

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 25th November, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

Mr. Speaker: Order, hon. Members! We had a little problem. I wanted to swear in the new hon. Members, but I did not have the *Gazette Notice*. Now I have the *Gazette Notice* and, therefore, I will proceed in due course to swear them in; at least, any one of them present.

(Applause)

Order, hon. Members! Mr. Nakitare is still a stranger. Will you all arise now?

(Hon. Members stood up in their places)

The Oath of Allegiance was administered to the following Member:-
Capt. Davies Wafula Nakitare

Mr. Speaker: Order, hon. Members! Just for the guidance of the House, when an hon. Member is brought before the Chair for swearing in, the House must remain at all times in stunning silence. It must continue to remain silent until the new hon. Member has signed, gone to the Bar and then returned to his side of the House. At that stage, the Chair does encourage the House to welcome and congratulate the new hon. Member.

Thank you.

(Applause)

COMMUNICATIONS FROM THE CHAIR

DISTINGUISHED GUESTS IN SPEAKER'S ROW

Mr. Speaker: Hon. Members, I would like to make the following communications from the Chair.

First, it is my pleasure to introduce the following hon. Members of Parliament who are seated in the Speaker's Row, and are in Kenya to attend the Second Regional Agricultural Policy and Law Makers Forum, which is being held at Safari Park Hotel. They are:-

1. Hon. Muhamed Seid, MP - Ethiopia
2. Hon. Yonas Gidey, MP - Ethiopia
3. Hon. Oliver Wonekha, MP - Uganda
4. Hon. (Prof.) O. Latigo, MP - Uganda
5. Hon. Esterina Kilasi, MP - Tanzania

They are accompanied by other delegates who are seated in the Speaker's Gallery.

On behalf of the Kenyan Parliament, I warmly welcome them to Nairobi and to the sitting of this House, this afternoon.

(Applause)

HIV/AIDS WORKSHOP IN MOMBASA

Secondly, Hon. Members, the Departmental Committee on Health, Housing, Labour and Social Welfare, in conjunction with the National AIDS Control Council (NACC), have organised a workshop for all hon. Members of Parliament in Mombasa between 29th and 30th November, 2003. Hon. Members are expected to travel to Mombasa on Friday, 28th November, 2003.

The main objectives of the workshop are to make a follow-up on the resolutions that hon. Members of Parliament made in November, 1999, regarding response to the HIV/AIDS pandemic; the revised institutional framework of the National AIDS Control Council and the revitalization of the Constituency AIDS Control Committees (CACC).

Hon. Members are also invited to the re-launch of the CACC by His Excellency the President on Monday 1st December, 2003, at the Kenyatta International Conference Centre (KICC) at 10.00 a.m.

Next Order!

ORAL ANSWERS TO QUESTIONS

Question No.757

IMPLEMENTATION OF STREET CHILDREN REHABILITATION PROGRAMME

Mr. Mwanicha asked the Minister of State, Office of the Vice-President and Ministry of Home Affairs, how many street children were removed from the streets under the Street Children Rehabilitation Programme (SCRCP) by district and town.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

The number of street children removed from the streets on the SCRCP by district and town is as follows: Nairobi City, 1,400; Kisumu City, 350; Trans Nzozi District, Kitale Town, 200; Kakamega Town, 150; Kisii Town, 124---

Mr. Speaker: Dr. Machage, how many are they?

Dr. Machage: Mr. Speaker, Sir, I am naming them as per district and town.

(Dr. Machage waved at the Speaker)

Mr. Speaker: Order! Mr. Assistant Minister, you cannot wave away the Speaker! Next time you do that, you will see the outside of this House. You must comply with the orders given by the Chair. If that list shows 72 districts, you will have to table it and then wait for hon. Members to ask you specific questions. We do not have all the time in the world for you to go through it!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): I am sorry, Mr. Speaker.

Mr. Speaker: Very well, proceed!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): Mr. Speaker, Sir, there were only three more to read, if I may finish them. They are: Kisii Town, 124; Eldoret Town, 300, and Nakuru District, Naivasha Town, 48.

COMMUNICATION FROM THE CHAIR

NAME OF DISTINGUISHED GUEST OMITTED

Mr. Speaker: Mr. Mwancha, before we move on to your question, I wish to apologise to the House. I actually skipped the name of one of the hon. Members who are visiting and sitting in the Speaker's Row. The name I missed, for which I am absolutely sorry is that of the Hon. John Odit, MP, Uganda.

(Applause)

Mr. Mwancha, proceed!

RESUMPTION OF ORAL ANSWERS TO QUESTIONS

Mr. Mwancha: Mr. Speaker, Sir, I wish to commend the Government for this bold step they have taken because it goes a long way in controlling thuggery in our streets. However, the removal of street children might mean the treatment of symptoms and not the causative agent of the disease. Could the Assistant Minister tell us what is being done to rehabilitate the street sisters and mothers? What are they doing to empower them?

Dr. Machage: Mr. Speaker, Sir, my Ministry has enacted an Act of Parliament for protection of children. Through the Street Children Trust Fund (SCTF), the Ministry of Local Government, the Office of the Vice-President and Ministry of Home Affairs and other partners, we hope to raise funds for the resettlement of the street children and families. The street children who can join school will be supported to go back to class. It is also planned that the youth rehabilitated from the street shall be supported to join vocational training.

Mr. Mwenje: Mr. Speaker, Sir, in Nairobi City alone, there are over 30,000 street children. In addition, some of those who were removed from the City streets have also come back, probably because they were not treated well in the rehabilitation centres. There is enough land in Nairobi, and particularly in my constituency, that was reserved for the rehabilitation of street children. Could the Assistant Minister consider removing all the street children from the streets and put them in a more comfortable place, where they will be treated well and given education?

Dr. Machage: Mr. Speaker, Sir, it is not as easy as the hon. Member would want it to be. However, the Ministry has noted his sentiments. We will study the whole issue and take appropriate action.

