General. I believe that some of the delays have been there because of the many Bills that have gone to that office. I have spoken to the Attorney-General and he has assured me that his office is finalizing it and it will be here for debate before we got home.

Mr. Wambugu: Mr. Speaker, Sir, this is in relation to the menace that is being created by the wildlife in my constituency. There was one time on the Floor when many monkeys were reported to be destroying our crops in Mathioya. When will the Minister post a wildlife service officer to Mathioya, so that we can control the animals destroying crops in that area?

Dr. Wekesa: Mr. Speaker, Sir, I am willing to look at my staffing in the area. I will take steps to make sure that there is an officer in the hon. Member's area to deal with this menace.

Mr. Letimalo: Mr. Speaker, Sir, could the Minister confirm that the increase in the killing of wildlife is as a result of lack of compensation or low compensation given to the people who are either killed or injured by wildlife?

Dr. Wekesa: Mr. Speaker, Sir, the Bill that will soon be before this House has addressed the issue of compensation. Compensation in the old Act was very low and we have raised compensation for injury and death. We have also included in it destruction to crops and property; if an animal destroys crops, the crops will be valued and compensation will be paid accordingly. Therefore, this will not be a problem any more. But this does not mean that the increase in wildlife-human conflict is because of compensation. I have already stated why there is an increase in the human-wildlife conflict.

Mr. Mututho: Mr. Speaker, Sir, could the Minister consider demolishing all the fences on Lake Naivasha riparian side because right now, as you have heard, hippos were in Naivasha Girls Secondary School the other day. A male one was there and was killed there. Another one came but was not killed. A leopard actually did come to my compound and killed my geese. As we talk of compensation, could the Minister consider immediate demolition of the fences which reduce the grazing areas for the wildlife within Lake Naivasha?

Dr. Wekesa: Mr. Speaker, Sir, on the contrary, these fences are one of our mitigation measures. They decrease the contact between humans and wildlife. Or, did I get the hon. Member right?

Mr. Mututho: On a point of order, Mr. Speaker, Sir. Lake Naivasha has two sections; the riparian side which touches the water and then the farms. There are no KWS fences but the farmers have put the fences deep into the water. The animals now cannot graze on the riparian side as they would do on their normal feeding habits because of these fences erected by farmers. They are not the Ministry's fences.

Dr. Wekesa: Mr. Speaker, Sir, I am sorry that I got you wrong. In fact, the day that somebody was killed in Naivasha, I was staying there and I went to see what had actually happened. You are quite right. We will take steps to make sure that this is rectified.

Mr. Njuguna: Mr. Speaker, Sir, recently, there has been a sharp rise in the killing of elephants in our forests. What is the Ministry doing to protect this game?

Dr. Wekesa: Mr. Speaker, Sir, the recent increase in the killing of elephants and rhinos is partly due to the fact that the price of ivory and elephant tusks has gone up. For example, one kilogramme of a rhino horn is valued at US\$65,000. This issue is being addressed by all countries that have rhinos and elephants. In March, there will be a CITES meeting where Kenya is recognized as one of the countries that have good measures of protection. We will be speaking at this meeting. It is something we have to address globally and ask governments all over the world to stop allowing ivory into their countries. This is the only way we can deal with this issue.

Mr. Wambugu: On a point of order, Mr. Speaker, Sir. Is the Minister in order to give us even the price of a kilogramme of ivory when it is in the public domain that there are some very senior Government officers in this country who are involved in this trade? Could he table the list of those members who are involved in this very dangerous trade in this country?

Dr. Wekesa: Mr. Speaker, Sir, I am not aware of any groups, people, companies or individuals who are involved in the smuggling of ivory. All I know is that most of the ivory that has been caught in the high seas is either from South Africa or Tanzania. However, the ivory that we confiscated from smugglers did not emanate from Kenya.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House? Early last year, I brought a Question about a consignment of over 200 tonnes of ivory which was impounded somewhere in Hong Kong. The ivory had passed through our Port of Mombasa. The Chair even questioned how the Kenya Revenue Authority (KRA) would give a Personal Identification Number (PIN) to a company which does not exist. Is the Minister in order to mislead the House that there is no ivory which is being impounded from Kenya, while it is a matter that has been debated before and he has accepted that we have a problem within the system? In November, another consignment of over 100 tonnes of ivory was impounded in Singapore and its origin was the Port of Mombasa.

Dr. Wekesa: Mr. Speaker, Sir, that is true, but I do not know of any cartels or individuals who are involved in this menace. If hon. Members and other Kenyans of goodwill have any information about cartels within Kenya, we, as a Government, are willing to receive this information and deal with it.

Eng. Maina: Mr. Speaker, Sir, whereas the Minister is denying that he is not aware of any consignment from Kenya, what reason can he give for the recent high rise of poaching, especially in Laikipia area? Could he tell this House why, for example, the construction of the road by some Chinese company has heightened poaching in those areas? Some ranchers who are involved in conservation in these areas have asked the Kenya Wildlife Service to go and take the rhinos from their ranches because they cannot protect them under the existing circumstances. How can the Minister stand here and tell this House that there is no poaching that is going on or that he is not aware of any

consignment from Kenya when we are aware that there is heightened poaching in the country?

Dr. Wekesa: Mr. Speaker, Sir, I have already stated that one of the reasons there is a lot of poaching is the high price that is currently being paid for these items. Secondly, we have a lot of arms within that region that is being referred to, because of the conflict in Somalia and elsewhere. Therefore, we have many poachers coming from the Somalia side. This is an issue that the Government is very aware of and we are taking steps. However, I would like to say that, yes, indeed, the increase of certain communities from Asia has a bearing on this matter.

Eng. Maina: On a point of order, Mr. Speaker, Sir. The Minister keeps on telling us that the reason there is increased incident of poaching is because of the high prices of these commodities. There has been no time in life when ivory and rhino horn has been cheap in the world. There may be an increase in their prices, but is he telling us that he has given up because of the high rise in prices and, therefore, he is just in slumber waiting for the animals to disappear? What is the Government doing to ensure that the animals are protected?

Dr. Wekesa: Mr. Speaker, Sir, we are doing a lot in this respect. We have introduced technology. Most of our elephants and some of the rhinos are collared now and we can trace the movement of each individual. We are also increasing surveillance in these areas. One of the big reasons we have had continued poaching in our country is that the law has been very weak. So, I request hon. Members of this House that when this Bill comes, let us pass it. This is because if you are now found with wildlife products, either you pay Kshs5 million or go to jail for about five years. Previously, if you were found with these products, you would be fined Kshs50,000. The situation will be very different. Please, bear with us. The Bill will be coming to this House and I want your support.

Hon. Members: When? You will not come back!

Dr. Wekesa: But I will come back!

Mr. Speaker: Last question, Dr. Otichilo!

Dr. Otichilo: Mr. Speaker, Sir, the process of formulating The Wildlife Bill was very participatory. It involved all the key stakeholders, including the KWS. However, there is allegation that the Bill that the Minister has forwarded to the Cabinet and probably back to the Attorney-General has been altered significantly. I want the Minister to confirm to this House that the Bill that he forwarded to the Cabinet is the same Bill that was approved by the key wildlife stakeholders in this country.

Dr. Wekesa: Mr. Speaker, Sir, I think my colleague is anticipating debate but let me say that as far as I know, there have been many changes to the original draft. However, should you find that there are areas that you are not happy with, please, bring amendments and we will receive them and make sure that the interest of our stakeholders is taken into account.

Mr. Speaker: Order, hon. Members! That brings us to the end of Order No.6. We want to take the next order.

Hon. Members, we will take statements but we will start with a statement from the Right hon. Prime Minister because we are into the Prime Minister's Time.

PRIME MINISTER'S TIME

ACHIEVEMENTS OF THE GRAND COALITION GOVERNMENT/TENTH PARLIAMENT

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, let me begin by wishing all hon. Members a very happy and prosperous year, 2013.

On January 15, 2008, we gathered here to elect the Speaker and the Deputy Speaker and to swear in our then new Members of Parliament.

Many Kenyan watchers predicted that there would be serious legislative problems for the Government if what transpired in this House on that day, and the fighting that was going on across the country were anything to go by. Some predicted the prospect of a deadlock in Parliament and difficulties in passing essential Bills.

Since that time, a lot of water has passed under the bridge. A lot of positive things have gone on in the country and in this House these last five years. Today, I want to take a moment to pay tribute to the Tenth Parliament, the Government and the people of Kenya for the undying spirit and the resilience that has made us recover our breath and come this far. If this were a gathering of men and women of religion, we would all proclaim Ebenezer. I think that as a nation that believes in God, we can all say Ebenezer today. This far the Lord has brought us.

Mr. Speaker, Sir, let me continue by expressing sincere gratitude to all Members of this house and colleagues whom I have come to know as friends.

It has been quite an honor to interact, to serve and to exchange views with you, sometimes bitterly, but all, I believe, in our joint quest to make Kenya a better nation and to represent the feelings of our constituents.

There is reason for the Members of the Tenth Parliament to go out holding their heads high. Out of the bitter divides of the 2008, the Grand Coalition Government, the critical input of the Tenth Parliament has presided over:-

(i) the Promulgation and implementation of a new Constitution;
(ii) the Restoration of peace, including resettlement of most of the Internally Displaced Persons;

(iii) restoration of economic growth; and,
(iv) institutional working Government that, more than any other Government in recent times has achieved what many thought would be impossible even the best of times. Working closely with the Executive, the Tenth Parliament has overseen:-

- (1) The biggest ever investment in the infrastructure development, with growth in roads, mobile telephony, energy and ICT standing out.
- (2) Investment in food security through irrigated agriculture in ones neglected places like Turkana.
- (3) Expansion of energy sources by investing in clean energy like geothermal, wind, solar and clean coal.
- (4) Poverty reduction measures targeting vulnerable groups, including cash transfers to the poor and elderly currently piloting in various parts of the country.

(5) Expansion of free education to secondary schools and extending its benefits by providing sanitary towels to girls.

(6) Liberation of Somalia from *Al Shabaab* as part of our obligation to ourselves and to the global community to name but just a few.

The evolution of projects like the LAPSET, the Konza City and, above all, the promulgation of the new Constitution have been so grand that they could only have come from the era of big dreams that the Tenth Parliament and the Grand Coalition Government have come to represent.

It is my hope that when the history of this country is written years later, with the benefit of hindsight, soberness and wisdom that comes with time, it will be more kind and gentle on the Grand Coalition and the Tenth Parliament than day to day reviews have been.

Mr. Speaker, Sir, each of us is hitting the campaign trail soon, except for a tiny minority that has opted out of elective politics. I want to wish each of you well as you seek to recapture your current seats or new ones. I hope you too will wish me success and victory.

(Applause)

I am sure that the violence of 2007/2008 is still fresh in the minds of each of us. I want to appeal to everyone that as we hit the campaign trail, let us not underestimate the impact we could make by getting involved in matters of peace, stability and national security.

As we campaign, let us not forget to remind Kenyans of the tasks ahead for the next Government. These include:-

(i) A faithful and full implementation of the Constitution.

(ii) Pursuit and implementation of Vision 2030 goals.

(iii) Attaining the 10 per cent plus growth as part of the Medium Term Plan goals of Vision 2030.

(iv) Security within our borders

(v) Deepening infrastructure development and in particular full implementation of LAPSET projects.

(vi) The creation of an ICT hub of the region; especially the development of Konza Techno City.

(vii) Reducing the cost of energy particularly through investment in green energy sources.

(viii) Full integration of the EAC.

(ix) Ensuring a Peaceful Somalia and South Sudan.

(x) Ensuring food security for the country.

We are leaving this House at a moment in our history when Kenya faces daunting challenges.

Some of our problems seem greater than our Government's ability to solve them. Poverty, massive youth unemployment, insecurity and tribalism stand out among the challenges. But I remain deeply optimistic about our country's future.

It is my view that all those challenges are surmountable. I am optimistic largely because of what I have experienced and witnessed in the last five years. I am especially encouraged by what we have been able to achieve after beginning so low five years ago.

With hindsight and experience under the Grand Coalition Government, I can state without fear that the greatest obstacle that stands between us and the brighter Kenyan future that we all want is right here among us. It is the polarization of our politics along tribal and party lines. This is what is preventing us from making the principled compromises this country desires and deserves.

In a democracy, moving forward depends on making compromises. We need a bipartisan understanding in our politics if we are to unleash all the potential of the Kenyan people. And so, I want to respectfully appeal to you, my colleagues, as you go out there to embark on campaigns. I know how hard each of us is going to work to get elected to the various seats that we are seeking. It is so engrossing that we may be tempted to forget that it is not about us; it is about Kenya.

As we campaign out there and as we return to this House next year, for those who will be successful, let us be prepared to reach across the party, tribal and regional divide. Let us be prepared that for the sake of Kenya, when we gather in this House this year, each of us will reach across the aisle and party divide. Let us strive to and find partners from the opposite party. Let us put the interests of the country and constituents ahead of the dictates of party ideology.

I was not here a few days ago when His Excellency the President addressed this House for the last time. I want to join Members in thanking President Kibaki for his service to our nation. I also want to record my full appreciation for his co-operation within the Grand Coalition Government which has made it possible for us to reach this far. It has not always been easy. There has been all the time partisan pressure on both sides of the divide, that is, on President Kibaki and also on myself. However, through the spirit of compromise and tolerance, we have been able to make this Government move this far. I, therefore, want to wish him well as he prepares to retire and hope that the remaining days, until he hands over to whoever is going to be elected, are going to be smooth so that we do not experience what we saw in 2008.

I thank you very much, hon. Members of Parliament.

Mr. Speaker: Right Honourable Prime Minister, so that you also know and it goes on record, on the same day that His Excellency the President addressed this House, the Kenya National Assembly hosted a dinner for him at the Inter-Continental Hotel to which all Members of Parliament were invited. His Excellency the President put it on record that he appreciated your support to him to manage the Coalition Government. So, please, note that he really acknowledged your efforts in the Coalition Government.

Hon. Members, following earnest requests by most of you, we will treat this Statement by the Prime Minister slightly differently. Those of you who may have clarifications will seek them, but we want to accord as many of you as we can some two minutes or so given the uniqueness of the title to the Prime Minister's Statement this afternoon which is: Tribute to the Tenth Parliament.

So, you might as well want to acknowledge and appreciate yourselves. But those of you who have had questions for the Prime Minister will be at liberty also to raise those issues. So, we will do that for 30 minutes and the Prime Minister will have three minutes to respond. Then we will close the matter.

We want to begin with the Member for Gichugu.

Ms. Karua: Thank you, Mr. Speaker, Sir. I want to join the Prime Minister in paying tribute to ourselves as the Tenth Parliament. However, unlike him, I will say that, yes, we did well in bringing forth legislation that helped this country stand up after the ashes that followed the disputed elections. We did well in passing the Constitution. We did well in passing the laws pursuant to the Constitution. But we know that we failed when passing some of those laws because of self-interest. We even deviated from the spirit of the Constitution. We need to acknowledge that on record.

I want to agree that the Grand Coalition Government has done very well in infrastructure, but they have done dismally in the fight against corruption and impunity. However good the programmes and policies are of any government, without fighting corruption and impunity, the benefits can never reach the people and many of those programmes can never be implemented.

It is on record that up to now, we do not have a functional anti-corruption body because of the manipulations in the manner of appointments. We have not fulfilled the one-third gender rule. That, again, I will say it is Parliament because the President and the Prime Minister in this dispensation are Members of this Parliament. To me, that is a great shame.

I would say thank you to Kenyans and the people of Gichugu for allowing me to serve them for 20 years. Thank you to them because without them, I would not have been given the other responsibilities. I now seek from Kenyans the mandate to steer Kenya after President Kibaki; to fight corruption and impunity; to build and do better than the Grand Coalition Government that has ended up being the Grand Corruption Government. I would say that where the Grand Coalition Government has reached, they are not capable of going beyond that in the fight against corruption and impunity. As I wish us well, I am unable to wish my fellow and worthy competitors luck because that luck should be to me solely, so that I take over from President Kibaki.

I want to thank the Prime Minister for initiating this appreciation and to appreciate Mr. Speaker. It is not that we may have agreed--- I may have agreed with the Speaker 100 per cent that he has done very well in a very difficult time. The President and the Prime Minister have steered a very difficult marriage which we expected to break any time. So, congratulations for steering a difficult marriage, but I now ask Kenyans to turn a new leaf in electing none other than myself to steer the country.

I thank you, Mr. Speaker, Sir.

(Applause)

Mr. Imanyara: Thank you very much, Mr. Speaker, Sir. I, too, join the Prime Minister in expressing appreciation to the Tenth Parliament. When I say the Tenth Parliament, I start with you, Mr. Speaker and your leadership of this House. That is because you have been a worthy captain of the House. As the Prime Minister speaks to us as the Tenth Parliament, I recall, indeed, that the last time a Prime Minister stood before this House, he proceeded to become the President of the Republic of Kenya.

(Applause)

I am one of those who wish him well. I will support him to become the President of the Republic of Kenya, but I will be doing so with a word of caution that he be informed by events of the last five years.