Dr. Galgallo: Mr. Speaker, Sir, the Government is being involved in a self-defeating exercise. All the street children that the hon. Assistant Minister says were removed from the streets are now back. In fact, it is as though they got training on how to terrorise Kenyans more. What training programmes do you have for them? Could you explain to us exactly what goes on in those camps, because these children are more dangerous than they were before they were removed from streets?

Dr. Machage: Thank you, Mr. Speaker, Sir. It is important to note that the children who

were removed from the streets have not come back to the streets. Those that are arriving in the streets now are new cases from the slum areas upcountry. However, the Government has taken a lot of action to try and train these children. We have many who have been taken to the National Youth Service (NYS) and other rehabilitation centres, to make responsible citizens.

Mr. Mwancha: Mr. Speaker, Sir, from the answer, you have heard that many towns were left out; for example, Meru and other towns. What is the Government doing to see that the children are removed from the streets and given training that is useful to them so that they do not go back to the streets?

Dr. Machage: Thank you, Mr. Speaker, Sir. The initial exercise was more or less a pilot project. We have now identified about 40 other towns that where we intend to move in and do the same.

Question No.760

REHABILITATION OF NAIROBI-
MOMBASA HIGHWAY

Mr. Kaindi asked the Minister for Roads, Public Works and Housing if he could explain to the House what immediate measures he has put in place to rehabilitate the Nairobi-Mombasa Highway.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Speaker, Sir, I beg to reply.

The badly dilapidated sections of Nairobi-Mombasa Highway are in various stages of rehabilitation. Two hundred and thirty one kilometres have been completed; 135 kilometres is under construction, and 111 kilometres is under design for construction or rehabilitation.

Mr. Kaindi: Mr. Speaker, Sir, the bad state of Mombasa-Nairobi Highway of gulleys, wrappings and potholes has contributed to thousands of deaths of Kenyans, yet money is poured to rehabilitate the road, year in, year out. What assurance is the Assistant Minister going to give this House, that the people he has put to do the construction and designing of the road will do a proper job, so that the problem is solved once and for all?

Eng. Toro: Mr. Speaker, Sir, to reassure the hon. Member, I would like to give a breakdown of what the Ministry has done and what it intends to do now and in the future.

Saba Saba-Miritini section, which is 22 kilometres, was rehabilitated and completed in the year 2002 at a cost of Kshs330 million. Miritini-Maji ya Chumvi, which is 35 kilometres, is being designed and the designing is now complete. Bidding documents for tendering have also been prepared, and the tendering process will commence soon. Rehabilitation of Maji ya Chumvi to Bachuma Gate, which is 54 kilometres, is almost complete at a cost of Kshs600 million. Rehabilitation of Bachuma Gate to Mtito Andei, which is 155 kilometres, was completed in February 2000 at a cost of Kshs2.7 billion. Bachuma Gate to Mtito Andei is in excellent condition and probably the best road in Kenya today. Sultan Hamud to Mtito Andei, which is a section of 130 kilometres, is under construction by Strabag International. The work commenced in April this year, and is expected to be completed in October 2005 at a cost of Kshs4.6 billion. The first 27 kilometres from Sultan Hamud will be open to traffic by the end of February next year. Sultan Hamud to Machakos turn-off, which is a stretch of 51 kilometres, is being designed now for rehabilitation. The Machakos turn-off to Jomo Kenyatta International Airport section is being designed for rehabilitation. It will form part of Machakos turn-off, Nairobi Southern by-pass to Rironi, which is being considered for concessioning.

Mr. Muiruri: Thank you, Mr. Speaker, Sir. Mombasa-Nairobi Highway does not require rehabilitation. What is required is an eight lane dual carriageway since it is a very important road because the Government is spending so much money on bits of rehabilitation. When is this going to be done?

Eng. Toro: Mr. Speaker, Sir, the hon. Member is right. Before we dual the Mombasa-Nairobi Highway, we have to rehabilitate what we have so that when we shall be doing the dualing, motorists can still enjoy their rides to Mombasa and back. The concessioning study for phases I and II is now complete and tenders will be floated in the near future.

Mr. Ndile: Asante sana, Bw. Spika. Unakumbuka kuwa juzi, katika sehemu hiyo ya Sultan Hamud mpaka Mtito Andei, watu walilala hapo siku mbili kwa sababu ya njia kuharibika. Waziri alitembelea hapo yeye mwenyewe na kusema kuwa kokoto ambayo ilikuwa imetumiwa ilikuwa mbaya. Mimi nililala hapo siku moja na nikawa siwezi kurudi nyuma wala kuenda mbele. Wakati haya yote yalipofanyika, tuliambiwa Waziri alikuwa ng'ambo akifundishwa jinsi ya kutengeneza barabara kutumia simiti, na kadhalika. Ni nini mnachofanya kuhakikisha kuwa barabara hiyo itatengenezwa kwa sababu, hubomolewa karibu kilomita 30 ambazo Mzungu huyo hawezi kutengeneza? Amekuwa na kichwa kigumu na hawezi kuambiwa chochote. Mtafanya nini ili atengeneze barabara hiyo?

(Laughter)

Eng. Toro: Mr. Speaker, Sir, I think what went wrong has been rectified. The problem was that, when we are having a diversion, the diversion has to be an all-weather road. Until it has rained, we cannot know if there is anything wrong with the road. When it rained, we found out that the gravel which had been recommended, and had actually passed the test, was not actually suitable for rainy season. That is why, as a Ministry, we advised the contractor to change the gravel and make it an all-weather road.

Mr. Kaindi: Mr. Speaker, Sir, a section of that road; between Athi River and Nairobi, a section called Mlolongo, is where we have the weighbridge. Due to the heavy weight of the vehicles, the section is completely damaged. What emergency measures is the Assistant Minister going to put in place to rehabilitate that particular section? **Eng. Toro:** Mr. Speaker, Sir, in my answer, I said that the Machakos-Nairobi turn-off is being designed and is going to form part of the turn-off, Nairobi Southern by-pass to Rironi, which will be the first test case in concessioning in Kenya.