The fight for the new Constitution has been a long struggle and we appreciate where we have come. However, the bigger challenge is in implementing that Constitution. The challenges that we face are from the same sources that fought so hard to prevent passage of that Constitution.

Mr. Speaker, Sir, you will recall that we went late into the night in this House and, sometimes, forced to vote with our feet in order to save that Constitution. I see the challenge ahead is from the same forces that will work day and night to prevent the realization of the full fruits of Independence under a new Constitution. So, Prime Minister, drawing from the parallels, be careful. I ask you to leave the Office of the Prime Minister as your predecessor did. The office is going to be abolished under the new Constitution. We are seeking a new dispensation under your leadership. My optimism for the future is informed by---

Mr. Speaker: Your time is up!

Mr. Imanyara: Please allow me 20 seconds.

Mr. Speaker: You want 20 seconds? Okay, that is granted.

Mr. Imanyara: Mr. Speaker, Sir, my optimism is informed by what I saw at Uhuru Park when the Vice-President and the Prime Minister launched a coalition that is guaranteed to bring real change in this country and I wish them well.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Speaker, Sir, just like the Prime Minister, I was not able to be in the House when the President gave his speech but I want to join him in congratulating the President for that wonderful speech and also for a good job that the President of this country has done in consultation and co-operation with the Prime Minister. I remember the day that Kofi Annan came to this country to sort out our problems. I was one of the speakers in that meeting who said that we needed a grand coalition. I did that against opposition from many people in that Chamber. I believed in a coalition at that time and I do believe in it even now and even in future. The days of one party system are much behind us. I do not think we will see Kenya come out with one party that produces a chief executive of this country.

Therefore, I am here to state very clearly that I appreciate the speech by the Prime Minister. The Prime Minister and the President have been good examples of what a coalition should be. If you remember, coalitions have been in Italy, India and so on. This coalition has stood the test of time in its five years. I do congratulate the Prime Minister and the President for steering us up to this time. \

I know the Prime Minister, I know him very well. I remember when our President was in hospital and we were campaigning, then I joined the Prime Minister and we toured this country. He campaigned for President Mwai Kibaki as if the post was going to be his and he is the one who said "*Kibaki Tosha*". It looks to me now that some people have forgotten but I have not. Here, we have the next President.

Mr. Speaker: Order, hon. Member for Kwanza. Your time has been up a minute ago.

The Minister for Forestry and Wildlife (Dr. Wekesa): Please, allow me 20 seconds.

Mr. Speaker: Okay, 20 seconds, please conclude.

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Speaker, Sir. I have always said that I know who the next president is going to be. I have told Kenyans and I never vote for losers. Raila Amollo Odinga is your next President.

Mr. Koech: Mr. Speaker, Sir, thank you for giving me this opportunity to sincerely thank the Rt. Hon. Prime Minister for giving us that Statement on tributes to the Tenth Parliament. Many a times when you listen to what goes on outside there you wonder whether anybody really recognizes and appreciates what this honourable House has done. Sometimes I even think that the Executive does not consider and look at how much this Parliament has done. This year alone, if my recollection is correct, we have been able to pass over 100 Bills as compared to only 17 Bills in---

Mr. Speaker: Hon. Member for Mosop, was it last year or this year?

Mr. Koech: Last year, Mr. Speaker, Sir. That is 2012. I did not say “happy new year” and that is why.

Mr. Speaker, Sir, when you hear this Parliament being bashed left right and centre, you wonder whether the other quarter of this Government is actually seeing. The latest is when we passed the Statute Law (Miscellaneous Amendment) Bill that was generated and originated from the Government for purposes of ensuring the passage of critical Bills before the end of this Parliament but the Executive has not even issued a single statement to say how important it is.

Again last year, His Excellency the President, I believe in concurrence with the Rt. Hon. Prime Minister, honored many Kenyans. But looking at them, I was surprised that in this House, they recognized Ministers only apart from only one passenger, Mr. Yusuf Chanzu. I want to thank the Executive for recognizing him but looking back again, you will discover that he was once an Assistant Minister in this Government.

Mr. Speaker, Sir, I would like the Prime Minister to tell us---

Mr. Speaker: I am afraid your time is up. We must now get back to the rules. If we keep on spilling over, we may not have as many Members but you may get 20 seconds.

Mr. Koech: Mr. Speaker, Sir, how does the Prime Minister intend to honour Members of this honourable House beyond the accolades on the Floor of the House?

Mr. C. Kilonzo: Mr. Speaker, Sir, I wish to thank the Prime Minister for allowing us to blow our own trumpets. There is no better opportunity than now. This Parliament has played a crucial role in fighting corruption despite the lack of co-operation from the Government. This is a Parliament which saw Ministers step aside from their offices because of the work done by this House. The Tenth Parliament is where the role of Committee has really improved and the general public has come to appreciate what the Committee of Parliament can do and what Parliament can actually do to serve their interests.

Mr. Speaker, Sir, although we started on a very shaky ground, I wish to thank my own party leader, the Prime Minister and the President for having kept this Government moving. I do remember one time when I visited the Prime Minister’s office - I have to mention this case because he might not be aware of a Kenyan lecturer who was stuck in a university in South Africa with a bill of Kshs18 million – after the Government’s intervention, that lecturer was flown all the way from South African to Nairobi Hospital. He has now recovered and has gone ahead to apply for a job in the National Land Commission. That shows that my party is where to go.

To conclude, there have been failures by all of us especially when it comes to addressing salaries of civil servants. These include the policemen, the nurses and the lecturers. I wish we could have done slightly better. It is my prayer that when we take over this Government that the first agenda---

Mr. Speaker: Your time is up!

The Assistant Minister for Foreign Affairs (Mr. Onyancha): Mr. Speaker, Sir, first of all, I would like to state that at a personal level, it has been wonderful having been a first time Member of Parliament and having worked very closely with the Prime Minister and the Vice-President who were in the House and, indeed, with the Speaker himself. It has been a learning experience. The truth is that the Tenth Parliament has done wonderfully well. We tried to learn as fast as we could. I think we went through the learning processes very quickly and I think we did our job quite well.

For me, it was a very fortunate experience and the fact that the Prime Minister participated in having me being appointed an Assistant Minister where I participated fully in making sure that I did well during the transitional period for South Sudanese Government. I am also very proud to be associated with the Prime Minister and the President who made sure that Somalia finally becomes a stable and solidified African country that hopefully will have success in future.

Lastly, I would like to say that it is important for this House to be cautious and clear that the public out there expects more. I believe we can do better with our Constituencies Development Fund (CDF) money and make sure that the implementation of the Constitution is successful. We should also work and make sure that corruption in this country is reduced to the minimal. At the same time, I wanted to say that I thank all Members of this House for having made some of us really enjoy working here.

Finally, I hope that we have a very peaceful and successful election and I hope we will behave as gentlemen and ladies to get the best person to become the President of Kenya, and I hope it will be the Prime Minister, Raila Amollo Odinga.

Mr. Ochieng: Mr. Speaker Sir, I want to join my colleagues in congratulating the Prime Minister for the splendid speech that he gave especially in paying tribute to this House and to my fellow colleagues who have done very well since we came here in 2008. At times, it was very hard just as it has been said by my colleagues that we felt that the Government was going to collapse but, finally, we are here. I want to actually just repeat what my colleague, hon. Koech, has said that hon. Members deserve to be given medals just like their colleagues in the Cabinet because we have done very well. That is the only way we will also be appreciated by the Government. I want to believe that as we approach elections, we do so with sober and peaceful minds and because Kenya is one nation, I hope that this time round the elections will be very peaceful and let us have the Prime Minister being the president of this country.

Thank you very much.

Mr. M'Mithiaru: Thank you, Mr. Speaker, Sir, for giving me the opportunity to congratulate the Prime Minister for the Statement and the tributes he has made to the Tenth Parliament and also as we carried our business in the Tenth Parliament, we noted the role you had played. In fact, you have been a cross cutting thread to ensure that the coalition was properly knit and everything went on quite well.

Mr. Speaker, Sir, we really knew this was a very loose coalition but the Prime Minister and the President brought us home because they actually went beyond their

expectations. We have had instances where they talked about half a loaf of bread and consultations not being there but with all that, the Government remained one and we have actually seen the success that has been made through the developmental programmes that have been put in place.

Mine now is to wish all of us well as we go to the next elections and also to ensure that in the event of any other coalitions, we now have some experience and let us ensure that we put Kenya first.

Thank you so much.

Mr. Mbau: Thank you very much, Mr. Speaker, Sir for giving me a chance to also thank the Prime Minister for initiating debate in paying tribute to ourselves as hon. Members of this Tenth Parliament simply because even though hon. Members of this House have been applauded by the President himself for having done and achieved a record passage of Bills, the public sometimes chooses not to appreciate what Members of Parliament do.

The other day, we passed the Omnibus Statute Law (Miscellaneous Amendment) Bill and even though the Bill had meant a lot for what work is set for this House, some segments of the public chose not to see that one simple amendment which was aimed to ensure that instead of us not being Members of Parliament by January, they chose to see that hon. Members only wanted to hold onto to their party membership or rather to have more time to remain hon. Members instead of seeing that committees have a lot of unfinished business, which if that law was not amended, we would collapse and become irrelevant or redundant and not be able to transact business anymore. I think it is high time that we also told the public that there is a lot more that we do as committees beyond what they think.

Mr. Duale: Mr. Speaker, Sir, I want to thank you for the role that you have played in making sure that Parliament finishes its mandate and for the Prime Minister, I want to say categorically that that I am a very good student of his politically. We were together in 2007. We might not be together in 2013 but having said that, I want to thank him for chairing and bringing together the coalition that had ups and downs. I want to thank the Prime Minister for playing his role for the period that he was the Prime Minister of Kenya. I wish him luck.

I want to tell him that if he wins in the elections, we will work with him and if we win the elections, we want him and his colleagues in the Coalition for Restoration of Democracy (CORD) and the Vice-President, who is my neighbor, to also work with the Jubilee Coalition. This is a Jubilee Coalition and this is a jubilee year and we expect to win the elections. We are telling everybody to make the political competition a peaceful one and a transition that will make Kenya a better place to live.

Mr. Prime Minister, we wish you well and a long life.

The Minister for Public Works (Mr. Obure): Thank you, Mr. Speaker, Sir. First, I want to associate myself with the sentiments expressed here in congratulating the Prime Minister for a good statement. This Parliament has been very successful led by you – a very impartial, fair and very firm Speaker. You will be remembered for the landmark rulings you made while presiding over the affairs of this House. This House will be remembered for its role in passing a new Constitution. It will be remembered for the large number of pieces of legislation which were passed and the large number of Motions which were passed in this Parliament.

Mr. Speaker, Sir, we know that the Constitution has its own challenges of implementing it but I am appealing to hon. Members to play their role to ensure that the Constitution which Kenyans fought for so hard is realized and actualized. If you go around the country today in various constituencies, you will see projects initiated by hon. Members of this House. In fact, projects related to health, schools, water and all the rest have been done under the supervision of these hon. Members of Parliament and they have demonstrated that the little resources that have been made available through the devolved arrangement can actually work. So, I want to congratulate the various hon. Members for supervising the use of the Constituencies Development Fund (CDF) effectively for the benefit of the people.

I want to take this opportunity to congratulate the Coalition Government. This Coalition Government will be remembered for the massive infrastructure projects initiated.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, thank you for giving me this chance to thank the Prime Minister for the good expose on what this House has achieved since its inception or since this Parliament began. I also want to thank him for being the sober politician that he has been since he became the Prime Minister of this Republic. Of course, he is going to be the last Prime Minister of the Republic of Kenya because our Constitution does not recognize this position again. I want to thank you for your landmark ruling, namely, the Solomonic wisdom that you have given in this House on several matters, Bills and contentious issues. You have been one of our best Speakers if not the best Speaker.

I want to shower accolades to all the Members of Parliament for doing very well on the ground in their constituencies and in this House. Our Members have burnt the midnight oil to ensure that several Bills are legislated and enacted in this House. I want to thank the Members for also playing a great role in the promulgation of the new Constitution. I also want to thank our friends in the Jubilee Coalition for preparing themselves to take over the next Government and give Kenyans the best leadership that they have never seen in this country.

Mr. Ngugi: Mr. Speaker, Sir, I want to join my colleagues in thanking the Prime Minister for paying tribute to the Members. I wish to pay tribute to the Members. I also want to pay tribute to all Kenyans who elected the Members of the Tenth Parliament. They did a wonderful job. This has been a House that will be remembered for a long time to come.

On 20th December, 2012, the President paid tribute, particularly to two Committees of this House, namely, the Public Accounts Committee (PAC) and the Public Investments Committee (PIC), for the very diligent work they had done in keeping the Government on its toes. I want to say, on behalf of the PAC, which I am a Member, that no Minister should take personal grudge on the Members of the PAC or the PIC for having done their work. We did our work to serve Kenyans and even if we were to be elected again, we would do the same work.

I want to end by thanking the Prime Minister. He has been a good example. He has worked very closely with the President. He has been a good example to all of us who are first timers. To you, Mr. Speaker, you have steered this House very well and we wish you the best for the future. For those of us who are going to be governors will emulate what you, the Prime Minister and the President have done.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, thank you for giving me this opportunity. I just want to make one statement. As a Minister, during the last session, responsible for monitoring and evaluating performance, totally, it was an excellent score for the National Assembly in this Session. Without belabouring the point, you gave benchmark rulings in the Assembly. The Assembly, as a whole, has had record performance in legislation. Initially, when we had the leadership of this Government, namely, the President, the Prime Minister and the Vice-President, it appeared as if it was not workable, but they have demonstrated to Kenyans that all is possible if the leaders are willing to do so.

Finally, I wish to commend the performance of the lady Members of the Tenth Parliament. I regret that we did not legislate on the gender rule and we may have fewer female Members or less active, but from the record of the Tenth Parliament, it is highly commendable that Ms. Karua did an excellent job. Hon. Shebesh did a perfect job. Hon. Laboso is an excellent Chair at the same time. Hon. Kamar has great happiness in performance. My brother here tells me if I made a mistake of mentioning names, hon. Odhiambo-Mabona should be mentioned ten times and hon. Kilimo should be mentioned six times. It was a great pleasure working with them.

Mr. Speaker: Your time is up, hon. Otieno. I have just three minutes and I have two persons that have been persistent and they are almost neighbors. So, I want them to share those three minutes; one and a half minute each, hon. Munya and then we will finish with your neighbor, who I will identify in a moment.

The Assistant Minister for East African Community (Mr. Munya): Mr. Speaker, Sir, I take this opportunity to congratulate the Prime Minister for work well done when steering this Government together with the President. But may I also give a word of caution to the two grand coalitions that are poised on trying to take over the Government in the coming elections. When they take over, they should follow the practice of the two Coalition partners, not to exclude Kenyans who are not in the coalitions. If they practice politics of exclusion, they are not likely to go very far in running the Government because the Constitution is very clear on how resources should be shared in the country. Every Kenyan is entitled to a share of the national cake. When you do coalitions that divide the country and share the national cake amongst the coalition partners, you give the impression that you intend to exclude those who are not members or supporters of those collations. It does not augur well for the welfare and the development of the country.

Therefore, when you take over the Government, make sure that you take care of all the Kenyans, whether they are members of your coalitions or not. Otherwise, you will find a very rough time in attempting to run the Government or that mandate that you will be given.

The Minister for Energy (Mr. Murungi): Mr. Speaker, Sir, I also want to join my colleagues in thanking the Prime Minister for leading us in paying tribute to the Tenth Parliament. We have been in this Parliament for some time now, but I think this is the most vibrant Parliament that we have been in. I am one of those who did not vote for you when you were being elected Speaker, but I want to assure you that if we were to vote again tomorrow, count on my vote. I am going to vote for you!

The Grand Coalition has done extremely well given the difficult circumstances we were in. It has brought peace and security. It has laid down firm foundations for

prosperity for this country. The Prime Minister is a great nationalist. He has great ideas for this country. We have been opposing him and we are also going to oppose him again, but I must say that I have enjoyed working in the Grand Coalition Government. It is not a bad idea. We could not have enacted the new Constitution without this Grand Coalition Government. I want to encourage the Prime Minister to start some discussions with his Deputy, Mr. Kenyatta, so that we can have another grand coalition between CORD and the Jubilee Alliance, so that we can lead this country in peace and prosperity for another five years until 2017. If we do not do that, this country will be split and taken to the political struggles that were there between Jomo Kenyatta and the late Jaramogi Oginga Odinga in the 1960s. We are likely to split the country.

Mr. Speaker: Hon. Murungi, your time is up. Hon. Prime Minister, you may now want to respond.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, let me thank all the Members who have contributed to this discussion. There is not much for me to respond to because no specific issues were raised. The Members basically also took the opportunity to thank themselves.

However, one or two issues stand out here. Hon. Karua was particularly concerned about corruption. The Member has been a Member of the Front Bench for a long time. In the last Parliament, she was on the Front Bench for five years and even in this Parliament, she was very much part of it and she knows the issues about corruption. I believe very strongly that we, as a country, must address the issue of corruption more effectively. It is a pity that the compromises you have in a coalition also make it difficult to deal with the issue of corruption because sometimes culprits take solace and refuge in the divisions that come with the coalition. If they are being targeted, they go and say: "Oh, I am being targeted because I belong to this side of the coalition". In my view, that has made the fight against corruption much more difficult in this coalition era.