Question No.783

OFFICIAL GUIDELINES FOR
SECONDARY SCHOOLS

Mr. J.M. Mutiso asked the Minister for Education, Science and Technology:-

- (a) what are the official fees guidelines for secondary schools in Kenya;
- (b) what is the criteria the Ministry uses in determining tuition fees as well as compulsory and optional levies in secondary schools;
- (c) the total figure of outstanding fees balances between 1989 to 2002 from form four students countrywide; and,
- (d) if the Ministry could consider waiving the outstanding fees balances and release the school certificates to the respective school leavers to enable them seek employment.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, I beg to reply.

The fees guidelines for secondary schools for 2002/3 are as follows:-

(a) The fee charges for national schools for tuition, boarding, transport, electricity, contingencies, and personal emoluments adds up to Kshs26,900 per annum. For other boarding schools, both district and provincial, the total adds up to Kshs20,900 and for day schools, it is Kshs8,500.

(b) The Ministry only harmonises the various proposals from schools in order to arrive at uniform fee guidelines that are categorized for national schools, for other boarding schools, both provincial and district and day schools.

(c) The figures of outstanding fee balances since 1989 to 2002 cannot be established as these records are maintained by the individual schools boards of governors. The decision to waive the outstanding school fees lies within the individual boards of governors who should consider the outstanding creditors, but that should not be a reason to hold on to students' certificates as these are properties of the Kenya National Examinations Council (KNEC) with whom the students had already met their conditions for sitting the examinations.

Mr. J.M. Mutiso: Mr. Speaker, Sir, first of all, let me thank the Assistant Minister for trying to answer my Question. I would like to ask the Assistant Minister to clarify. We know provincial schools do charge more than even Kshs70,000, and district schools more than Kshs30,000, while day schools charge more than Kshs15,000.

As per the guidelines which the Assistant Minister has just read out, national schools charge about Kshs26,000 and other schools about Kshs20,000. Where do the boards of governors of these schools draw the authority to levy extra fees outside the guidelines?

Dr. Mwiria: Mr. Speaker, Sir, both the boards of governors and the principals of schools have no authority whatsoever to levy extra fees. The problem is that this happens and parents and the boards of governors do not question it sometimes because some parents fear victimisation. So, the problem is not so much the head teachers. It is that we have parents and other members of the community who know what is happening and are not raising the issue.

Otherwise, it is illegal to have other charges on top of what has been officially approved by the Ministry.

Prof. Oniang'o: Mr. Speaker, Sir, whatever the figure, secondary school fees are completely unaffordable by most Kenyan parents. In fact, it will render the free primary education being promoted by the NARC Government completely useless. Could the Assistant Minister tell us what plans the Ministry has to ensure that secondary school fees are, in fact, affordable and that there is harmonisation at all levels?

Dr. Mwiria: Mr. Speaker, Sir, I do agree with the hon. Member that secondary school education is too expensive for a majority of Kenyans. It is the next priority for the NARC Government to see how we can make secondary school education more affordable. There are a variety of measures that could be taken. We could, maybe, have more day schools, or ensure that the charges for certain items are lowered.

I would like to assure the House that we realise that it is a mockery, in the long run, if you have people graduating from primary schools, who cannot go to secondary school. I think that is a problem. We will address this issue as a matter of priority.

Mr. Bifwoli: Mr. Speaker, Sir, you heard the Assistant Minister say that certificates are not supposed to be withheld by schools because they are the property of the KNEC. What steps is the Ministry taking to ensure that those who have done the exam get the certificates?

Dr. Mwiria: Mr. Speaker, Sir, this matter came up about a week ago and we explained that,

given the circumstances in which a lot of these principals find themselves in, individual parents and students are required to negotiate with the respective boards of governors on how to obtain the certificates. Otherwise, if they take the matter to court, of course, the schools will not win. It is a matter that can be settled amicably between the boards of governors and the parents.

Mr. Mukiri: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to tell us it is illegal for the boards of governors and the various schools to hold certificates of students while he is leaving this important task to the boards of governors? The Ministry should have a policy guideline. It should not leave the students at the mercy of the boards of governors. Is he in order?

Mr. Speaker: Order! That is a very good question, but you rose on a wrong footing.

Mr. Ogur: Mr. Speaker, Sir, on 1st June every year, in this country, even prisoners are released. Could the Assistant Minister do the same on 1st June and release all the certificates to the various students?

(Laughter)

Dr. Mwiria: Mr. Speaker, Sir, if Ministers were to take up those kind of responsibilities, then they will take a lot of responsibilities from the President. I do not think I can order that. But one thing I can say for sure is that we would like to recommend that certificates that have been held for more than five years be released to the parents.

Mr. J.M. Mutiso: Mr. Speaker, Sir, whereas we do appreciate the Assistant Minister's answer, could he undertake to issue a circular to the effect of the guidelines which are here, and the directives of releasing the certificates to the various students or persons?

Dr. Mwiria: Mr. Speaker, Sir, there is no problem at all in issuing guidelines and a directive. I will only recommend that certificates that have been held for that many years be released. I would like to call upon the hon. Members to also appreciate the difficulties in which principals of schools find themselves in. There are a lot of parents who will be very happy not to pay the school fees, even those who can afford, if they realise that they can get the certificates after five years. After five years, it will be quite clear that there are parents who are genuine and we will send a directive to the effect that those certificates be released.

Question No.871

PENSION BENEFITS FOR
MR. MAITHYA MUTUTA

Bw. Ndile alimuuliza Waziri wa Leba na Ustawi wa Wafanyakazi:-

(a) kama anafahamu ya kwamba Bw. Maithya Isika Mututa, F/No.218101503, aliyekuwa mfanyakazi wa Shirika la Reli hajapokea pesa zake za uzeeni za mwaka wa 1966 - 1967, na 1974 -1975; na,

(b) ni lini huyo mzee atalipwa pesa zake.

Hon. Members: Answer in Kiswahili!

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo):
Mr. Speaker, Sir, could you protect me from these hon. Members?

Mr. Speaker: Order! You are duly protected. Proceed.

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo):
Bw. Spika, ningependa kujibu.

(a) Ndio, nafahamu ya kwamba Bw. Isika Mututa alistaafu kutoka Shirika la Reli mwaka wa

1987 na kwamba dai lake la malipo ya Hifadhi ya Jamii (NSSF) lilipokelewa tarehe 25/7/1988. Baadaye, Bw. Mututa alilipwa hundi ya Kshs30,910, tarehe 10/8/1988.

Malipo haya yalikuwa ya kutokea mwaka wa 1966 hadi 1987. Walakini, miaka ya 1974 na 1975 haikulipwa kwa sababu rekodi ya miaka hiyo haikuwa imethibitishwa, kwani rekodi hizo hazikupatikana kwa haraka.

(b) Shirika la Taifa la Hifadhi ya Jamii limetayarisha malipo ya miaka ya 1974 na 1975, ambayo ningependa kulifahamisha Bunge hili ya kwamba kulingana na ile taratibu ya usafi wa Serikali ya NARC, hiyo hundi ya Kshs8,171 iko tayari na ingefaa aende na Bw. Mututa huko Machakos siku ya Alhamisi wachukue pesa hizo.

Mr. Ndile: Asante sana, Bw. Spika. Nadhani tukimaliza miaka mitano Wabunge watakuwa wamejua Kiswahili. Ni miaka 15 sasa tangu wapokee haya malipo ya uzeeni, na Kshs8,171 bado hazijalipwa. Hii inaonyesha kuwa ni watu wengi ambao hawajalipwa kwa sababu unapoenda hapa Continental House, utakuta wengi bado wana hiyo shida tu. Mtu huyu amesubiri alipwe pesa zake kwa miaka 15, hata amezeeka. Hata sijui kama anajua Machakos iko wapi.

Mr. Speaker: Uliza swali lako.

Mr. Ndile: Ningependa Waziri Msaidizi ahakikishe kwamba huyu mtu atalipwa pesa hizo na riba kwa sababu zimekaa miaka 15.

Mr. Odoyo: Bw. Spika, ningependa kuwafahamisha Wabunge kwamba, riba imehusishwa kwa hundi hiyo ya Kshs8,000. Hapo zamani, tulikuwa tunalipa Kshs80 tu kwa kila mwezi. Kwa hivyo, kwa mwaka mmoja, ilikuwa ni Kshs1,000. Kwa miaka miwili, ilikuwa Kshs2,000. Kwa hivyo, ikiwa anapata Kshs8,000 kwa sasa, basi inamaanisha riba imejumuishwa. Ningependa kumfahamisha Mheshimiwa kwamba siku ya Alhamisi, bila kuchelewa, afike katika afisi ya Machakos na aonane na afisa mkuu wa kituo hicho, Bi. Alice Kamuri, ili apate pesa hizo. Asipopata, nitachukua hatua kali.

Mr. Wario: Bw. Spika, imekuwa mazoea kwa National Social Security Fund (NSSF) kulipa posho la uzeeni baada ya Swali kuulizwa katika Bunge hili. Wizara hii ina sera gani ya kuhakikisha kwamba hatutashurutishwa kuuliza maswali ili wazee walipwe haki yao?

Mr. Odoyo: Bw. Spika, ni kweli kwamba hapo zamani, wakati Serikali ilikuwa inaongozwa na chama kimoja, tulikuwa na taabu nyingi sana. Lakini ningependa kufahamisha Bunge hili kwamba, tuko tayari na Shirika la Taifa la Hifadhi ya Jamii---

Mr. Wario: Jambo la nidhamu, Bw. Spika. Naibu wa Waziri anazungumzia mambo ya zamani za kale! Sisi tunazungumzia swala ambalo limeletwa katika Bunge hili la tisa na sio zamani za kale!

Mr. Odoyo: Bw. Spika, ningependa kuwafahamisha Wabunge kwamba, Serikali imechukua hatua. Ni kweli kwamba hapo zamani, pesa zilikuwa zinakawia.

Lakini sasa, tumejitahidi kabisa. Maswali yanakuja moja moja. Tunawalipa wengi wao kama kawaida. Kuna watu wengi ambao wamefurahishwa na NSSF ya sasa. Tunataka pia kusuluhisha hayo matatizo machache.

Question No.800

SHORTAGE OF DRUGS IN NDANAI
HEALTH CENTRE

Mr. Speaker: Is Mr. Kimeto not here? His Question is dropped.

(Question dropped)

Let us move on to Question No.773 by Mr. Khamisi.

Question No.773
OWNERSHIP OF KIBARANI
SETTLEMENT SCHEME PLOTS

Mr. Khamisi asked the Minister for Lands and Settlement:-

- (a) whether he could inform the House who owns Plots Nos.979, 981 and 893 at the Kibarani Settlement Scheme in Bahari Constituency;
- (b) whether he could table a list of all allottees of plots in that settlement scheme; and,
- (c) whether he could explain the criteria used for the allocation of the plots.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) Plots Nos.979, 981 and 893 at the Kibarani Settlement Scheme in Bahari Constituency were given or allocated to private developers who are local residents.

(b) For part (b) of the Question, I beg to lay on the Table the list of the allottees.

(c) The allocation of the plots was done by the Kilifi District Plot Selection Committee, whose chairman is the District Commissioner (DC). The committee has the mandate to identify needy cases in the district, and allocate them with land whenever it becomes available for settlement.

Thank you.

*(Mr. Ojode laid the list
on the Table)*

Mr. Khamisi: Mr. Speaker, Sir, that is the most unsatisfactory answer I have received from the Assistant Minister. I would like to say that the Question is very clear. Could he name the people who were allocated land at Kibarani Settlement Scheme?

Mr. Speaker: But he has laid the list on the Table!

Mr. Khamisi: No. He has not!