The Members know that names were brought to this House for approval as members of the Ethics and Anti-Corruption Commission (EACC). It is a pity that so far, we have not been able to set up an effective anti-corruption commission. The reasons are well known to the Members of the House. Equally, I strongly regret the fact that we have not passed legislation to effect the one-third gender rule, which is in the Constitution. It is a pity. However, there is a way out because the courts have ruled that this must be rectified by the year 2015. I hope that in the course of the life of the next Parliament, we are going to come up with legislation which will enable us to satisfy the provisions of the gender rule. We can use the results of these coming elections and the votes which would be obtained by the various political parties as the basis for allocating seats on the gender basis within that period. In other words, it does not have to last beyond the life of the next Parliament. I am determined to ensure that, that happens.

Mr. Speaker, Sir, I need to congratulate you, specifically, for the role you have played as captain of this House. You have steered the debates and discussions in this House in a very civilized manner. You have managed to depolarize politics within this House. Sometimes you have been called upon to resolve differences within the Executive itself. Issues which, even as you said, were not within your own purview or responsibility, have come before you and you have helped us in making the Grand Coalition Government function smoothly. For example, when we disagreed on the issue of the appointments of the Chief Justice, the Director of Public Prosecutions, the

Attorney-General and the Controller of Budget, you assisted us despite the fact that there were very strong and passionate feelings among other Members. All that I was doing was just to ensure that no Presidency is created which will enable the Executive to abuse the provisions of the Constitution. With that intervention, we now have a Chief Justice who everybody agrees is equal to the enormous task of judicial reforms.

Finally, at times, it has not been very easy to handle this position as a Prime Minister. I have now the honor to be the last Prime Minister because this position is going to be extinct in the new constitutional dispensation. It is not an easy position particularly when you are the Prime Minister in a Grand Coalition Government, when you share power with the President on a 50-50 basis. Sometimes partisan issues come into play which undermine the effectiveness of the position of a Prime Minister. But we have managed to tolerate and move forward. The President has sometimes come under a lot of partisan pressure. I know when the President is acting as himself and when he is acting under partisan pressure. I have equally also come under a lot of partisan pressure. Sometimes you are being told that: "Oh, you are being subservient to your coalition partner. They are getting the better of you and you are not being treated as an equal partner". But we have looked at the bigger good of the country and tried to resist the pressures which would have resulted in the collapse of the Coalition Government.

Mr. Speaker, Sir, we are happy that we have reached this far. We have been two equal partners in the Grand Coalition Government. One coalition partner is now retiring and I know that hon. Members will agree with me that the other coalition partner, who has the experience, should continue so that there is continuity in the Government.

With those few remarks, Mr. Speaker, Sir, I thank the hon. Members.

Thank you very much, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! Order! We do not really have time to take any more statements, given the amount of time we have spent on this matter. So, Minister for Foreign Affairs, I think we want to take your Statement tomorrow afternoon, if you kindly agree to co-operate. Any other statement that may be ready--- Minister for Foreign Affairs, do you have a statement as well?

The Minister for Foreign Affairs (Prof. Ongeri): Mr. Speaker, Sir, maybe my Assistant Minister was making that statement, but I believe I will check again if that is the position and come back to the Floor of the House tomorrow afternoon.

Mr. Speaker: Very well; that will serve us best. I think then I will just take requests so that they can be dealt with tomorrow. I want to begin with the Minister for Transport. I do not know what you would be looking for, hon. Amos Kimunya? I see an intervention from you.

The Minister for Transport (Mr. Kimunya): Sorry.

Mr. Speaker: The interest is kept. Then we will take the hon. Member for Yatta.

POINTS OF ORDER

GRABBING OF VISA OSHWAL COMMUNITY SCHOOL

Mr. C. Kilonzo: Mr. Speaker, Sir, mine is not really a request but to find out about the directions you had given yesterday for the Ministry of Education to give a

statement regarding Visa Oshwal Community, the school which was acquired by private individuals and which was the centre of demonstration outside the gates of Parliament.

Mr. Speaker: Indeed; that is a pretty urgent matter. I do not know if the Minister for Education is in the House and if he can say anything about that. Where is the Minister for Education or any of the Assistant Ministers? None of them is in the House. Leader of Government Business, that is a pretty urgent matter. Can you give us some commitment that the Minister will do so tomorrow?

The Minister for Transport (Mr. Kimunya): Yes, Mr. Speaker, Sir. I will communicate and have the Minister come in tomorrow afternoon.

Mr. Speaker: It is a pretty urgent matter. So, we will have that at 2.30 p.m. tomorrow afternoon.

The hon. Member for Gichugu!

GAZETTEMMENT OF NATIONAL LAND COMMISSION

Ms. Karua: Mr. Speaker, Sir, you will recall that last week, you ordered the Minister for Lands to issue the statement I requested as to why the Land Commission has not been gazetted. This is the second time the Minister is being asked to bring the statement. I do not see him or his deputy. Perhaps Members of the Government who are present or the Prime Minister could let us know why this statement is not being issued or even just give the statement why the Land Commission has not been gazetted. This is a very urgent matter and people fear that, perhaps, people in Government who are land owners do not want the land Commission to begin its work.

Mr. Speaker: Member for Gichugu, you have made your point but I think the last time this matter was before the House we tasked the Minister for Public Service to find the Minister for Lands and ask him to come with the Statement. Did you make any effort, hon. Dalmas Otieno, or you do not even recollect this.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I did communicate in writing and I was not aware the communication had not reached the House. I can remind him tomorrow.

Mr. Speaker: Indeed, the Statement has not come. So, I direct that it comes tomorrow afternoon, at 2.30 p.m.

Member for Gichugu, what is it?

Ms. Karua: Mr. Speaker, Sir, I am just wondering because this is the third time. I know it is a new year and probably sanctions may make him come instead of just requesting him.

Mr. Speaker: We will definitely impose sanctions and sometimes those sanctions are not very palatable but we will do so tomorrow.

Minister, you have become aware. Hon. Dalmas Otieno, please, let the Minister for Lands know that tomorrow we will impose sanctions on him, if he does not come with that statement. Confirm that you will do so.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I will do so; let it be tomorrow afternoon and not in morning.

Mr. Speaker: Tomorrow at 2.30 p.m.

Yes, Hon. Odhiambo- Mabona.

CLARIFICATION ON PLANS TO HIVE OFF LAMBWE WEST

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, first of all, I wish the House happy New Year. I wish to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security.

Mr. Speaker, Sir, in the Statement I wish to ask the Minister to clarify whether there are plans to hive off and annex parts of Lambwe West to either Ndhiwa or Gwassi constituency.

Number two, could the Minister clarify whether this is why the Ministry of Lands has failed or neglected to award title deeds to Lambwe residents?

Number three, could the Minister further clarify whether this is the reason residents of Lambwe, who apply for electricity are referred to Kaksingri in Gwassi constituency?

Number four, could the Minister also clarify whether the views of the people of Lambwe have been sought in relation to such a plan?

Number five, could the Minister further clarify whether he is aware that the people of Lambwe are extremely apprehensive over this issue, especially given that parts of the division have been hived off in the past illegally to another constituency?

Finally, could he tell the House what he intends to do to reassure the people of Lambwe that their unity shall not be undermined?

Mr. Speaker: Minister for Justice, National Cohesion and Constitutional Affairs that sounds like your portfolio.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Speaker, Sir, I think it was for the Provincial Administration and hon. ole Metito is in the House.

Mr. Speaker: Minister of State for Provincial Administration and Internal Security if you heard that, it is under your portfolio; commit yourself to deliver that Statement tomorrow afternoon. It looks like an urgent matter.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Speaker, Sir, it may not be possible tomorrow afternoon, because we have two Statements pending for today. So, I kindly request that we issue it on Tuesday afternoon.

(Mrs. Odhiambo-Mabona stood up in her place)

Mr. Speaker: Fair enough. What is it hon. Odhiambo-Mabona.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I would seek the indulgence of the Minister and the House if the statement could be issued tomorrow because it is not really anything major; either there is a plan to hive off or not. It is as simple as that; if they are not hiving off, all he needs to do is to reassure the people that there are no such plans. The Constitution is now very clear that it is no longer a mandate of the Provincial Administration, but it is creating a lot of tension between the two constituencies.

Mr. Speaker: Minister, if it is that simple, then you deliver it tomorrow afternoon.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Yes, Mr. Speaker, Sir, I will do that.

Mr. Speaker: Very well; yes, Mrs. Noor.

ATTACKS ON MS. ANNE ANYANGA

Mrs. Noor: Mr. Speaker, Sir, I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security to explain the following:-

(i) Under what circumstances was Ms. Anne Anyanga, who is contesting for the position of Governor in Migori County, attacked by some youths in Rongo Township at Rongo Primary School on 30th December, 2012 at around 2.00 p.m?

(ii) Where did the youth come from and who had sent them, and organized them?

(iii) Could the Minister confirm the measures the Government is putting in place to protect all women aspirants?

Mr. Speaker: Hon. Noor, did you experience any undue influence; why is the hon. Anyanga sitting next to you and you are seeking a Ministerial Statement that seems to relate to a distant relative of his.

(Laughter)

Mrs. Noor: No, Mr. Speaker, Sir. I am a voice of the voiceless, particularly the women. I have seen this in the newspapers. I did not even know they had a relationship. I always look out for women who are affected in the country.

Mr. Speaker: Fair enough; Minister of State for Provincial Administration and Internal Security, it looks like your baby.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Speaker, Sir, could I do it on Tuesday next week?

Mr. Speaker: Fair enough, Tuesday next week; it is so directed.
Hon. Imanyara.

Mr. Imanyara: Mr. Speaker, Sir, the issue that I wanted to raise with him was raised by my colleague, Member for Yatta, that you directed the Minister for Education. Given the facts that are available, the matter ought to be dealt with by the Minister for Lands, because the Ministry of Education has in fact taken up the issue of Oshwal and has written to the Minister for Lands with specific request. The matter can be directed to the Minister for Lands rather than the Minister for Education; we know what the Minister for Education has asked the Minister for Lands to do; I will table that letter, which is dated 28th of November, 2012. It is addressed to the hon. James Orengo; “Re: Loss of Visa Oshwal Primary School”. It points out the conditions of the lease and suggests to the Minister how to convert it into a public school, which has been wrongfully privatised. So, could you, on the basis of this letter, which I am tabling, direct that the matter be dealt with by the Ministry of Lands, because it is the relevant Ministry under these circumstances?

FATE OF STATUTORY INSTRUMENTS BILL

Mr. Speaker, Sir, secondly, you recall that last week the Attorney General stood in this House and promised you that today, he would tell us the fate of the Statutory

Instruments Bill, which was passed in this House and the reasons for the failure by his office to refer the same to the President for assent within the time limit. This afternoon, when I raised the issue, you did indicate that we would wait for him to appear in the House, so that he could give his position before you gave directions.

Mr. Speaker, Sir, now that he is not here and the statement was expected from him this afternoon, would I be in order to ask you to ask the Leader of Government Business to request the Attorney General to be here tomorrow and act on the undertaking that he gave you last week.

Mr. Speaker, Sir, I am tabling the letter by the Ministry of Education to the Minister for Lands with regard to the first issue.

(Mr. Imanyara laid the document on the Table)

Mr. Speaker: Fair enough; Leader of Government Business, I think you will do two things. First, you will ask the Minister for Lands to come and speak to the matter of Visa Oshwal School tomorrow afternoon, at 2.30 p.m. and then you will sensitize the Attorney-General to honour his undertaking to the House and come with a statement, preferably tomorrow morning.

The Minister for Transport (Mr. Kimunya): On the first request, we have already undertaken and on the second one, I am aware that the Attorney-General is committed to be here the whole day tomorrow. So, he will also come with his Ministerial Statement.

Mr. Speaker: Fair enough. There is a request from the Member for Rarieda but he does not seem to be in the House.

Yes, Member for Dujis.

MEASURES TO CURB SEXUAL VIOLATION/ MURDER OF MINORS

Mr. Duale: Mr. Speaker, Sir, I beg to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the rape and murder of four-year old Nasra Bashir Abdi in Kizingo, Mombasa, on 30th December, 2012. In his Statement, specifically, I want the Minister to:-

- (i) Explain whether the persons behind the heinous act have been arrested and charged in court;
- (ii) State what he is doing to curb this crime
- (iii) Give us a status report on implementation of The Sexual Offences Act.

Mr. Speaker, Sir, hon. Members must have been following what was happening in India. I want him to categorically tell the nation, preferably tomorrow, what he is doing about the rape and killing of a four-year old girl in a civilised nation like Kenya.

Mr. Speaker: Yes, Minister!

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Speaker, Sir, you will agree with me that it is not possible for me to issue the Ministerial Statement tomorrow. I am supposed to issue two Ministerial Statements tomorrow and another one on Tuesday. So, I request that I issue this one on Wednesday, next week.

Mr. Speaker: Fair enough! It is so directed.
Yes, Member for Juja.

CLASHES BETWEEN POLICE AND MEMBERS OF PUBLIC IN RUIRU/BANANA

Mr. Kabogo: Mr. Speaker, Sir, I seek the indulgence of the Chair. There were two Ministerial Statements which were to come today. One was to come from the Minister of State for Provincial Administration and Internal Security regarding clashes between the police and members of the public in Ruiru and Banana, which he promised to issue today.

MISREPORTING BY NEWSPAPERS

The other one is about a communication that was expected from the Chair regarding an issue I raised about reporting by a newspaper, which you said you shall look into.

Mr. Speaker: Fair enough. On the communication on reportage, our officers can be reminded because I think we had lost track of that one. So, we will bring it tomorrow morning, if the House will be sitting then.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Speaker, Sir, that is actually one of the Ministerial Statements in respect of which I said we have two Statements for tomorrow.

Mr. Speaker: Will you do those two tomorrow morning?

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well. It is so directed. Member for Juja, please, note that you are supposed to be there.

Hon. Members, that brings us to the end of Order No.7. So, next Order, logically.

PROCEDURAL MOTIONS

EXTENSION OF SITTING TIME

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I beg to move the following Procedural Motion.

THAT, notwithstanding the provisions of Standing Order 20(2), this House orders that today's sitting be extended until 8.30 p.m.

Mr. Speaker, Sir, let me start moving this Motion by wishing everyone a happy New Year and congratulating the House for the time that we have put over the last one year, especially in terms of creating additional sitting time whenever we needed to finish the business before us.

It is in this spirit that we are asking the House to extend today's sitting time, so that we can clear as much business as possible and, without anticipating debate on the next Procedural Motion, also seek the indulgence of the House to create extra time, so that we can clear as much business pending before us as possible and take an early break

to go and do what we need to do out there or at least clear the entire in-tray that we have. As a House, we still have a lot of pending business.

Mr. Speaker, Sir, for today, my appeal is that we extend our sitting time by another two hours to clear today's business and create more time for tomorrow until we feel that we have finished what we need to do, so that we can take a break. For today, if we can agree to the request for extension of our sitting time by two hours, it can help us clear the business before us.

With those words, I beg to move and ask the Minister for Finance to second.

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, this House has always risen to the occasion when asked to do so. This is another occasion when the House is being called upon to sacrifice, so that we can finalise legislation on all the Bills that are important before the House finally breaks.

With those remarks, I beg to second.

(Question proposed)

Mr. Speaker: Yes, hon. Odhiambo.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I rise to oppose the Motion.

In opposing the Motion, I want to re-state what we have said in the last few weeks – that this House has already done a commendable job. Indeed, we have been speaking to that fact the whole afternoon. We do not want to spoil that legacy by doing Bills that are rushed and which have not been properly interrogated. We stand the risk of compromising quality at the altar of speed.

Therefore, I beg to oppose.

Mr. Speaker: Yes, hon. M'Mithiaru.

Mr. M'Mithiaru: Mr. Speaker, Sir, I also stand to oppose this particular Motion. We are just from a holiday mood. Some of us even sat in our Committees during the Christmas weekend. Without anticipating debate under Order 9, if I may quote without mixing the languages, it is not "*bora kazi*" it is "*kazi bora*".

Therefore, I oppose the Motion, so that we can do a good job.

Mr. Speaker: Yes, Member for Kisumu Rural.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I rise to support this Procedural Motion.

I would like to appeal to hon. Members, as you can see on the Order Paper, we have a lot of work to do. I am sure that hon. Members should appreciate the fact that they, too, would like to finish the business of this House and proceed to their constituencies to campaign for their re-election. I believe that the reason as to why the House Business Committee proposed this Procedural Motion is so that we can do two things; accomplish the work before us in the House and give ourselves time and, after accomplishing this work, to go and campaign.

Mr. Speaker, Sir, if we do not extend our sitting time, it means that the House will have to sit until 14th January, 2013, when the life of the Tenth Parliament comes to an end. That will not be doing a lot of service to hon. Members. So, we are trying to serve the interests of hon. Members as well as the interests of the Kenyan public, which, of course, applauds this House for having passed so many Bills in its life and setting the

record in the history of Parliament. At the same time, we should not spoil that record by not completing the task before us before the Tenth Parliament comes to an end.