Mr. Speaker: Order! It has been tabled. You also have the written answer. Now, will you answer the relevant question?

Mr. Ojode: Mr. Speaker, Sir, the three plots were allocated to the former State House squatters.

Mr. Khamisi: Mr. Speaker, Sir, that is a very serious matter---

(Loud consultations)

Mr. Speaker: Order! Could we listen to Mr. Khamisi?

Mr. Khamisi: Mr. Speaker, Sir, that is a very serious matter because it goes right into the heart of land problems in Coast Province. The settlement schemes were supposed to be allocated to squatters and not to State House operators. Could the Assistant Minister tell us how those politicians and civil servants managed to get that land? Who are they?

An hon. Member: Who are they?

Mr. Ojode: Mr. Speaker, Sir, I have tabled the names of those who were allocated the land.

The Questioner has to tell us what interest he has on only three plots, whereas I have laid on the Table, 2,400 plots. Would I be in order---

(Loud consultations)

Mr. Speaker: Order! Could we listen to the Assistant Minister! Mr. Ojode, what were you saying?

Mr. Ojode: Mr. Speaker, Sir, I was saying that there are over 4,000 allottees---

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Will you listen?

Mr. Ojode: Mr. Speaker, Sir, there are over 1,000 allottees. Why did the Questioner just ask for the three plots? What interest does he have?

Mr. Serut: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order not to answer part (a) of the Question? It is asking who are the owners of the plots. Could he, please, answer part (a) of the Question?

Mr. Ojode: Mr. Speaker, Sir, Plot No.979 is owned by Mr. Emmanuel Karisa Maitha.

(Loud consultations)

Mr. Speaker: Order!

Mr. Ojode: Mr. Speaker, Sir, Plot No.981 is owned by Maathai Villas Limited. Plot No.893 is owned by Mr. Hussein Dado.

Thank you.

Dr. Galgalo: On a point of order, Mr. Speaker, Sir. In his earlier answer, the Assistant Minister said that those three plots were allocated to State House "squatters". Is Mr. Karisa Maitha a State House squatter? Is that what he is telling us?

Mr. Ojode: Mr. Speaker, Sir, those plots were allocated in 1995. By that time, those fellows were State House squatters!

Mr. Speaker: Order! I know how excited we get when it is a juicy issue like this. But what exactly do you mean by State House squatters?

Mr. Ojode: Mr. Speaker, Sir, there are some fellows here who were allocated plots because they had received a word from State House because they were squatting within State House.

(Laughter)

Mr. Bett: Mr. Speaker, Sir, I have worked in State House and I am not aware of State House having squatters. So, the Assistant Minister should tell the House who these people are.

Mr. Khamisi: Mr. Speaker, Sir, it is obvious from the Minister's answer that the basic tenets of natural justice were grossly violated. Now, in order to correct this anomaly, could the Assistant Minister order for the repossession of these plots from the so-called State House squatters, so that the local people can benefit?

Mr. Ojode: Mr. Speaker, Sir, as usual, my hands are tied on those who had already received title deeds. I cannot repossess any parcel of land which has a title deed. In the event that the title deeds have not been issued, and there is a good reason for repossession, we will do that.

Question No. 880

MODERN TELEPHONE EQUIPMENT
FOR GARISSA EXCHANGE

Mr. Speaker: Is Mr. Hussein Maalim here?

(Question dropped)

Question No. 762

ADOPTION OF INTERNATIONAL
INTELLECTUAL RIGHTS ACT

Mr. Speaker: Is Dr. Ojiambo here?

(Question dropped)

Question No. 594

REVENUE GENERATED FROM
SPECIAL RATES TOURISTS

Mr. Ngozi asked the Minister Tourism and Information:-

- (a) how much revenue is generated from the tourists who visit the country through the special rates organised by tour operators abroad; and,
- (b) who oversees these negotiations abroad to ensure that the rates agreed upon do apply locally.

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Speaker, Sir, I have an answer here but it does not look satisfactory. So, I would request that you give me more time so that I can get my friend, hon. Ngozi, an answer that is good enough.

Mr. Ngozi: Mr. Speaker, Sir, I told the House last week that this Question had been deferred three times. I am now accepting this fourth time, but when will the Assistant Minister bring an answer to this Question?

Mr. Speaker: Mr. Gumo, when is it going to be ready?

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Speaker, Sir, this is a technical Question. I should be able to give him an answer within the next one month; probably, next year.

(Mr. Kimeto approached the Chair)

Mr. Speaker: Order! Order, Mr. Gumo! I wish to remind the House again that I had said that Members should not approach the Chair when the business of the House is proceeding. There is sufficient time for Members who wish to consult with the Chair to do so in the Chambers, either before or after, so that the Chair can concentrate on the business of the House. So, will every Member be so advised? It will be totally out of order to approach the Chair, unless you are summoned. So, please, keep off the Chair. Now, what were you saying, Mr. Gumo?

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Speaker, Sir, I am requesting the House to give me more time. Since we are about to go on recess, it is likely that

I will get the answer to this Question by early next year.

(Laughter)

Mr. Speaker: Order! Order, hon. Members. Mr. Gumo, you must be serious! You are joking with the House! Now, this is the fourth time you are requesting this Question to be deferred because you are unable to reply. There is absolutely nothing technical about this Question. Now, just tell this House; are you and your Minister totally incapable of replying to this Question?

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Speaker, Sir, I am capable of answering this Question, but as I had said before, the answer I have here is not satisfactory. The Member wants the breakdown and he wants to know how much money is remitted and how it is remitted. This money is paid overseas, not here in Lamu.

Mr. Speaker: Mr. Gumo, sorry, it is your duty to respond to Parliament. It is not a privilege. The House is not seeking your privilege. We are not entreating you. You are under obligation to respond to Parliament and you must treat this House with seriousness.

Hon. Members: Send him out!

Mr. Speaker: Order! Order! I think it is about time that the Cabinet and all Ministers in general, understood that they are answerable to Parliament.

(Applause)

There will be no short-cuts or negotiations. You must do the job for which you are paid.

(Applause)

So, are you ready or will you not be ready to answer the Question on Tuesday next week? By the way, may I remind you of the following Standing Order; that any Member including a Minister, who wilfully refuses to answer a Question lawfully put to that Member, will be dealt with as a disorderly Member. So, can you understand that? When will you bring the answer?

The Assistant Minister for Tourism and Information (Mr. Gumo): Well, Mr. Speaker, Sir, I have an answer here and I had discussed it with the Member. He told me---

(Loud Consultations)

Shut up. He told me--- But I am prepared to give him an answer by Tuesday next week.

Mr. Speaker: Very well. This is the fourth time I am giving that indulgence. On Tuesday, that Question must be answered.

The Assistant Minister for Tourism and Information (Mr. Gumo): He will get an answer, except that he should not complain.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. You know this hon. Assistant Minister has been placed in a wrong Ministry. If he were in the Ministry of State in charge of Internal Security---

(Laughter)

You have heard him telling us to shut up. Could I be in order to kindly ask the Government to transfer him to a Ministry where there is fighting?

(Laughter)

Mr. Speaker: Order! Order! Mr. Angwenyi, in the same way I insist that Ministers should answer questions, I will also insist that Members must be responsible in the House and they must hold their colleagues with utmost respect. That is disrespectful and I order you to withdraw and apologise.

Mr. Angwenyi: Mr. Speaker, Sir, I withdraw and apologise. I was just responding to his shouting at the House to shut up.

Mr. Speaker: Did he say that?

Hon. Members: Yes!

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Speaker, Sir, that is not true. I did not say that. If I uttered those words, you were too close to miss them.

Hon. Members: No! No!

(Laughter)

The Assistant Minister for Tourism and Information (Mr. Gumo): Mr. Speaker, Sir, how could the hon. Member hear that when he was too far? I did not say that.

Hon. Members: You said that!

(Laughter)

Mr. Speaker: Order! I will defer this Question for the fourth and last time until Tuesday, next week!

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

GOVERNMENT EXPENDITURE ON JAMHURI DAY CELEBRATIONS

Mr. Omingo: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) How much money is available for celebrations of Jamhuri Day between 1st and 12th December, 2003?

(b) Could the Minister table the names of the ten-member committee appointed to organize the celebrations?

(c) Were the funds for this event budgeted for, and if so, under which Vote?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I beg to reply.

(a) The amount of money available in the budget for the celebrations to be held between 1st and 12th December, under Vote R01, Head 001, Item 135 - Public Celebrations, is Kshs300,000. However, the Treasury has been requested to avail an additional Kshs100 million to cater for various activities intended to mark this special occasion on our 40th Independent Day Anniversary.

This is to be contrasted with the 25th year celebrations when Kenya spent Kshs337.5 million.

(b) The committee consists of the following relevant Permanent Secretaries: Provincial Administration and National Security; Ministry of Roads, Public Works and Housing; Ministry of Finance; Ministry of Gender, Sports, Culture and Social Services; Ministry of Justice and Constitutional Affairs; Department of Defence (DoD); Ministry of Tourism and Information; Ministry of Foreign Affairs and the Office of the Vice-President and Ministry of Home Affairs.

(c) The answer to part "c" was provided in my answer to "a".

Mr. Omingo: Mr. Speaker, Sir, this Government is still suffering from the "KANU and Moi phobia".

(Applause)

The Assistant Minister has said in his answer to "a" that Kshs300,000 will be available for the celebrations under Vote R01, Head 001. He has also said that he has requested the Treasury to avail an additional Kshs100 million to mark this special occasion. Under what Vote Head and under whose authority has he requested the Treasury to avail this amount of money?

Prof. Kibwana: Mr. Speaker, Sir, I think the hon. Member did not get the answer right. During the 25th Year celebrations, Kenya spent Kshs337.5 million, but for these celebrations, we have requested an additional Kshs100 million from the Treasury.

Mr. Kajwang: Mr. Speaker, Sir, first of all, celebrations of Jamhuri Day held on 12th December are fixed by law. Who passed the law to the effect that this time round, we will celebrate this Jamhuri Day from 1st to 12th December?

Secondly, Kshs400 million can buy a lot of drugs for HIV/AIDS patients in the whole of the Republic of Kenya. This amount of money could also be used to curb floods in Budalangi Constituency.

Mr. Wanjala: Yes!

Mr. Kajwang: Mr. Speaker, Sir, why is the Government wasting this money in these celebrations? What are we celebrating?

Prof. Kibwana: Mr. Speaker, Sir, I would like to correct the impression created by the hon. Member. We will not spend Kshs400 million on these celebrations, but Kshs100 million. This money has been requested from the Civil Contingency Fund. The idea is to celebrate the 40th year of Independence up to the village level. In the past, Jamhuri Day celebrations have been held only in major towns. But this time round, the celebrations will be held even at the divisional headquarters. These celebrations will reflect on our nationhood. We are trying to re-launch Kenya because of the previous "devastations".

Hon. Members: No! No!

Mr. Speaker: Could you finish your reply now?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, many things have been included in these celebrations to reflect this country's nationhood.

Mr. Lesrima: Mr. Speaker, Sir, what are we celebrating? Is it the 40-year rule by KANU? If that is the case, this is not an emergency for us to spend Kshs100 million from the Civil Contingency Fund on celebrations. If we must celebrate 40 years of KANU rule, how much money has the Assistant Minister allocated to every district for these celebrations?

Prof. Kibwana: Mr. Speaker, Sir, I am really surprised by the notion that we should not celebrate the 40th year of our Independence. Even for a nation, life begins at 40 years. Apart from the Ministries conducting some activities during the celebrations, children's homes will be visited

and be supplied with food. Also, famine relief food will be distributed to the needy and medical clinics will be offered. Each province, district and division will be allocated some money to cater for these activities.

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

Mr. Speaker: Well, I will give this chance to---

Mr. Wanjala: Mr. Speaker, Sir, I am here!