So, I would like to plead with hon. Members to support this Motion and rise to the occasion.

I beg to support.

Mr. Speaker: Yes, Member for North Imenti.

Mr. Ruteere: Mr. Speaker, Sir, if you look at the Order Paper, you will appreciate that there are so many crucial Bills that have not been passed and this Parliament has very limited time before it adjourns, so that we can go back to election. Although I feel as much that Parliament is being pushed, it is also our responsibility to do the business that is ahead of us, which is set out in the Order Paper.

Therefore, I support that we extend our time of doing business.

Mr. Speaker: Yes, Member for Ainamoi.

Mr. Langat: Mr. Speaker, Sir, I stand to support the request for extension of our sitting time because I feel that it is only fair that we do the necessary to the business on today's Order Paper, just like we have been doing in the past.

I support.

Mr. Speaker: Yes, Member for Vihiga.

Mr. Chanzu: Mr. Speaker, Sir, it was only Thursday when I came back here and by 6.00 p.m., there was no quorum. Today morning, again, we were hit by lack of quorum. We had to stop transacting business to get hon. Members to come to the Chamber to contribute to debate. Going by that trend and looking at the membership of this House right now, after this Motion, we cannot be having quorum. Therefore, I do not support the Motion.

Mr. Speaker: Why are you anticipating what is going to happen in the next hour?

Mr. Chanzu: Mr. Speaker, Sir, I am just looking at the trend from last week.

Mr. Speaker: The Standing Orders do not allow you to do that, Mr. Chanzu.

Mr. Speaker: Mr. Speaker, Sir, I withdraw that bit, but I was just saying that I do not support the Procedural Motion.

Mr. Speaker: Yes, Member for Bonchari.

Mr. Onyancha: Mr. Speaker, Sir, I rise to support the Motion. This Parliament is known to be the most hard working Parliament since Independence. Let us not falter at the last minute because of a few conveniences.

I support.

Mr. Ngugi: Mr. Speaker, Sir, I rise to support this Motion. I think we have sat here up to midnight at times. If we have to sit up to 8.00 p.m. in order to deal with the matter that is here, I think we should make that sacrifice.

I support.

Mr. Imanyara: Mr. Speaker, Sir, the nature of business before us is so important that if we do not conclude the business that is on the Order Paper and given the business that lies ahead before the life of this Tenth Parliament ends, then the chances are that we will not be able to conclude that business. So as much as I respect my sister Millie and those who have opposed, I plead with them that they reconsider and we support this Motion so that we can conclude the business on the Order Paper.

I support.

Mr. Speaker: Order, hon. Members! We have more or less captured the mood of the House. We have heard both sides of the divide in terms of the argument for and against.

I will, therefore, put the Question.

(Question put and agreed to)

Next Order!

SITTING OF THE HOUSE ON THURSDAY MORNING

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I beg to move the following Procedural Motion.

THAT, pursuant to the provisions of Standing Order No.20 (3) this House resolves to hold a Sitting on Thursday 3rd January, 2013 commencing from 9.00 a.m. to 12.30 p.m.

Mr. Speaker, Sir, Members will appreciate that Thursday mornings are usually not our regular Sitting Day. It is reserved for other parliamentary work and Cabinet affairs. However, because of the facts and best of intentions, this Parliament will not go beyond next week which gives us only basically tomorrow afternoon. The last Sitting Day is 10th of January which is Thursday next week. This only gives us three sittings next week, plus tomorrow yet we have other business.

The House Business Committee (HBC) decided to ask Members to allow the creation of one extra session which gives us an extra three hours to transact business that we need to do so that, even as we go home - and I would justifiably say we have done a lot of work - we do not end up with the cake without the icing. That is basically what we would end up doing. We have done a lot of work but there is still some very crucial business that needs to come before this House. There are some names that need to be cleared that are still being processed in the Committees. There are some appointments that need to be cleared by this House and we took it upon ourselves and championed the new Constitution that required that this House be the one to approve some of those appointments. If we do not do it, who will do it? I think that is the reason we are asking; let us create extra time. Let us work the extra day and if need be, if Members feel that we should also sit on Friday, Saturday or Sunday like we saw the US Congress sitting last Sunday, so be it until we clear every business that is before us. Then we can go home feeling proud for what we have done for Kenya and for our constituencies. That is what they would have wanted us to do.

With those words, I beg to move and ask one of the very strong Members of HBC, Ms. Martha Karua, to second.

Ms. Karua: Mr. Speaker, Sir, this is coercion, but I beg to second.

(Question proposed)

Mr. Koech: Mr. Speaker, Sir, I stand to support this Motion. Looking at the business before us; I want the Leader of Government Business to understand that there are certain crucial Bills that Committees have sat and looked at. It will be absurd if we do

not see them going through the Third Reading. I have in mind the Science, Technical and Innovation Bill and the Technical and Vocational Education and Training (TIVET) Bill that we have put a lot of man-hours into it. We want to see them go through before the end of this Parliament.

Mr. Onyancha: Mr. Speaker, Sir, I stand to support this Motion. As I do that, I want to say that many of us work on Thursday mornings in Committees. It is not only the Government side which works on Thursday mornings. Therefore, it is normal and I support.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, earlier on, we were congratulating ourselves for a job that we have done very well in the last five years. I think it is just fair that we wind up nicely. There are things that can wait. There are Bills that can wait and others that cannot wait. For example, the Bills to do with the Constituencies Development Fund (CDF), retirement and the fate of Provincial Administration are very sensitive.

For those reasons, I beg to support.

Mr. Ogindo: Mr. Speaker, Sir, I run the risk of being ruled untimely in my point of order.

Mr. Speaker, Sir, is it in order for the Minister to move this Motion and gloss over it by just saying that there are certain names that need to be passed? This is a very critical time and Members need to really appreciate the need to sit tomorrow morning. He would have done us a lot of good by trying to itemize the issues that we will need to deal with tomorrow morning. That would make Members come and attend the Sitting, instead of glossing over matters lightly. Is he in order not to put before the House the orders that necessitate tomorrow morning's Sitting?

Mr. Speaker: Indeed, as you rightly say, Member for Rangwe, your point of order has unfortunately come a bit late after the Minister has made his contribution. In fact, we have taken three other contributors.

Even from the Speaker's position, I think the Minister addressed the matter reasonably substantively considering that this is just a Procedural Motion. A Procedural Motion is not supposed to be too detailed by way of contributions. We as a House know that there are names which were brought to the House and we actually referred them to Committees. You have not completed that business. Therefore, if you have been present in the House and been following business as transacted, you will already be aware that there is an exercise of vetting which entails approval by Parliament ultimately which is not yet completed, Member for Rangwe.

I know that you are very dutiful; you are a serious professional. So, I am aware that you have this information to a very large extent.

Let us take the Member for Ndaragwa.

Mr. Kioni: Mr. Speaker, Sir, I also stand to support the Motion for the reasons that have been mentioned by others. We have crucial Bills that we need to deal with but also, crucially, is that this coming and going is interfering with our campaigns and we have our opponents who are busy on the ground. We need to concentrate and if we can do business tomorrow morning, finish the business that is before us then we should be able to go out and do what is expected of us from next week.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Hon. Members, essentially we have captured the mood of the House. We have heard both sides of the argument, for and against.

(Question put and agreed to)

BILL

First Reading

THE SPECIAL ECONOMIC ZONES BILL

(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)

COMMITTEE OF THE WHOLE HOUSE

THE CONSTITUENCIES DEVELOPMENT FUND BILL

Mr. Speaker: Hon. Members, next will be Order No.11. The sponsor of that Bill, who is the Member for Turkana Central, has not been in the House this afternoon for the reason that he could not get transport out of his constituency. His constituency has got difficulties of transportation and he was unable to use the only means of transport that was available; he was unable to get it on time. I understand the Minister for Transport may know what difficulties they have there; he just could not get to some airstrip because his car could not plough through some very challenging terrain. I think the area is literally flooded and he just could not plough through. In those circumstances I will defer Order No. 11 to tomorrow morning at 9.00 a.m.

(Committee of the whole House Stage deferred)

Eng. Gumbo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Rarieda! I will give you the Floor, but be careful how you tread. When a matter is concluded by direction from the Speaker, to revisit it becomes a bit treacherous. But I will give you the Floor.

Eng. Gumbo: Mr. Speaker, Sir, the matter of the CDF amendment Bill is very important to some of us. I am privy to a conversation we had with the chairman where he actually, as early as last week, said he would make sure that he would not be here today. It is important because---

Mr. Speaker: Order, Member for Rarieda! I will not at this point rule you out of order. Just as I cautioned you, it is treacherous when a matter has already received directions for you to revisit it. The issues that you are broaching now are obviously tending towards breach of Standing Order No.79. You are imputing improper motive on a colleague. You cannot do so unless you bring a substantive Motion, even if you are privy to some conversation which, I believe, is otherwise supposed to be confidential. But if you want to make it public then bring a substantive Motion. Otherwise, wait for the next

24 hours and you can speak to those matters after this matter comes on the Order Paper. It is not too far off, Member for Rarieda; I know you are a seasoned professional who is awake to some of these realities. Speak to it tomorrow morning. It is so directed.

Before we take the next Order, I think the times we are dealing with are a bit difficult or challenging. The Member for Mosop, in his capacity as the chairman of the Committee on Education, Research and Technology worked very hard against time to prepare a report which he was not able to get to the House as we transacted business at Order No.4. So, we will interrupt business on the Order Paper at this point to deal with a matter which would normally come under Order No.4.

PAPER LAID

The following Paper was laid on the Table:-

Report of the Departmental Committee on Education, Research and Technology on the consideration of the nomination of chairperson and members of the Teachers Service Commission.

(By Mr. Koech)

NOTICE OF MOTION

ADOPTION OF REPORT ON NOMINATION OF CHAIRPERSON/MEMBERS OF TSC

Mr. Koech: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the consideration of the nomination of chairperson and members of the Teachers Service Commission laid on the Table of the House today, Wednesday, January 2nd, 2013.

BILLS

Second Reading

THE PRESIDENTIAL RETIREMENT BENEFITS (AMENDMENT) BILL

(The Minister for Finance on 27.12.2012)

(Resumption of Debate interrupted on 27.12.2012)

Mr. Speaker: Who had the Floor? Member for Mosop, you have a balance of a few minutes. If you do not want to utilize them we will take the next Member.

Mr. Ogindo: Mr. Speaker, Sir, I rise to support this Bill. In supporting I want to point out that it is important that we celebrate our leaders. Our leaders are part of the heritage of this country. Our leaders must and should remain as role models while in service and even after. This is the practice the world over.

With those remarks, I support.

Mr. Nyammo: Mr. Speaker, Sir, I rise to support this Motion. Before supporting I wonder whether it is not possible to get a formula for increment on annual basis to cater for inflation, not just for the President but also for other officers instead of every time having to reward or bring a matter to the House to authorize increment. Is it possible to have a formula built into this Motion?

Otherwise, I beg to support.

Mr. Speaker: Member for Tetu it is possible and you have the power to do so.

Mr. Langat: Mr. Speaker, Sir, I stand to support this Bill because we want to see our retired presidents living very well in retirement. I saw in the Bill that even after retirement they might be called upon to assist in national duties once in a while. I think that is a very good provision, so that payment to them can add value for Kenyans.

I support the Bill.

Mr. Onyancha: Mr. Speaker, Sir, I rise to support this Bill. In supporting it, I want to go back to the Presidential Address that was given to us by His Excellency the President last week. I concurred with the speakers in paying tribute to him. Politicians' families and spouses sacrifice a lot for their spouses to do the work that we do.

[Mr. Speaker left the Chair]

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

In that respect, I do not only support this Bill but also concur that the role of an ex-president other than being a fatherly figurehead is bringing stability to a country. In order for him to do that, he must go round, visit and be seen around. With that sort of presence, we feel like a country with a father.

Madam Temporary Deputy Speaker, I beg to support.

Mr. Mungatana: Madam Temporary Deputy Speaker, I also stand to support this Bill.

I want to agree with the other hon. Members who have said that the President, when he retires, needs to have reasonable support in terms of his existence. Even more important is that, that office needs to maintain its dignity. The Office of the retired President goes with it the secrets of the State which need to be protected using facilities that are of the State.

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

Mr. Njuguna: Madam Temporary Deputy Speaker, I am in concurrence with the other hon. Members of this House who have said that a President who is popularly elected by the people should retire and enjoy credible retirement. Therefore, it is important that we recognize this by approving this Bill.

Madam Temporary Deputy Speaker, I beg to support.

Mr. Nyambati: Madam Temporary Deputy Speaker, I also rise to concur with the other hon. Members and support this Bill.

Madam Temporary Deputy Speaker, this is a good gesture for the country because we are creating a precedent where those who are in the office can look forward to retirement because they are taken care of. Being the Head of Government and State, I think that it is important that as a country, we take care of our retiring Presidents and encourage those who are in office not to stay too long and look forward to retirement.

Madam Temporary Deputy Speaker, I strongly support.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker: In the absence of any other hon. Member who would like to contribute, I call upon the Mover to reply.

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, let me take this opportunity to thank the Members of this august House for the support that they have given to this Bill. This Bill is not, as it has been reported in the media, trying to increase the President's pension. All that it is trying to do is to cater for inflation. Instead of having fixed amounts, all that it is trying to do is to give them on percentage basis, such that if the salary goes up, then the allowances go up automatically. We are saying this because of the experience. As of now, we have one retired President and it is embarrassing to be asking a retired President to bring his bill for petrol. Why has he travelled very many kilometres this month? It is really embarrassing. These are the things that we want to take care of, so that a retired President lives comfortably.

Mr. Deputy Speaker, Sir, lastly, let us not look at this Bill as being one for President Kibaki. We have young upcoming presidential candidates who have young families. It will really be embarrassing if after somebody has served this country well, he is taking *matatus* on the street with no security.

Mr. Deputy Speaker, Sir, with those words, I thank the hon. Members and beg to move.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House tomorrow)*

THE RETIREMENT BENEFITS (DEPUTY PRESIDENT
& DESIGNATED STATE OFFICERS) BILL

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to move that The Retirement Benefits (Deputy President & Designated State Officers) Bill (Bill No.86 of 2012) be now read a Second Time.

Mr. Deputy Speaker, Sir, I will be very brief. Again, we are trying to take care of the retirement benefits for the Deputy President, the Speaker, the Deputy Speaker, the

Speaker of the Senate, the Chief Justice, the Deputy Chief Justice and the Attorney-General. When we come to the Committee stage, I will be bringing an amendment also for the Inspector-General of Police and the Director of the National Intelligence Service. If I had money I would have provided for more State officers but, unfortunately, this is not possible. But the intention is that as and when the economy of this country grows and expands, we will continue to expand retirement benefits for State officers.

After these State officers have worked so hard--- For example, the Speaker is perpetually in this House and is not in a position to do any other business. This is a full time job. It is only fair that after the end of the term, he does not have to struggle even to make ends meet. The same case also applies to the Chief Justice. There has been no Bill that caters for the retirement of the Chief Justice. Again, if you are a Chief Justice you are not expected even to engage in private business. It is really a fulltime job. The same case applies to the Attorney-General. Now, we have the Inspector-General of the Police Service and the man who is in charge of the Kenya Defence Forces. Again, if you look at all the other people who have worked tirelessly for this country, once they leave office that is the end of it. At best the Government has been appointing them chairmen of certain parastatals, just to give them a day when they can put on a suit and a tie. Really, it is only fair that we take care of the people who have worked for us.

Mr. Deputy Speaker, Sir, let me commend my Cabinet colleagues for being very fair. This is because a question had also arisen: “Why are you providing for the Deputy Prime Minister and not Cabinet colleagues, taking into account that in the next Parliament Cabinet Ministers will not come from Parliament but outside?”

So let me very sincerely thank my Cabinet colleagues for that sacrifice. This has happened because of the large number. If we had five, six or ten, probably we could have considered it but at 44 this could have taken a lot of resources of this country.

In this Bill, we have tried to be very fair and to have a limited number of positions particularly, the people who head institutions. For example, the Speaker heads one arm of Government which is Parliament. Therefore, we have taken the Speaker and his Deputy. The Chief Justice heads the other arm of Government. So, we have taken the Chief Justice and his Deputy. We also have the Chief of the Defence Forces who is the overall commander or the overall person in charge of the military. We have taken care of him.

I will be bringing an amendment to include the Inspector-General of the Police, the Director of the NSIS and the Attorney-General. This was an oversight. I really request hon. Members to support this Bill. Please, do not look at the current occupants; look into the future. Do not think that this Bill is catering for specific persons. We want to make laws for future generations and not for the current generation.

With those very few words, I would like to request Prof. Anyang’-Nyong’o to second this Bill.

The Minister for Medical Services (Prof. Anyang’-Nyong’o): Mr. Deputy Speaker, Sir, I would like to second the Bill moved by my colleague, the Minister for Finance on the retirement benefits of the Deputy President and the Designated State Officers. Again, I would like to remind the House that when I first proposed the idea of giving retirement benefits to the President in 1998, there was an avalanche of opposition to the idea because people were focusing on the then President for reasons that were both sentimental and real.

However, Parliament, in its wisdom and the Attorney-General having taken over my Bill passed it into law and today it has become an institutional affair. In the same manner as the Finance Minister has explained, we are establishing institutions and looking into the future. Therefore, as the Minister has pleaded with the House, let us set this precedent for the future.

Indeed, as Cabinet Secretaries become fewer as prescribed in the Constitution, the retirement benefits of serving Cabinet Secretaries, which for all intents and purposes will be civil servants; and knowing as my colleagues in the Cabinet know that they make substantial sacrifice burning the midnight oil besides being Members of Parliament to serve this nation, I think that the sentiments expressed by the Minister that in future they should be considered favourably is something that the House should appreciate.

However, in the meantime, in the spirit of magnanimity, I would like to support the proposal but also underscore the fact that it be re-looked into in the future so that those designated State officers who serve the society diligently are looked after once they leave office with the dignity they deserve.

I beg to support.

(Question proposed)

Mr. Onyancha: Mr. Deputy Speaker, Sir, I rise to support this Bill. In supporting it, I would like to ask the Minister to consider, in future, moving an amendment during the Committee of the whole House to cover other Members of the House, especially the retired ones who frequent Parliament. We can see their conditions because they have no pension and many of them live in abject poverty. We hope that the Minister can, in future or in the near future take that issue into consideration. It is important that our retired officers especially people who have served in positions like that of the Deputy President and the rest are well taken care of.

It is for that reason that I fully, support this Bill.

Mr. Kioni: Thank you, Mr. Deputy Speaker, Sir for giving me an opportunity, unfortunately, to oppose this Bill. I appreciate the work that is done by these office bearers and the need to ensure that they are taken care of.

(Mr. Kioni spoke while seated at the Second Row)

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. Jeremiah Kioni is my friend but I did not hear an announcement that he has been promoted to the Front Bench.

Mr. Deputy Speaker: Hon. Jeremiah Kioni, as much as we have a couple of weeks to come to the end of this House, you still cannot promote yourself to the Front Bench.

Proceed!

Mr. Kioni: Mr. Deputy Speaker, Sir, I am actually seated in the Second Row and not in the Front Bench. I have also seen Prof. Anyang'-Nyong'o speak from the Second Row as opposed from the Front Bench.

However, I was saying that I oppose this Bill. Unfortunately, it is a Bill that affects colleagues who are among us. One of the things that are clear to me is that these individuals or office bearers serve in institutions that have pension schemes. It may be

useful if their concerns were addressed within the framework of the pension schemes in those institutions. If we are not careful – taking the words of the Minister, he has said that if we had money, he would have included many other State officers. If that becomes the trend in the Ministry of Finance then that means that this country will become a country of pensioners and I doubt whether we will afford that.

Section 5 of the Bill says that a retirement - in this case of a Speaker of the National Assembly, the Deputy or Chief Justice - during his or her lifetime will get a monthly pension equal to 80 per cent of his salary. Assume, and this is possible in the coming Parliament that Dr. Nuh becomes the Speaker of this Assembly. He is not with us now but I think he is one of the youngest Members or he could be the youngest Member of Parliament. It means that for the coming number of years, and he looks like he can be with us for quite a while, 80 years or so, you will be on that kind of thing. That is okay but the country will eventually be the one suffering. It is fine for Mr. Ogindo because he has advanced in age. However, equally, even if he is the one that we bring on board, that will be a very difficult thing for our children to bear as they move forward. The packages, as contained in this Act, are very attractive and nice if one was to benefit from them. While the offices are supposed to be served by people on the basis of patriotism, it takes away the aspect of patriotism from the office and brings in the aspect of monetary gain. The level of competition that will be put to these offices will cease. People will be looking at an opportunity to be sustained by the country and the taxpayers for life.

I believe that when we put a clause in the Constitution to the effect that the Chief Justice should serve for a period of one term that is not renewable; and more so some of these offices, the intention was to ensure that they are driven by nothing else other than what is best for this country.

When we now factor in the issue of monetary gain as part of the package, we then lose that spirit that we had when we were passing the Constitution. I beg my colleagues that we oppose this Bill not because we want to deny the office bearers what is very attractive in it, but have the country in mind. If we continue through this--- Already, in the coming days, the country will feel the weight of a very huge wage bill. I know the Minister for Finance will be talking about it. We have an increased number of Members of Parliament. We have the Senate, county assemblies that are quite heavy and commissions that are also very heavy for this country. Again, do we want to put this kind of load on the wage bill? At the end of a given term, we will have a country that will be crying about how to reduce the wage bill or how to deal with pensions and pensioners.

Even as we do this, I remember my 90 year old *wazees* in my constituency who have, up to today, not benefitted from their old age allowance. When we start doing these kind of things, I would rather that we consider those old *wazees* and *mamas* who were even part of the Mau Mau Freedom fighting than sit here and allocate ourselves such huge pension funds. I think this will be sending the wrong signal in this country. It is for those reasons that I beg to oppose. I know that I have supported many things that you go along with, but for this particular one, I beg to oppose because it is not good for the nation.

Mr. Deputy Speaker: What is your point of order, Mr. Githae?

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I think the hon. Member is misleading this House that if, for example, Dr. Nuh is appointed for one day, then he will get his full pension. I think he is misleading the House because he has not

looked at Clause 5(3) which states that if you serve for less than a term, then you will get a gratuity. Is he in order to mislead the House?

Mr. Deputy Speaker: Yes, hon. Walter Nyambati!

Mr. Kioni: Mr. Deputy Speaker, Sir, I had not concluded!

Mr. Deputy Speaker: You had concluded! You said, "I beg to oppose".

Mr. Kioni: No. I kept saying that I beg to oppose throughout my contribution and I still want to respond to that.

Mr. Deputy Speaker: You must have changed your mind now.

Mr. Kioni: Mr. Deputy Speaker, Sir, I just wanted to let *Waziri* know that I did not say that and he can look at the HANSARD. That was not my statement. I saw him converse a lot with *mhe*. Kiraitu and that is why he may have missed what I said. I said that if *mhe*. Nuh is appointed the Speaker at his age, then we would be giving him allowances for, say, 60 years because he is a young man and we can see he has the capacity to hit 90 years plus. I mean that is going to be very heavy for this country.

Mr. Deputy Speaker: Fair enough. You have already made your point. Yes, hon. Nyambati Walter!

Mr. Nyambati: Mr. Deputy Speaker, Sir, I stand to support this Bill. It is extremely important for this House and the country at large to support the people that have served this country. For example, we have Uncle Moody Awori who served this country so well and yet, he retired with no retirement benefits. It is important that this House becomes humane. This country should rise to the occasion and take care of the citizens who have served it well. I also happen to know, being a Member of the Parliamentary Service Commission that we have former Members of Parliament who have served in this House and yet, they do not have retirement benefits. I also know that if you have become a Member of Parliament at one time, there is nobody in this country who will be able to employ you anywhere any time – you will live as a pauper for the rest of your life and you will suffer. Most of those former Members of Parliament cannot even afford medical care. Many of them are suffering. It is important that the Minister takes into account that former Members of Parliament are taken care of.

Mr. Deputy Speaker, Sir, I want to support this Bill on condition that we bring amendments to include some of the Members who really need to be included in the bracket of people who should benefit.

I understand what my colleague and good friend Jeremiah has just said. But it is the responsibility of this nation to take care of its leaders who have served it. There is a lot of money which is being misused out there and going to the wrong places. Such money could otherwise be directed to the right place, especially in this area where we must take care of those who have served this country with dedication. That is the only way we can also encourage our people to be patriotic, to work hard and serve this country.

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

Mr. Ogindo: Thank you, Mr. Deputy Speaker, Sir. I rise to support. In the same vein, I want to point out that very few people are serving this country at those levels. They serve this country with a lot of dedication. I imagine the kind of stress that the Vice-President goes through. At the end of the day, you have expended all your energy. As you go into retirement, it is only honourable that you live a dignified life. You remember that those people retire with a lot of experience. They retire with a lot of wisdom and you,

possibly, want to consult them in their retirement. You definitely want to see somebody that comes out for consultation looking like a former Vice-President. You would also want to use them as Statesmen. You would also want to send them somewhere to do conflict resolution. You would want them to be the pride of your country. It is only that our economy is still weak, but we need to send a message out there that it is honourable to serve your country.

Mr. Deputy Speaker, Sir, I think this bracket needs to be enlarged to capture as many State officers as possible who are serving this country. I think this is even the practice world over. I know Mr. Kioni would be holding his head on account of the prospects of his political party; I think they look doomed. But at his age, another day will come for hon. Kioni when he will eventually join the right party that will form the next Government.

(Laughter)

Mr. Deputy Speaker, Sir, he has the potential of becoming a Vice-President.

Mr. Deputy Speaker: There is no Vice-President in the new Constitution.

Mr. Ogindo: Deputy President, Mr. Deputy Speaker, Sir. Thank you and I support.

Mr. Nyammo: Mr. Deputy Speaker, Sir, I rise to support this Motion basically because in the past, I have had reasons to complain that our reward system is either lopsided or non-existent. We have not been able to acknowledge and appreciate a job well done by our officers, politicians and leaders.

This morning, we passed a Bill where we were talking about a reward system, that is, the national award system. We were talking about people who merit the awards. In this case, we are talking about people who have served well in the country. It is only fair to appreciate and acknowledge what they have done. Reward them! It is not only these named officers, but everybody in Kenya who has done a good job should be acknowledged and appreciated.

The other day, we were here full of praise for the retiring President, His Excellency Mwai Kibaki, because of the work he has done. How can we afford to negate a reward to him or his successor? The reward is being given because they have done a good job. The other day we acknowledged the work done by our defence forces in Somalia. They had a leader and he should be commended. As he retires, we should reward him accordingly. We have praised the reforms in the Judiciary which is being presided over by a man and may be a woman in future who has done a good and commendable job and that requires to be rewarded. That is what this Bill is talking about. Therefore, let us now praise on one hand and condemn on the other. Let us be consistent and agree that this country requires a system of acknowledging, appreciating and rewarding a job well-done.

With those few remarks, I beg to support.

Mr. Njuguna: Mr. Deputy Speaker, Sir, thank you for the opportunity to contribute to this very important Bill. The Vice-President is elected popularly by the people together with the President. Earlier on we agreed that it is prudent to send off a retiring president with some benefits and, therefore, it would be wrong to deny his immediate deputy some benefits. When they retire, the two will be visiting one another.

You can imagine the position of the retired president being a very dignified position and his deputy in a pauper-like position. Therefore, it is important to recognize the sterling performance of a deputy president.

I recall a Mr. Joseph Murumbi who served the first government of the founding father of this nation very diligently venturing into business to survive. If this kind of package was there, the late Joseph Murumbi would not have ventured into these activities towards some decent living. Therefore, it is important without hesitation to approve sufficient benefits to a retiring deputy president.

I fully support.

Eng. Maina: Mr. Deputy Speaker, Sir, I stand to oppose this Bill. In this country, we are at a particular stage and we must be weary of what we are doing. It is apparent in Kenya with all the strikes we are witnessing that at the high level we are very generous but at the lower-middle level where it matters, like primary school teachers, the nurses and the doctors they are hardly living. Therefore, I find it morally difficult to accept because some of these people retiring have good benefits already. I remember at one time I visited the late president Nyerere in his retirement. He was living humbly in a simple house; living a simple life and taking simple meals because that is what his country was. The late Winston Churchill's wife was selling jewellery to survive and he actually told Parliament never to pass a law to include her in pension. Even the first legislators never came to this House for monetary gains. When you are in a public office you must first of all be driven by the need for patriotism and nationalism. So, let us not try to imagine in this House that we are going to compensate any officer of the Government or a public officer with any amount of money. That is wrong. Even if it is to be done, let it be done in a humble way; in relation to the economic status of the country. I find it completely and morally difficult to recommend millions to go into some luxurious living when this country has people who cannot afford drugs and people still dying of hunger. This country still has people who are destitute and we cannot afford to feed them. This country has youth loitering with no jobs. I feel that these resources should be put in that kind of proper use.

Mr. Deputy Speaker, Sir, this country is getting overburdened and if we are not careful, already the wage bill in this country is very heavy. I am sure the Minister for Finance knows that. He knows how much money we are spending on Recurrent Expenditure when we need money for development as a growing country. We have to start changing our priorities in this country.

Again looking at this Bill, there is nothing that really says when somebody loses his benefits. They are just being given. There should be a way of showing under what terms one can lose the benefits. One should not be automatically entitled. Some of these offices are political and are going to remain so. So, let us not try to say that only those people who go to those offices have served this country. At any particular time, there is only one position in an institution but there may be dozens of people who have served in other capacities. When our army went to Somalia, there are some officers in the rank of Private who actually did much more than the senior officers. How are we going to ensure that they are compensated in relation to the way we are compensating or putting terms for their bosses?

Therefore, I find it extremely and morally difficult to support this Bill. The other day I went to a hospital in Karatina and I met only eight nurses out of 123 nurses. The

rest were on strike. There were only 23 patients in a hospital where there are normally 200 patients. The reason was that the nurses were on strike. Let us try to address those issues because people are dying in this country for lack of services. In future when Kenya is rich or wealthy then we can afford this kind of luxurious benefits. As of now, I feel that God in heaven is with me when I say that I oppose this Bill. I find it morally difficult to ask this House to support it.

With those few remarks, I oppose.

Mr. Chanzu: Mr. Deputy Speaker, Sir, as much as the Minister is trying to justify when he thinks that these officers should be paid, we should try to create a country of professionals as we go towards the year 2030. If you look at the amount of money that will be involved in this and the confusion it will bring---. Kenyans yawned for democracy and change but the amount of money that has to be paid to commissioners and so on is very high. In future, we might find that everybody will be agitating for this. Therefore, it is not proper at this stage for us to vouch for this Bill because of the heavy burden that it is going to bring about.

With those few remarks, I oppose.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I have listened very carefully. As much as I appreciate the need to reward our leaders, we have to look at our economy and the state of our Government. Our economy is not doing very well. We have lots of problems. So, we cannot in my view give such big benefits to a few when actually the country does not need this process. This House passed the Salaries and Remuneration Commission. This is a commission we gave the mandate to look at all the benefits for all public officers and it is my view that it is the one that should look at this matter and come up with benefits that are commensurate with what this economy can afford, otherwise we are rewarding very few people at the expense of the masses.

So, for that reason, I want to oppose this Bill.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I rise to support this Bill and in doing so, I want to say that there are many times that we are moved to take populist stands and this is one time I will not take a populist stand. I will say that because of this reason: For the duration that I have sat in this Parliament, many times I find many hon. Members who served the previous parliaments really miserable and they beg for money from other hon. Members of Parliament because for those of us who are here and are realistic, we know what public service entails. The public service is in itself a form of social security system. Because our people are poor the very few that they think have are the ones who support thousands of people and being a public servant should not therefore be punitive.

I have looked at the Bill and the only thing I do not like about it is the fact that the benefits that have been put there are too hefty. I would suggest that instead of us opposing, we must let our leaders retire with dignity and, therefore, we must give them something that enables them live dignified lives. However, the amounts that have been put there are too hefty and I will be proposing amendments at the Committee Stage.

I support.

Mr. Baiya: Mr. Deputy Speaker, Sir, I also stand to oppose the Bill. The rationale for this Bill quite clearly undermines the constitutional principles under which the public servants including the State officers are supposed to abide with. In the first place, in matters relating to remuneration and benefits, the Constitution clearly anticipates that the

mandate for this is by the Salaries and Remuneration Commission which is the one to address matters of remuneration of public officers. So, the Minister for Finance therefore, is out of order to bring this kind of Bill because it does not have the backing or the support of the relevant constitutional commission.

The other issue is that State officers who are covered under this Bill like the Chief Justice, Deputy Speaker, Vice-President and so on and so forth, when they are serving they are doing so for a limited duration of time and the question of entitlement of benefits after the period of service is a question that can only be decided when the country has taken a global view of the country's economic situation and its ability to sustain this burden. Given time, these officers are likely to accumulate in terms of numbers and the question will arise whether that is actually a valid, legitimate or viable way of utilising resources.

Mr. Deputy Speaker, Sir, the benefits sought are substantial in the eyes and minds of the people of Kenya. They raise questions whether the taxpayers' money should really be devoted to go towards contributing to rapid national economic development or to sustain luxurious consumption by some very high privileged Kenyans. It is for this reason that this Bill does not serve the interest of the country. It is not in the public interest. Under Chapter Six of the Constitution, this Bill does not espouse the spirit that the public officers are supposed to espouse which is service to the public and not service to self.

Therefore, in those circumstances, I beg to oppose.

The Minister for Foreign Affairs (Prof. Ongeru): Mr. Deputy Speaker, Sir, when I look at this Bill, I find it is extremely unreconciling with the views being expressed by my colleagues as regards the Presidential benefits or for any other officer within this House. Earlier on this afternoon we were all quite enthusiastic and happy splashing accolades on the work and the job that has been done by this Parliament and also the job and work that has been done by the President. It, therefore, becomes very incongruous to suggest otherwise that if you indeed accept the basic principle that these officers have done a good job for this nation and they deserve to be given these benefits, they should so deserve to be given these types of benefits. It would be wrong for a whole President of this nation who has been elected for the period that he has served; by Kenyans putting their trust in him and being able to give his fullest for our comfort, not to be accorded this benefit.