Mr. Speaker: Order! Mr. Wanjala, you take too much liberty these days. You have failed to realise that you are an hon. Member. You are disorderly! You always rise up there and heckle the Chair. You must now leave the Chamber! That is a warning to all hecklers!

*(Mr. Wanjala withdrew from
the Chamber)*

Ms. Mbarire: Thank you, Mr. Speaker, Sir.

(Loud consultations)

Mr. Speaker: Order! Could we listen to the Gracious Lady?

Ms. Mbarire: Mr. Speaker, Sir, I find this extremely extravagant of the Government, which was yesterday begging money for development projects from the International Monetary Fund (IMF) and the World Bank. How can the Government spend Kshs100 million celebrating an economy which was brought down by the previous KANU Government?

Prof. Kibwana: Mr. Speaker, Sir, what is being spent for the 40th year of our Independence is less than one-third of what was spent previously.

Hon. Members: No! No!

Mr. Speaker: Order! Mr. Assistant Minister, you can read the mood of the House. If you see all hon. Members rising up any moment you say that it is one-third of what was spent previously, they are telling you that yesterday's wrong cannot be today's right! So, that is what the House is saying. Please, read the mood of the House.

(Applause)

Mr. Sasura: Mr. Speaker, Sir, you will remember that early this year, this Government spent Kshs1 million to get one Mr. Lema Ato Ayanu from Ethiopia by claiming that he was General Mathenge. The Government has designed another **[Mr. Sasura]** method to spend Kshs100 million on fanfares organised in the stadia. Is the Assistant Minister satisfied that they have the moral authority to spend this amount of money when our lecturers have gone on strike over salary increases, and our people are starving?

Prof. Kibwana: Mr. Speaker, Sir, these celebrations were approved by the Cabinet in July before our lecturers went on strike this month.

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

However, I am somewhat perturbed that a country does not recognise that it is important for it to reflect on its own nationhood and really think about its destiny through 40 years of Independence.

The Member for Saboti (Capt. Nakitare): On a point of order, Mr. Speaker, Sir. My vision is to fight poverty in the country and that is why legislators are here to comment on poverty-stricken areas. Saboti is one of them, Trans-Nzoia is another, and Kenya is entirely the other one. I do not see how we can celebrate for the "marriage" we have not had. The bridegroom is the NARC Government. It has not been given a bride, and yet we want to celebrate. For what now?

Mr. Speaker, Sir, I would like the Assistant Minister to tell us what celebrations we are looking for when we are faced with poverty. The Government cannot rule a starving country. This is a burden!

(Applause)

*(Mr. Katuku stood up in his place
and spoke to the Public Gallery)*

Mr. Speaker: Order! Order! Mr. Katuku, you do not stand there talking to the Public Gallery! You must proceed out!

Hon. Members: Out, Mr. Katuku!

Mr. Speaker: Order! Mr. Katuku, you must proceed out!

*(Mr. Katuku stood up to withdraw
from the Chamber)*

Order! I understand that Mr. Katuku had something to tell me about the Public Galleries. Would you then proceed back and tell me what you had to say while I make my decision?

*(Mr. Katuku retreated and sat
in his place)*

Mr. Speaker: What is it?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I wanted to alert you of the clapping in the Public Gallery. I was wondering whether it is in order for the people in the Public Gallery to clap their hands. That is the point I was standing to raise.

Mr. Speaker: Order! What you should do in a situation like that is to rise on a point of order and bring to the attention of Mr. Speaker what is going on in the Public Gallery. But since you had good intentions, badly executed, I do forgive you.

(Laughter)

Order! While we are at this issue, those in the Galleries are reminded that they shall sit there quietly. They will not clap or make any noises, either of approval or disapproval. Therefore, they stand so-warned. Finally, you saw me allowing Mr. Nakitare to do what we normally do not do here. Because he is new, it was a maiden intervention, and I think he has lost it so fast. Now he is ordered by the Chair to take a copy of the Standing Orders tonight and read it forward and backwards, and on Thursday he should come properly equipped.

Thank you.

Mr. Osundwa: On a point of order, Mr. Speaker, Sir. It appears that you are being very lenient with Assistant Ministers. The other day you forgave Mr. Konchella, and now you have asked an hon. Member to make a statement when you had already declared him a stranger. Where are we heading to?

Mr. Speaker: Order! That is exactly where you go wrong. Mr. Osundwa, do you know the provision of Standing Order No.1?

Mr. Osundwa: No, Mr. Speaker, Sir.

Mr. Speaker: Then forever maintain your silence. If you do not know even the very first Standing Order, you are not even allowed to stand on a point of order. Relax!

Could we now go back to the Question? Mr. ole Ntimama!

Mr. ole Ntimama: Mr. Speaker, Sir, the Assistant Minister avoided a question that was asked by an hon. Member as to how much of the Kshs400 million is allocated to every district and every division. He should tell us that.

Mr. Speaker: Will you answer that question now?

Prof. Kibwana: Mr. Speaker, Sir, it is not Kshs400 million, but Kshs100 million.

I think it is important to put the facts right. Provincial activities have been allocated Kshs600,000 per province, district activities have been allocated Kshs200,000 each, and divisional activities Kshs20,000. All the Ministries are supposed to use this time to tell Kenyans what they do so that their Ministerial activities throughout the Republic are known. That is why this is a celebration with a difference.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! We must finish this Question now. Whose was it? Where is Mr. Omingo? I was coming to you so that you ask the last question.

What is it, Mr. Angwenyi?

Mr. Angwenyi: Mr. Speaker, Sir, we know for what purposes we vote for emergency or contingency funds, and it does not include by any stretch of imagination, celebrations.

Mr. Speaker: What is the point of order?

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell us that they are going to withdraw Kshs100 million from the Contingency Fund for the celebrations which are not part of the purpose for establishing that Fund?