I, therefore, totally disagree with my colleagues that the President should not be given these benefits. If anything else, this is one person a nation should hold in high esteem and regard and be able to look after him like other countries have done. A retired president of the United States of America (USA) has all the facilities including Air force One. Right down here in South Africa, retired President Mandela has all the statehood that belongs to him and the same applies in Britain. I do not know why we should be wasting so much time here debating an obvious matter. I think everyone of us agrees that President Kibaki has done a wonderful job. He has given this nation his service at a very critical moment in the history of this nation. Therefore, I think we should moderate our views and I want to persuade my colleagues that whereas they may have taken a tangent away from this that it will also affect them and, therefore, I fully accept this Bill and support it.

With those remarks, I accept and support this Bill.

Mr. Okemo: Mr. Deputy Speaker, Sir, we should look at one thing which is: In principle, do we agree that senior State officers are entitled to some form of benefits or not?

(Applause)

The answer is yes and we have already demonstrated that by approving benefits for the President. Then it completely defies logic to say that it is okay for the President, but it is not okay for other high ranking State officers. Therefore, I support this Bill.

We should be looking at whether it is a quantum of what we should pay. We can quantify that. If we feel that it is a lot of money, we can always adjust it. But it is illogical to say that it is okay for the President and it is not okay for others and then begin to behave as if the President is not a State officer and the others are. In any case, I know for a fact that the Salaries and Remuneration Commission (SRC) has been consulted. That is a fact. As the Chairman of the Departmental Committee on Finance, Planning and Trade, I say that the SRC has been consulted and they are in agreement. So, really, to keep referring back to the SRC is not the point here. I, therefore, would like to suggest that we go ahead, pass the Bill and maybe adjust in terms of how much money should be paid to these State officers. The State officers have done a good job for this country. The Prime Minister, the President and the Speaker have done a good job for this country. We were all passing accolades here earlier on. Having said that, you say, therefore, they deserve nothing. That is very illogical in mind!

(Laughter)

I would like us to recognize State officers who do a good job for this country. Therefore, I would like to support this Bill.

(Question put and agreed to)

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

THE NATIONAL GOVERNMENT CO-ORDINATION BILL

Mr. Deputy Speaker: Hon. Members, I am sure you have realized that we have skipped Order No.14. This has been disposed of before. So, it was not right to have it on the Order Paper today and hence Order No.15 to be transacted now.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Deputy Speaker, Sir, I beg to move that the National Government Co-ordination Bill, Bill No.74 of 2012, be now read a Second Time.

In our new Constitution, Kenya remains a unitary system of Government with the President as Head of State and Head of Government as provided for in Article 131 and vested on the President under Article 132)(3)(b). This is the power to co-ordinate and direct Government Ministries and departments. The same Constitution introduces in Kenya new structure of Government which is characterized by two levels, namely, the

National Government and the county governments as provided for in Article 6(2) of the Constitution.

The Constitution in the Fourth Schedule assigns very clear functions to the two levels of government while Article 6(3) demands that any State organ ensures access of its services in all parts of the Republic of Kenya. Therefore, under the County Governments Act, 2011, the county government has put in place a mechanism for coordinating the functions assigned to it. Therefore, the objective of the National Government Co-ordination Bill, Bill No.74 of 2012, is to provide a framework for co-ordinating the services of the National Government, both at the national level and in the counties.

In developing this Bill, we have been guided by the spirit of Article 189 of the Constitution which provides that the government at both levels shall perform their functions and exercise their powers in a manner which respects the functional and institutional integrity of the government at the other level. They should respect the constitutional status and institution of government at the other level to ensure that the National Government operates in a manner that respects the distinctiveness of the county government and its constitutional status and mandate.

I, therefore, would like to confirm to this House that this Bill has been developed after extensive consultations by Kenyans and has been subjected to stakeholders' validation. It has been reviewed by the CIC and endorsed by the Cabinet for tabling before this House. The Ministry had the honour to present it to the Departmental Committee on Administration and National Security on 10th December, 2012.

Just to highlight very briefly, Part I of the Bill outlines the principles that are to guide in the implementation of this Act. It imposes an obligation on the National Government to ensure that its services are accessible in all parts of the Republic.

Part II outlines the framework for the co-ordination of the national functions. It also outlines the powers of the President in co-ordination of the National Government functions. It provides for the Office of the President, the Cabinet, Cabinet Office and such other co-ordination committees as may be necessary to carry out these functions.

Part III provides for the appointment of the National Government administrative officers by the Public Service Commission (PSC) in consultation with the Cabinet Secretary. This part also specifies their functions and powers in the co-ordination of the National Government functions.

The last part sets out miscellaneous and transitional provisions in relation to administrative officers and the assets held by the National Government on behalf of the Provincial Administration.

With those few remarks, I beg to move. With your kind permission, I ask hon. Haji to second.

The Minister of State for Defence (Mr. Haji): Mr. Deputy Speaker, Sir, I rise to second this Bill wholeheartedly. I appeal to the Members to equally support it because of the importance of the job of the officers of the Provincial Administration.

[Mr. Deputy Speaker left the Chair]

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

I cannot imagine, at all, the absence of the Provincial Administration in playing its useful role in the society of Kenya, particularly in rural areas where they play a vital role in ensuring that law and order is maintained. They also ensure that Government services are delivered and become the microphone of the Government in informing the public on major policy issues that are normally issued from time to time.

Mr. Temporary Deputy Speaker, Sir, I recall way back in 1969/1970 when I was attending a Senior Advanced Public Administration Course at the Kenya Institute of Administration (KIA) and each one of us was given a task for one month to go round the country. The task that I was given was to ask Kenyans whether there can be a substitute to the Provincial administration. One of the things that we asked was whether the Provincial Administration should be removed and county councils given the authority to play the role that they played. There were overwhelming objections to the suggestion that the role of the Provincial Administration should be taken by politicians. They felt that an elected person can never be impartial because he will always support the side that elected him.

So, without much ado, I wholeheartedly support the Bill. It is in the interest of this country that we should retain these officers, so that people who do not resort to courts, for example, couples who quarrel, the chiefs and the elders can resolve those issues.

I beg to second.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. There are two things that I want to raise.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought that after a Bill is seconded, there is supposed to be something from the Chair, namely, you propose the Question. Is it not?

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): You are right. I stand guided. I just took the Chair and I thought that it had been done. I am sorry. Prof. Olweny, you have done well to bring it to my attention.

(Question proposed)

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, after that, something has been done.

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Although we are relaxing the rules maybe towards the end, you should not be speaking from there, but the others have done it. So, I will allow you to continue.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Bill. I want to make one or two points for further clarity on the Bill. First, it must be understood that the centerpiece of this Constitution is devolution. However, devolution must not be understood to mean that

devolved government is completely divorced from the Central Government. That, indeed, the symbiotic relationship between devolved governments and the National Government is one of the reasons we had a Transitional Authority established. This was meant to see how those functions to be exercised by devolved governments that were previously exercised by the National Government are taken up in such a way that the delivery of Government services is not interfered with, so that the two aspects of the Government, both the devolved governments and the National Government work in tandem.

Mr. Temporary Deputy Speaker, Sir, the spirit behind this Bill, as I understand it, is that the National Government should specify, right from the very beginning, those kinds of functions and services that will continue to be delivered by the National Government according to the Constitution nationally as well as locally. That is an extremely difficult proposal because one has to weigh very carefully to ensure that devolution, as it were, is not undermined in any way.

I think the framers of this Bill have tried very hard to ensure that this is done. I will give you an example of the area of health services. Health is a very sensitive area, as my dear friend, Prof. Ongeru, would tell us, especially when it comes to the fact that anybody can fall sick anywhere and require referral facilities anywhere in the Republic. It is the duty of both the National Government and the devolved governments to deliver this service. Therefore, at no time should the delivery of services be demarcated in such a way that the flow of services is not guaranteed.

Having said that, I would like to refer the House to Article 14(3) on page 5678 of the Bill, because this is extremely important. I want to read for ease of reference. It says that:-

“Where a county government has not decentralized its unit pursuant to Section 48(1)(e) of the County Government Act, 2012, the National Government may, where necessary, establish its own service delivery co-ordination unit for purposes of co-ordination of National Government functions”.

The provision presupposes that county governments already exist. So, my understanding is that this particular section of the Bill cannot actually be operationalized until county governments come into place. Therefore, I would like to believe that this particular section and, indeed, the spirit of the whole law, is to ensure that the law is put in place, but it will be operationalized when county governments come into place. If we try and put this law into operation now before the elections, then, indeed it could easily interfere with the harmonious relationship that should exist between devolved government and the National Government. So, if the House passes this Bill, which I hope it will, the date of operation of this Bill, namely, when it comes into effect, must be specified as a certain date after the elections are held this year when devolved governments have come into place. Devolved or county governments must be given the opportunity to dialogue on this law with the National Government when it comes into place. Otherwise, if we pass this Bill and then begin operationalizing it prior to the coming into being of devolved governments, we shall be treading on a minefield.

I am quite sure that many Members who want to be governors and senators like myself will find it rather difficult that the National Government should put this into operation before the devolved governments come into place.

Further, I think this is one of the laws that the Senate will have to review very carefully. This is because the Senate is the body in the Constitution that is responsible for

making the kind of laws that should be affecting devolved governments. If I go further on page 5679, Sub-section 4, it says that:-

“For purposes of this section, the locations and sub-locations in existence immediately before the commencement of this Act shall continue to exist as national Government service delivery units”.

To me, that is something that the House should look at very carefully and even amend. This is because once you say that the very minor and primary units in the local authority should continue to exist as the National Government service delivery units, then really what is the foundation of the county governments? I understand that even under the county governments, these locations and sub-locations are really the primary units. They are the primary units of local authorities even now. Although at the moment, local authorities, historically and even under the old Constitution, have more or less been subsumed under the centralized Presidency. I think it would be rather dangerous to perpetuate this historical inheritance.

I would like the Minister in charge of Provincial Administration to look at this section very carefully and, if possible, rephrase it. Otherwise, it may create some difficulty for the devolved government.

Further, under Section 5, the National Government Service delivery Co-ordination Unit established under this section shall be headed by National Government administrative officers appointed under Section 15. I think that is where there has been a lot of problems with the so called County Commissioners. First, they did not have any kind of legal standing that we understand. Secondly, one did not know exactly what is the relationship will be between County Commissioners and Governors. Were County Commissioners to exist with governors? I am quite sure that most of you want to be governors. However, you will find it a rather difficult relationship with somebody who calls himself the Chief Delivery Officer of services in a county, representing the national government. Again, maybe, it is a question of how these issues are framed. I think that with reference to the spirit of the Constitution, and the demarcation of responsibility between county governments and national government, especially where delivery of services is to be exercised by both--- The county government should make sure that those functions, given to it under the Constitution, are done by it. The function of administration should be very sensitive to the work that county governments are going to deal with.

Mr. Temporary Deputy Speaker, Sir, further, in Part III, and this is extremely important, I would like us to look at it very carefully although I did not have any problem with the rest of it. But when I read this carefully, considering that I support the Bill, I would like a Bill that stands for posterity. I found that Part III, appointment, roles and responsibilities of national government administrative officers--- Let me read it for purposes of clarity, 15(1) :-

“In accordance with the national government functions under the Constitution, this Act or any other written law, the Public Service Commission shall in consultation with the Cabinet Secretary, recruit and appoint national government administrative officers to co-ordinate national government functions and perform such other functions as may be assigned to them under this Act or any other law.

(2). pursuant to subsection (1) the Public Service Commission shall appoint one County Commissioner in respect of every County, a Sub-County Commissioner in

respect of every sub-county, a ward co-ordinator in respect of every ward, a chief in respect of every location, and a sub-chief in respect to every sub-location”.

Mr. Temporary Deputy Speaker, Sir, then it is the Public Service Commission (PSC) appointing all these people. These people will, obviously, be answerable to the PSC, then really, where is the governor? What happens to the governor and the authority exercised in a County.

The Bill goes on very well until we reach Section 14 towards the end and then it begins creating a lot of doubts about good relationship between county government and the national government. I was thinking that it could help if there was some amendment to these two particular sections, which may create problems for the county government.

Secondly I plead that the date of commencement of this law be after the elections when county governments will be in place. We can have a harmonious dialogue between county governments and the National Government, and also within the Senate, the body responsible for making laws for county governments.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, practically every one of you has sought to contribute to this Bill. So, I need your concurrence that everybody speaks for a maximum of three minutes. If I get that concurrence, then we will be able to move on.

Hon. Members, please, take a maximum of three minutes, but if you can do it in two minutes, the better. I will time the Members at three minutes. The lights will go off after three minutes.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. However, I want to draw the Minister’s attention to some areas such as Sections 2, 11 and 14 referring to Cabinet Secretary and Secretary to the Cabinet.

I am not sure whether that is the same office, but I guess it is. There is lack of definition at the beginning. I guess that the reference here is to the Cabinet Secretary in the Office of the President, but that is not stated anywhere. That also relates to Section 18.

Mr. Temporary Deputy Speaker, Sir, with respect to Section 15(2) (c) and (d) the presumption here is that sub-locations and wards are actually units. Sub-locations form wards. In my constituency, there is a situation where one sub-location in one location is taken to a different ward in a different location. So, maybe special consideration needs to be given to such situations.

Further, I recognize that 85 per cent of the Budget for the time being will remain with the central Government. So, it is important that the central Government be represented up to village level, if possible, as it is now. I have urged that the village headman be included in this and be given some reward because for a long time they have served free of charge. This issue has been raised in every constituency.

Furthermore, the lack of co-ordination that the hon. Anyang’-Nyong’o referred to needs to be looked into between the governor and these administrative units and officers.

With those few remarks, I beg to support.

Eng. Maina: Thank you, Mr. Temporary Deputy Speaker, Sir.

I rise to support this Bill. The work and service by the Provincial Administration cannot be under estimated in this country. I may wish to say in support of this Bill that let nobody try to think that the system that has been set in this country is really a colonial

system. The issue of some people who mentioned in this Bill was actually a tradition of the Africans. The Africans in their communities have always had somebody called him a chief or whatever, who has always co-ordinated the affairs and dealt with matters beyond the legal system that we are aware of.

Mr. Temporary Deputy Speaker, Sir, I find this Bill essential. Again, the President will go round this country looking for votes. When the people of Kenya elect the President, they put their destiny in that particular office. Therefore, the President must be empowered and must have a way of communicating all the way down. He will be able to carry out the law and duty, which will have been put upon him by the people of Kenya. Therefore, I feel that this Bill actually ensures that the President has a linkage down to the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, we are going to county government. I must caution this House that let us not create governors who can turn out to be county chieftains, that everybody feels he is in his County and we balkanize this country even further. We need a system that will operate beyond these units. I believe this Bill will create that kind of system. We have these people already in the Government, chiefs, assistant chiefs and all other officers. It is actually a sin that people who have served this country get peanuts. A chief gets Kshs14,000. A chief does not even get what you call an allowance for the risk he takes when he is called at night to go and apprehend some burglar or settle some matrimonial disputes and somebody is holding some weapon. He wakes up and goes there. Therefore, these people need to be appreciated and left in their positions. I actually support this Bill for that kind of reason.

The other thing is that as we go to county governments, we must know that governors will be political people. They will be elected politically. Therefore, when you are a politician, you do not tell us that you will be very friendly to people who opposed you. Some of us take them as enemies. Therefore, we must have a way in which these people can be listened to.

The Temporary Deputy Speaker (Mr. Imanyara): You have seen the lights go off; it means your three minutes are up.

Yes, hon. Muriithi.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. In doing so, I have four points to make.

The first point is obvious. Under Clause 10, of course, Members of the Government are bound by Cabinet decisions. The import of this is that if this Bill were law today, we would not be having Members of the Government coming to the House through other forums to present different views from those of the Government. The Bill would have bound many of us to do what is required of us. For example, the matter of pensions has brought about controversy which has caused different people to go one way or the other.

Mr. Temporary Deputy Speaker, Sir, on the question of the spirit of devolution, what does the Constitution intend to do? Clearly, we are not a federal state. We are a unitary state. So, even though some people see the possibilities of there being conflict or challenges in the relations between National Government officers on one hand and County Governors and their governments on the other, we must remember that we are a unitary state. I say this, being one of those persons who are interested in being governors. We must allow this Bill to prevail because a rather significant chunk of public services

are assigned to the National Government. Taking education into particular consideration, it is absolutely necessary for us to enable the National Government to carry out its activities on the ground.

My third point is in relation to questions of security. If you look at some of the challenges we are having in Tana River County, Baragoi and in many other places, you will appreciate that in the absence of an effective mechanism to enable the National Government to be on the ground, we will be heading for greater challenges. So, overall, I think we must support this Bill. We must accept the fact that, really, the National Government---

The Temporary Deputy Speaker (Mr. Imanyara): Your time is up, hon. Muriithi.

Yes, hon. Walter Nyambati.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, I also rise to strongly support this Bill.

I am happy to note that this Bill is safeguarding the positions of chief and assistant chief. We all know that assistant chiefs and chiefs do a commendable job in this country. There is no government which can carry out its functions if it cannot rely on the primary functions of assistant chiefs and chiefs.

Mr. Temporary Deputy Speaker, Sir, as politicians, we must also understand that if allow this system of government to be controlled by governors and other elected leaders; it will be very dangerous for this country. It will be a recipe for chaos. We also know that this country is balkanised in terms of its various sections. The fact of the matter is that the President will not be able to control the entire country. We might find that a governor of a certain section of the country is opposed to the President and the President might not be able to control that part of the country.

Therefore, it is extremely important that this system runs directly from the village to the national levels, so that whoever becomes the President of this country can control it. He should be able to take control of the security of the whole country. Therefore, it is extremely important that, as Parliament and a nation, we look beyond what we are doing to ensure that we have the interests of this country at heart. To do so is to allow whoever is going to be the President of this country to have control over it.

Mr. Temporary Deputy Speaker, Sir, I also want to say that serving chiefs and assistant chiefs are paid peanuts. Therefore, it should be the first responsibility of the Salaries and Remunerations Commission to look at what these officers earn, because they do fundamental jobs. They are in charge of the security and development at the grassroots level of this country. So, it is extremely important that we take care of them seriously.

Another thing I want to say is that this Bill must also take care of village elders because that is where the national administration starts from. These are women and men who have served this country for free. It is about time---

The Temporary Deputy Speaker (Mr. Imanyara): Your time is up, hon. Nyambati.

Yes, Prof. Onger.

The Minister for Foreign Affairs (Mr. Onger): Mr. Temporary Deputy Speaker, Sir, I fully support this Bill.

We must make a distinction between political devolution and a co-ordination mechanism that provides the framework for a popularly elected President to co-ordinate

the services of his Government using 80 per cent of the National Budget, 15 per cent of it having been assigned to County Governments. Therefore, the President must have the machinery with which to monitor and co-ordinate delivery of services to the single most unit in the country, namely, the sub-location, which is headed by village elders.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, important that Members of Parliament appreciate the fact that security is a major component of this co-ordination mechanism. Without security at the village, sub-location, location and county levels, it will be very difficult for the President to discharge the responsibilities that the Kenyan public is asking of him.

Therefore, the sooner we pass this Bill to settle the minds of County Commissioners, District Commissioners, chiefs and sub-chiefs, the better for this country. These officials are on the edge right now. We are going to a general election on 4th March, 2013, which is our top priority. We need to go to elections with confidence and with a co-ordination mechanism in place, so that we can conclude this matter comfortably.

With those few remarks, I fully support this Bill.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. Millie Odhiambo.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for bringing this Bill to the House, but I wish to indicate that I oppose it in its present form.

I would want to encourage that there be amendments. One of the reasons to oppose the Bill is that it undermines devolution by taking away the powers of county governors. It creates a parallel system which provides an environment for clashes between the National Government and county governments.

Mr. Temporary Deputy Speaker, Sir, I want to indicate very categorically that the Constitution protects chiefs and assistant chiefs. So, this Bill is not about protecting chiefs and assistant chiefs. Whether you provide an Act of Parliament or not, no chief will lose his or her job because their jobs are protected constitutionally. Nonetheless, what we should be providing for is not a system that is going to create conflict between the two levels of government, but one which will bring harmony.

Indeed, some of the wordings of some of the hon. Members who have spoken, like hon. Nyambati and hon. Maina, are very indicative that the main aim of this Bill is to undermine devolution. Therefore, I cannot support this Bill in its present form.

With those words, I oppose.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. Musikari Kombo.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for bringing the Bill to the House. It is an important Bill which clears doubts in the minds of quite a big group of Kenyans who have been worried for quite a while; namely, the chiefs. In fact, I had petitioned Parliament, on behalf of the chiefs. I was away, but I want to thank my brother here, hon. Njuguna, who actually came to Parliament on my behalf on that petition.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kombo, because you brought the petition to Parliament, I am going to extend your time to five minutes, so that you can also address the petition. So, I will not stop you after three minutes. I will stop you after five minutes.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, that cadre of Kenyans are an extremely important group in our leadership structure. Conflict resolutions in this country are done at---

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Mr. Chanzu?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, it is not a point of order. I think this system is not working.

The Temporary Deputy Speaker (Mr. Imanyara): It is working. I have been religiously following the order in which the requests are coming. So, if it is not a point of order, Mr. Kombo, please, continue.

Mr. Chanzu, you can just seek an interjection. You have to come at the time at which you request. That is because all the others are on my board.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, as I was saying, the chiefs or that cadre of leadership is extremely important in the management of the affairs of the country. When you look at conflict resolution and the role that the chiefs play, it is extremely important. When I went round listening to them, they were telling us some stories of how they manage conflict. Even when there are family conflicts and one family goes to the police, another to the court and another to the chief, you will find that the family that went to the chief resolved their issues much faster and live harmoniously as a family whereas the one that went to the police had their conflict continuing.

Mr. Temporary Deputy Speaker, Sir, in that manner, by resolving those conflicts in villages, they actually help to bring stability amongst communities. That is important for the management of the affairs of the country.

The chiefs are also a focal point for many services. When you talk about births, it is from their offices, you know many births have occurred in an area. It is the same with deaths. They are very important even in the registration of voters. In the recent voter registration, we did not do very well because the Independent Electoral and Boundaries Commission (IEBC) did not involve that cadre of leadership. They did not involve the chiefs. But if they had done so, I am sure those people would have gone to all the villages and ensured that registration is done very fast.

Mr. Temporary Deputy Speaker, Sir, on the issue of village elders, I want to ask the Minister to take this point which has already been made by Mr. C. Onyancha. Even the chiefs we are talking about do their job well because they use those village elders. We need to institutionalize village elders in our system of government.

Therefore, in our amendment, the Minister should accept that we do, in fact, bring and ensure that village elders are institutionalized and are paid. In my petition, we said that the chiefs are officers of the national Government who often deal with communal matters as I have said, especially conflict resolution. Therefore, they ensure peace, stability and direction to the communities at the local levels. Further, chiefs are instrumental in---

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Mr. Issac Ruto?

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, it is not a point of order. It is a point of information. Maybe, I can inform him so that he can contribute better.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kombo, do you want to be informed?

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, that is okay. I will take the information.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I hear the hon. Member indicating that there is need to provide legislation for village elders and yet, that is already taken care of under the County Government Act. Maybe, that is why there seems to be some conflict between this particular Bill and that one. That is where the problems arise. Maybe, he could refer to the County Government Act and he will understand where the village elders are and why we do not have to amend Section 138 of the County Governments Act. It takes care of the chiefs and puts them together with the village elders. They are paid for. The village elders are already provided for.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, whereas the information is important, I think we are debating this Bill which then should harmonize. We are talking about the Provincial Administration and it should be harmonized. That is because the village elders are under that system.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I want to support this Bill. I want to point out that this Bill is coming in pursuit of the transition clauses in the Constitution. The Constitution envisages that this process be undertaken within five years. I believe that this was put there on the realization of the fact that it is imperative that there is engagement between the national Government and the county government.

Mr. Temporary Deputy Speaker, Sir, a notion is being created here quite repeatedly that the elected county government can never be trusted with power. The President is an elected person. The Governor will be an elected person. However, the Constitution says that the county government and the national Government are distinct, but inter-dependent. In that spirit, it is only imperative that the national government or the current central Government, together with this House, demonstrate good will in this Bill by creating a window that would enable the contribution of the county government to be taken in place.

This country is serving one nation. Nobody should be seen to be serving to the detriment of the population that he represents. For the sake of securing harmony in governing this country, both at county and national levels, it is important that this Bill, much as I support it, must not be rushed so that we can create a window whereby we benefit from the county governments that are coming early this year.

This Bill can wait. We can do the Second Reading, but it can wait for the next Parliament to come. At that point, we shall also be having the county governments. There are various fora that have been created in the county governments that will provide a forum for engagement to input and inform this Bill.

Mr. Temporary Deputy Speaker, Sir, you remember the jewel in the Constitution was devolution.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I also rise to support this very important Bill. We are all aware that recently, our chiefs were staging very serious demonstrations because they were anxious about their working conditions and even their future. Their fate was not known. I am excited when I read Clause 19 where the positions of those servants of the people have been saved.

Chiefs and assistant chiefs are respected and responsible leaders in the areas they operate. At times, the assistant chiefs do not sleep because they are concerned with the security of the people. They are also concerned with border disputes. They also assist in

the estate administration matters. It is also important that the national Government links well with the lower level of the Government. Therefore, this Bill is creating that communication linkage. These chiefs have already served well. It is prudent that they be allowed to continue without any fear of the incoming devolved units.

Mr. Temporary Deputy Speaker, Sir, I support.

The Minister for Finance (Mr. Githae): Asante sana, Bw. Naibu Spika wa Muda kwa kunipatia hii nafasi. Ninataka kuwahakikishia machifu kuwa kazi yao ipo. Machifu waendeleo kufanya kazi bila wasiwasi wowote. Kwa hivyo, wasibabaishwe na mtu yoyote. Kazi yao ni muhimu sana katika utawala wa nchi hii. Tunapitisha Mswada huu ili tulinde wananchi na mali yao. Wanafanya kazi nzuri sana. Kwa hivyo, wasiambiwe na mtu kwamba tukifanya uchaguzi hawatakuwa na kazi. Manaibu wa machifu waendeleo kufanya kazi bila kutishwa na mtu yeyote kwa sababu kazi yao ni muhimu kwa utawala wa nchi hii. Tunaifurahi kazi ya machifu na manaibu wao.

Kwa hayo machache, ninaunga mkono Mswada huu.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Bill. Speaking after Mr. Githae, I think it is important to make it clear---

The Temporary Deputy Speaker (Mr. Imanyara): I am sorry, Mr. Musila. I erased you by mistake. So, I will restore you after Mr. Kioni.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I just wanted the Minister to know that the Bill is more than just about the chiefs. It talks about the co-ordination between the central Government and the county governments, and the need to ensure that the central Government continues functioning. It is also important to point out that Section 14(2) is clear that the central Government will not be acting in isolation. It will be consulting the county governments.

The purpose of our taking on devolution was not that we do away with the systems that have served us very well since 1963. It is important to ask ourselves what would have become of Kenyans in places like Tana River and Baragoi where we already can see difficulties between clans. If the provincial leadership of that area had been determined politically, then all the decisions that would be arrived at would have been influenced by those appointed politically.

I agree with Mr. Isaac Ruto that there is need to look at what the county governments Bill talks about. As we do so, it is important that we remain respectful of Section 15 which clearly fills the positions of the County Commissioners, the Deputy County Commissioners, the chiefs and assistant chiefs. I think it will be important to introduce an amendment so that we bring in also the village elders and have them taken care of.

There is a lot of work that will need to be done by individuals who do not owe allegiance to those elected politically, because disputes will arise that will need individuals or persons who will not be making decisions to influence the governor, his deputy or the rest.

That is why I support this Bill. Others have spoken strongly in support of the chiefs and I join them by doing the same. We have been served well. Certainly we have had individuals who have done a poor job, but we should not punish others just because a few PCs and DCs, among others.

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

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, even at three minutes I still have close to 30 requests. So, do I reduce the contribution time to two minutes or we continue at three minutes? Hon. Members, in case you wish to know the stage at which you made your request, let me tell you the first 10. They are Mr. Kimunya, Mr. Ruteere, Mr. Duale, Mr. M'Mithiaru, Mr. ole Sakuda, Mr. Okemo, Mr. Maalim, Mr. Chanzu, the owner of an card 1D and Mr. Emilio Kathuri. Those are the first 10 in that order, beginning with Mr. Kimunya and then after that we will continue.

Before that, Mr. Musila was actually before Mr. Kioni. I erased his request by mistake. So, Mr. Musila first and then Mr. Kimunya will follow in that order.

You have two minutes.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, naturally, you do not expect me to oppose this Bill. Therefore, I support it very strongly.

I want to remind hon. Members that when we were campaigning for the new Constitution, we went round the country and the members of the public unanimously said that they wanted chiefs to continue in service.

At the committee of this House in Naivasha, we made it clear that the service called Provincial Administration would be retained. Therefore, this Bill intends just to do what the Constitution said.

We require the Provincial Administration for the security of this country and the co-ordination of development. As we grow, there is no doubt that there, probably, will be no need for the Provincial Administration. But we are very far from that. So, for the time being, I persuade my colleagues who are opposed to this Bill to support this Bill and let the Provincial Administration continue in service. We want to ensure also that there is harmony between the county governments and national Government.

I want to support Mr. Musikari Kombo. You cannot have village elders under the county governments. They must be put under chiefs. Eventually, we will have to adjust this. I want to raise one question. Section 14---

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is a well known fact that the hon. Member was a PC and a DC during the time when that administration was used to rig elections and impose unpopular leaders on Kenyans. I wonder what good things he has to say about the Provincial Administration, unless he himself first of all declares that he was clean. Could he say that he did not rig any elections?

The Temporary Deputy Speaker (Mr. Imanyara): Order!
Continue, Mr. Musila.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I am sure you are satisfied that, that was not a point of order. In any case, I was one of the cleanest PC who ever served this country. The records will bear me witness.

I wanted on a very serious note to caution on the service delivery co-ordination units. The creation of these units must be based on some formula. We want to ensure that if locations and districts are created, they are based on some formula like population. At the moment, the units have been created in a manner that cannot be fair. So, we will propose to have an amendment on that particular one to ensure that we create some formula on the way we create these units.

I want to emphasize, as Mr. Githae, did that I support the Provincial Administration, all the way from the County Commissioners to village elders.

I beg support.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill; although it is required to come within five years from the promulgation of the Constitution, it has been brought forward because of the urgency to ensure that we actually do not have the discrepancies between the county administrations and the national administrations on---

(Mr. Musila crossed the Floor without bowing at the Bar)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Musila. Did I see you bow at the Bar?

(Mr. Musila went to the Bar and bowed)

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, this Bill has come in at a good time to ensure that come 5th March, by the time we have a new Government and new county governments, which nobody has seen before--- It will be a new thing, but we should not have a disconnect between county governments and existing systems due to lack a legal structure that can properly define the inter-linkages and the relationships between the two systems.

So, I am very happy that this is coming. What I would like to assure the hon. Members who are concerned that, perhaps, we are bringing it too early when we have five years, is that this is only a first step. Within the next Parliament and some of us hope to be here, there will be further refinements to this Bill and to the inter-linkages with lessons learnt from the actual implementation of the Government at the county level, led by the Governors and the national level, led by the President. This is because there will be many lessons that will come from that interaction. But I am very happy that this has come and I want to recognize the work that is being done by the Provincial Administration and chiefs in terms of conflict resolution, public mobilization and the work that they do at that level. It is very good that we recognize that and have them.

Mr. Temporary Deputy Speaker, Sir, this Bill is not just about the chiefs. It also defines the job of the Cabinet. For the first time we now have the Cabinet being defined in a Bill. The last time that, that attempt was made was in 2010, through the Office of the Minister Act that was passed by this Parliament and has never been implemented and cannot be implemented because the new Constitution has come and overtaken it. I hope that in the Committee Stage the Attorney-General or the Minister will bring an amendment to repeal the Office of the Minister Act, 2010, which is now declared redundant with the passage of this Bill and now with the proper definition of what the Cabinet should do.

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

Mr. Ruteere: Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to support the Bill because chiefs, assistant chiefs, DCs and County Commissioners have done a very commendable job in ensuring that there is security in the villages and in the locations. The District Security Committees (DSCs) are doing a very commendable job.

If we do not have the Provincial Administration the coordination between the President and the common man at the grassroots level will not be there. The President is seeking votes from the ordinary citizen right at the grassroots and he needs to reach that ordinary Kenyan for his policies to be told to the people. That will be the job of the assistant chief. The chief does the work of counseling citizens and solving disputes related to marriages and boundaries. These are very key issues to wananchi. They are taken very lightly, but the jobs of chiefs and assistant chiefs--- They are not even remunerated according to the work that they do.

Mr. Temporary Deputy Speaker, Sir, the link between the county governments and the national Government should be clearly put in place so that there is no conflict between the Provincial Administration and the county governments. This is because they are there to supplement each other for better services to reach wananchi. Therefore, the issue of saying that the Provincial Administration should not be there should not be even thought of. Everybody has his mandate. The chiefs have their mandate as well as the assistant chiefs and the wananchi have more confidence in non-elected leaders than elected leaders when it comes to solving their problems. This is because they think that those that they never voted in will not look at them impartially. But the Civil Service is impartial in delivering its services. `

I support this Bill. It should be passed within the term of this Parliament and it should not wait for the next Parliament, so that as we go to the next level of Government everybody will feel secure of his position---

The Temporary Deputy Speaker (Mr. Imanyara): Your time is up!

Yes, Hon. Duale.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill.

Mr. Temporary Deputy Speaker, Sir, this Bill has the legal backing. It is just an amendment to Section 17 of the Sixth Schedule. The presentation of this Bill to this House has sent a message to those politicians out there who are saying that the chiefs or Provincial Administration will be scrapped. This Bill is also going to send confidence to our people who are chiefs, assistant chiefs, DCs and County Commissioners. Article 17 of the Constitution is very clear. Section 17 of the Sixth Schedule provides for what this House is doing and the legality of this Bill to be before this House. It says that the Provincial Administration will be restructured. So, what this Bill is doing is restructuring.

Mr. Temporary Deputy Speaker, Sir, this Bill came to this House after wider stakeholder consultation where the Office of the President, the stakeholders plus the Transition Authority sat with the Constitution Implementation Commission (CIC) and came up with this Bill. So, this Bill, in my opinion, up to this stage has a consensus from the stakeholders, and Parliament, in its wisdom, will look at all the amendments at a later stage.

I want to speak for the pastoralist community. The pastoralist community will not live and ignore the role and importance of chiefs, DCs and DOs. You can imagine a rogue or governor who will not step where he did not get votes. I know hon. Isaac Ruto's Bomet County and where I come from will have a diplomatic relationship, but you can imagine if you did not vote for that Governor and you are from the pastoralist community and a conflict happens. That Governor will support the warring clan where he comes from. For that reason, we want the national Government's presence at all levels. Those who claim that there is a conflict between the devolved system of Government and the

national Government are not being factual. I want to say it here very clearly that the golden chance that Kenyans have in a devolved system of Government does not give the legal mandate for us to say: “No, we cannot have---” The constitutional provisions allow for a restructured Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, service delivery coordination---

The Temporary Deputy Speaker (Mr. Imanyara): Your time is up!

Yes, Hon. M’Mithiaru!

Mr. M’Mithiaru: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to also support The National Government Coordination Bill.

From the outset, we know the role played by the Provincial Administration and also the undefined roles of the Cabinet, which is now being properly put and provided for in this Bill. It is known that with the new Constitution and the creation of counties, the counties are not independent states of Kenya. But they are actually part and parcel of Kenya at that devolved level. For the President, who will be the Chief Executive of the country to be able to deliver well, there must be a coordinated system up to the grassroots level, because that is how the President will be judged on the performance of his duties. He cannot do that without co-ordinated units at that level, hence this Bill that gives the proper structure of the Provincial Administration, as provided for in the new Constitution.

It is also good to ensure that as the Central Government takes place at that level, the chiefs, their assistants, the DCs and now the County Commissioners have proper provision of their tools of trade. For example, if I single out the sub chiefs, the chiefs and the Dos, most of them do not have offices. They also do not have means of transport to reach the areas they are supposed to serve. For them to do their job well, the Central Government must ensure that they are provided with proper offices for proper coordination. They should also be given proper means of transport.

With those few remarks, I beg to support.

Mr. ole Sakuda: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to also support this Bill. As my colleagues have rightly put it, the Provincial Administration works in a very supportive way, especially at the grassroots level. This is in terms of implementation of Government projects. Therefore, we stand an opportunity to cushion them so that they can continue providing services to *wananchi*.

One of the things I would like to recommend and for the Minister to note is the role that is given to the PSC in terms of recruitment of officers. As a pastoralist and as someone speaking from the rural part of Kajiado, the processes of recruiting chiefs and their assistants have sometimes been a bit long and painful because many of our people do not meet the criterion that has been set. For instance, right now, we have a situation at a place called “Shompole” in Magadi where the assistant chiefs and the chiefs did their interviews in October, last year. But up to date, we have not heard an announcement of who won or who should be the chief because the PSC would have liked the people they interviewed to have mean grades of C+ and above. This is something that needs to be looked at so that we can give equal opportunities to all the people who are qualified, but may not have academic qualifications.

With those few remarks, I support the Bill.

Mr. Okemo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support the Bill. In saying so, I recognize the fact that the Constitution is very clear about saving the Provincial Administration. I think what has been most worrying to the

Provincial Administration officers like chiefs, assistant chiefs and the lot was the use of the word “restructuring” which is a very vague word. “Restructuring” could mean “eliminating” because in the process of restructuring, you can get rid of. However, this Bill brings a lot of clarity to the matter. Due to the fears they have had, if we pass this Bill and make it an Act of Parliament, the Provincial Administration will feel secure.

I am happy that there is a provision in the Bill that says that their terms and conditions of service will not be changed to their disadvantage, but their terms and conditions of service can be changed to their advantage. That is explicit in the Bill. That means that this is a good opportunity to try and define the terms and conditions of the Provincial Administration, so that they can be remunerated adequately and perform their services efficiently.

The Provincial Administration has played a very critical role in Kenya. There may be things that they have done that were not right. However, if you weigh the pros versus the cons, you will see that they have done much more good than bad. Therefore, they need to be there.

I support this Bill and hope that we will pass it. I will not really recommend that we defer the passing of this Bill to the next Parliament. I do not think so. The three months that the County Governments will be in existence will be a good opportunity to test the workings of these people vis-à-vis the county officers. In fact, there is no reason for them to be in conflict.

In my view, we have a chance to make sure that the workings of the county governments are supplemented by the workings of these national government units. They do not have to be in conflict, but they can be supplemental.

In my view, therefore, I support this Bill and hope that we will pass it today.

The Assistant Minister for Energy (Mr. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. The requirement in our Constitution is that we should restructure the system of Government referred to as the Provincial Administration. However, in doing so, we must be aware of the fact that we are required to harmonize the system of Government we are putting in place, which is the devolved government. We should avoid anything that will be in conflict with the devolved government requirement.

I notice that the Bill requires that the Cabinet Secretary in the Office of the President can gazette and form units at will. Personally, I propose that we amend this so that these units can be subjected to some criterion of establishment so that it is not abused.

It is true that we need the system in place. These are our brothers who are working as chiefs and Provincial Administration officers, especially in the first five years of the devolved governments we will have. Probably, later if we need changes we can amend this.

Clause 14(2) of the Bill requires that the Cabinet Secretary shall accord and respect the county governments, decentralized units established under Section 48 of the County Government Act which is very correct. In the same way, it says that the units of delivery will be the locations and sub locations. However, these are the same units of delivery for the county governments. I think we need to harmonize this so that there is no conflict between the devolved governments and the administration that we are putting in place.

Section 127(6) that reads:-

“No matter or thing done by a member of the Board, or by any officer, or agent of the Board shall, if the matter or thing is done in good faith for the due execution of the functions, powers or duties of the Board under this Act, render such member, officer, or agent personally liable to any legal action, claim, demand or liability whatsoever.”

I think people must be careful for their action. We should not hide under the words “good faith.” What is good faith after all? People must be held personally liable and, especially in conformity with Chapter 6 of our Constitution.

The Bill, in its form, requires additions here and there. However, generally, I support the way it is formed. The Committee will propose amendments so that there is no conflict between this Bill and the County Governments Act. Personally, I have no problem with the Bill with regard to it anchoring the requirements of the Constitution. None of our civil servants who are working today should lose their jobs. However, they should be made more effective.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I stand to very much support this very important Bill. We all know the importance of having the presence of the national Government at the county level. I want to strongly support the sustenance of the chiefs. We know the kind of work they have been doing in the constituencies, districts and, particularly, the war torn areas or areas where there are conflicts. In my area, where we have stock theft, we know that the chiefs have played a very important role in, at least, helping us to arrest the cattle thieves.

The only thing that we need to do is to harmonize these laws so that whatever has been put in the County Governments Act is in conformity with what we are putting here, so that we do not end up with two sets of chiefs – some employed by the Governor and some by the national Government. If that can be properly harmonized so that the two are in conformity and there is harmony in the way the two sets of law will be working--- We could also agree that it is only the chiefs as set up by the national Government that will be working and the Governor, therefore, does not have another set of chiefs. That will make work much easier.

With those few remarks, I support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Fred Kapondi you are the Chairman of the Departmental Committee and so you may have more than three minutes.

Mr. Kapondi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Bill which we went through as a Committee. It is very clear in the Constitution that the national Government is devolved up to the grassroots level. The county Government has its work cut out in the Constitution.

What this Bill seeks to correct is a notion which is deeply rooted amongst a few of us that as a governor, you are like the president of the county. However, the Constitution is very clear. The President who carries out national functions must have his officers down at the county level. His work is cut out very clearly. What the governor does is defined in the Constitution. What the Provincial Administration would be doing is cut out in the Constitution too. I am happy that today, the administrators out there, have heard it loud and clear that they are protected even without this Bill.

What this Bill has done is to give them the confidence that their jobs are there, and to clearly state to any doubting Thomas, that the administrators are there to stay because their work to this country is very useful.

Mr. Temporary Deputy Speaker, Sir, I want us to pause and imagine for a moment a situation whereby the national Government is divorced at the county level. Take, for instance, a situation in Samburu where we had the massacre in Baragoi and another one in Turkana. If a governor was the embodiment of all the functions at the county level, what would have happened? What would have happened is basically an invasion of one county by another one. That is because the security organs of that particular county would be answerable directly to the governor. So, this Bill is critical in terms of creating harmony.

With that, Mr. Temporary Deputy Speaker, Sir, I wish to say that---

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Yusuf Chanzu!

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to support this Bill. One of the suggestions we are making is that there must be harmonization done between this Bill and the County Governments Act, 2012. That is because some of the issues that are being raised by hon. Members are already covered in that Bill.

However, Mr. Temporary Deputy Speaker, Sir, the Bill is very clear. For instance, the guiding principles states that the national Government shall act in accordance with the national values and principles as stated in Articles 10, 189, 20, and 232.

The other aspect which I think is important has to do with the powers of the president and the governor. They are to remain unaffected. There is an area we need to make an amendment so that we can take care of what we had agreed on earlier. This is Part III Clause 15(e) which talks about an Assistant Chief and inspector in every sub-location. I thought this is where we should have included (f) to take care of a village elder in respect of a village. That would make the Bill complete apart from the fact that we need to have it harmonized with the one that I have dealt with.

I think the Constitution did not intend to deprive anybody of anything, particularly those who are serving as stipulated in Article 138. This creates checks and balances when it comes to both national Government and county governments. The harmonization should then take into account Clauses 48, 50, 51, 52, 53 and 54 of the County Government Act, 2012. The two laws need to be made in conjunction with one another. I think that will be enough to make it complete. We will then have good law to cover this. The Provincial Administration is very important with regard to information gathering and dissemination, security and so on. Planning of any events is done properly by the Provincial Administration.

Mr. Letimalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Bill. I am a member of the Departmental Committee in charge of national security and administration. I had an opportunity to interact with the Minister and his staff when we were scrutinizing the Bill. Initially, before I went through the Bill, I was hesitant in supporting it. However, I am now convinced beyond reasonable doubt that this Bill does not, in my view, in any way, affect or undermine the role of the county government.

If you look at the Memorandum of Objects and Reasons – without reading it word for word – it provides for co-ordination of national Government functions at the national

and county levels of Government by the President. It also provides for a framework through which the President is to co-ordinate the national Government functions as well as establishment of service delivery co-ordination units to facilitate access of national Government services at the lowest units.

In my understanding, it means that there are roles or responsibilities at the county governments that are functions of the national Government, for instance, security. For those of us who come from areas where cattle rustling is actually rampant, there are conflicts over resources and so on. It will be very difficult for an elected person to co-ordinate any warring parties. This one requires an appointee of the Government who will be seen to be impartial. I would also like to say that if the Minister would be able to define the functions of the national government administrators within the county governments, it will ensure that there is no clash between the governor and the administrators. That will save the situation.

Mr. Temporary Deputy Speaker, Sir, in the recent past, we have seen members of the Provincial Administration carrying out demonstrations in the streets because they are worried about their jobs. If you look at Clause 19, Part IV on page 78 puts that to rest now.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Bw. Naibu Spika wa Muda, asante sana kwa kunipa muda huu ili niweze kuunga mkono Mswada huu. Tangu mimi niwe Mbunge miaka kumi iliyopita, sijawahi kuongea kwa Kiswahili. Kwa hivyo, ningependa kufanya historia kwa kuzungumza katika lugha hii.

Bw. Naibu Spika wa Muda, ninaunga mkono Mswada huu kwa sababu machifu wako na kazi muhimu sana nchini Kenya. Kazi hiyo ni kazi ya usalama. Serikali kuanzia kwa Rais mpaka chini kwa county commissioner, ward coordinator, chifu na naibu wa chifu ni sehemu moja ambayo ina maana sana kwa nchi yetu. Mswada huu unasema kwamba Serikali ya kaunti haisikii kamwe usalama wa nchi. Ni Serikali kuu ambayo inahusika. Hapo ndipo tumeleta Mswada huu ili tupate nguzo kamili kiusalama nchini.

Bw. Naibu Spika wa Muda, Wakuu wa Wilaya, *county commissioners*, na machifu wamekuwa watu wa maana sana kwa nchi yetu kwa muda mrefu na katika Katiba ya 2010 ya Kenya, Sehemu ya 17, Schedule 6, tulikuwa tumetengeneza namna ya kuweza kurekebisha maneno ya utawala. Kuna kipengee ambacho kinaongea juu ya utawala.

Kwa hayo machache, ninaunga mkono Mswada huu.

Mrs. Leshomo: Asante sana, Bw. Naibu Spika wa Muda kwa kunipa nafasi hii ili niweze kuunga mkono Mswada huu. Ningependa kuungana na wenzangu ili kuchangia mambo ya machifu. Vile machifu na manaibu wao wanafanya kazi katika kata ndogo na tarafa, inaonekana hawa ni watu ambao wako tayari kufanyia nchi yetu kazi bila kubagua mtu na bila kuingia siasa. Hawa ni watu wamejitolea kwa kila njia ili kufanya kazi kwa nchi yetu bila kubagua mtu yeyote. Hawa ni watu ambao wanafanya kazi nyingi. Ukiangalia kazi ya chifu utapata kwamba anafanya kazi kama ya koti. Utapata kwamba watu wanapeleka kesi kwake kabla ifikishwe kwa Mkuu wa Wilaya. Utapata kwamba katika mambo ya usalama ni wao ambao wanakimbia hapa na pale kuleta ripoti haswa sehemu ambazo kuna mizozo. Kwa hivyo, hawa ni watu ambao wamejitolea.

Hakuna haja ya kusema kwamba hawana kazi. Hawa wote ni watu ambao wanashirikiana na wananchi ili kufanya kazi inavyotakikana. Hapa kwa machifu na manaibu wao ndio kuna nafasi ambao pia akina mama wanaweza kupata kazi. Hapo

mbeleni haingewezekana akina mama kuwa machifu ama hata manaibu. Sasa akina mama pia wanajivunia kuwa machifu ama manaibu wa machifu.

Kwa hayo machache, ninaunga mkono Mswada huu.

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

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

Mr. Koech: Madam Temporary Deputy Speaker, thank you for giving me this opportunity to support this Bill. In the recent past, we have witnessed chiefs demonstrating in this Republic for the first time in the history of this country. There has been a clear go-slow amongst assistant chiefs, chiefs and district officers in the Republic of Kenya because of uncertainty when it comes to their work. I am glad that this Bill is actually an assurance to the assistant chiefs, chiefs and the general Provincial Administration that they are there to stay. Therefore, we expect them to effectively, in the passage of this Bill, continue doing the very important role that they have always been expected to do.

Madam Temporary Deputy Speaker, I have always wondered, in the absence of chiefs, who would be dealing with the disputes at the local level? We would have actually left this role to the police and courts. What happens in courts is not a resolution because there is no time. There is no provision for forgiveness. Before the assistant chiefs, the chiefs or the *Kokwet* elders, you always expect people to greet one another and go home as brothers and sisters.

Madam Temporary Deputy Speaker, in Article 15(2) that the Public Service Commission shall appoint a county commissioner---

The Temporary Deputy Speaker (Dr. Laboso): Order, Mr. Koech! There is a point of order by Mr. Kamama.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Madam Temporary Deputy Speaker. I know this debate is really raising a lot of emotions and most Members are really interested in debating, but it looks like most hon. Members are repeating themselves. So, would I be in order to ask for the Mover to be called upon to reply?

(Loud consultations)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, I have 17 requests here and the hon. Members will make the decision. Do you want us to give the 17 Members a chance to speak?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Put the Question!

The Temporary Deputy Speaker (Dr. Laboso): Yes, I can put the Question or we can reduce the time. Why can we not give a minute each?

(Question put and agreed to)

So, it is one minute each. Mr. Koech, please, finish. It is one minute, so conclude.

Mr. Koech: Madam Temporary Deputy Speaker, it is getting late and hon. Members are actually here to debate. If they want to do so, then it is in order for us to speak in this House. If we want to pass this Bill let us get the real truth about it. Otherwise, we will not go to the next order.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Koech, I do not think anybody is disputing that. The issue they are saying is that there is now a lot of repetition. That is Mr. Kamama's contention. So, we are reducing time so that we reduce repetition.

What is your point of order, Mr. Ruto?

Mr. Ruto: Madam Temporary Deputy Speaker, I want to bring to your attention that there is no quorum.

The Temporary Deputy Speaker (Dr. Laboso): No, there is no quorum in the House. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we are unable to get a quorum. Therefore, the House stands adjourned until tomorrow, Thursday, 3rd January, 2013 at 9.00 a.m.

The House rose at 7.45 p.m.