(Prof. Kibwana remained seated)

Mr. Speaker: Could you answer that? Prof. Kibwana, you must answer this question because these are public funds and the House wants to know whether a celebration is a kind of a disaster.

Prof. Kibwana: Mr. Speaker, Sir, my understanding of the word "contingency" is not disaster. The Government can actually requisition from the Contingency Fund for something which is so critical in terms of our celebrating 40 years of our Independence. This is because, even for a nation, life begins at 40 years.

Mr. Speaker: The last question, Mr. Omingo! I am sorry, we must finish with this Question.

Mr. Omingo: Mr. Speaker, Sir, you have seen the kind of interest hon. Members have shown in this issue. The Assistant Minister has continuously and frequently referred to the figures which are historical from the previous regime. Could he, given the mood of the House - and celebrations, if I can tell the Professor are not an emergency - consider rescinding this decision?

Mr. Speaker, Sir, we heard His Excellency the President addressing us on the material day,

and he gave NARC the way forward. If the Assistant Minister must spend the money because he has already withdrawn it, could he then consider buying drugs for all HIV/AIDS patients, because that is the only way we can realise the feel of a new Government, if we must spend?

Prof. Kibwana: Mr. Speaker, Sir, in actual fact, activities during the 12 days include distribution of famine relief, HIV/AIDS work and visiting orphanages. So, what the hon. Member is asking is a part of what will be done.

(Loud consultations)

Mr. Speaker: Order, hon. Members! I am afraid, time is not allowing us to continue with this Question. However, I think the Assistant Minister has got the gist of hon. Members' disapproval. Next Question, by Prof. Oniang'o!

MEASURES TO AVERT FAMINE
IN NORTHERN KENYA

Prof. Oniang'o: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that there is a looming drought that is likely to cause famine in Northern Kenya?

(b) What preparedness plans has he put in place to avert the disaster in order to save human lives?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, my colleague, Mr. Tarus is supposed to answer this Question. I would like to seek an indulgence so that we answer it tomorrow.

(Loud consultations)

Mr. Speaker: Order! Hon. Members, let us keep the House in a situation in which we can transact business. We cannot hear what is being said. The Assistant Minister is asking for time for the Question to be answered tomorrow. What is your reaction, Prof. Oniang'o?

Prof. Oniang'o: Mr. Speaker, Sir, this Question has been deferred three times. I saw Mr. Tarus in this House earlier on. I have a written answer which Prof. Kibwana could just read out to the House.

Mr. Ethuro: Mr. Speaker, Sir, I want to support Prof. Oniang'o because we are talking about a looming drought. Livestock and people are being threatened by famine and death. How much longer will the Chair defer this Question?

Mr. Speaker: Prof. Kibwana, just a few minutes ago, we were talking about Kshs100 million for celebration. Now, these hon. Members are worried about the ability of their people to live because of hunger. When will you be able to answer this Question?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I promise that we will answer the Question tomorrow.

Mr. Speaker: Tomorrow is a public holiday!

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I am sorry. We will answer it on Thursday.

Mr. Sasura: Mr. Speaker, Sir, thank you for declaring this Question a very disastrous Question. However, Prof. Kibwana has said that the answer to this Question is in the hands of Mr.

Tarus. Only yesterday, Mr. Tarus was in a mass wedding. He might be in a honeymoon the whole of next week. Could the Assistant Minister assure us that even if Mr. Tarus will still be in the honeymoon on Thursday, he will be able to answer the Question?

Mr. Speaker: Order! You are getting personal now! Hon. Members, I really think sometimes we lower ourselves too much. I really think we do not have to be personal. So, could we, please, keep the honour of this House? It does not matter whether Mr. Tarus was married yesterday or today. In fact, the Chair does encourage those unmarried hon. Members to get married. There is nothing wrong with that. So, can we be a little more serious?

(Loud consultations)

Order! You see, we cannot go on like this! Every time I am speaking, hon. Members are speaking everywhere. Every time a Minister is speaking, hon. Members are speaking everywhere

Mr. Wamunyinyi: You have lost control!

Mr. Speaker: Yes, I will now be in control. Who are you?

Mr. Wamunyinyi, to see that I am in control, you will now be excluded from this House for the balance of the day and you must leave, as a matter of fact, all parliamentary precincts immediately! Any further interjection will follow Mr. Wamunyinyi. We must have a working Parliament where we communicate.

So, Please, Prof. Oniang'o, what is your reaction about Thursday?

(Mr. Wamunyinyi withdrew from the Chamber)

Prof. Oniang'o: Mr. Speaker, Sir, I agree, but what I am not sure of is whether he is telling us that it is only Mr. Tarus who will answer the Question, or we will have an answer from the Ministry.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Speaker, Sir, I promise that, if Mr. Tarus will not be available, I will answer the Question.

IRREGULAR ISSUANCE OF BETTING LICENCE

Mr. Kajwang: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the Vice-President and Ministry of Home Affairs the following Question by Private Notice.

(a) Who are the proprietors and/or operators of LOTO 6/49 an outfit involved in betting, lotteries and gaming in Kenya?

(b) Could the Minister confirm or deny that the company operating LOTO 6/49 was irregularly issued with a licence to operate without the approval of the Betting Control and Licensing Board?

(c) What steps is the Minister taking to revoke the purported licence, punish the perpetrators and launch a genuine and proper national lottery that will mobilize national resources for good causes and contain the current disorder in the industry where public resources are mobilized and used for personal gain?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

(a) The proprietors of First Lotto Limited are Mr. Guerrassim Nikolov and Mr. Kiril Kavaletto, both foreigners of Bulgarian nationality.

(b) Yes, I am aware.

(c) The permit was issued in compliance with a court order. The only way the permit can be revoked is through a judicial system or review and can only be filed by the Attorney-General's office, since the Betting, Lotteries and Gaming Act Cap.131 of the Laws of Kenya does not allow for appeal.

The board, in liaison with the parent Ministry and the Attorney-General's office, is in the process of reviewing the Act with a view to accommodating the operations of the national lottery in the country.

To streamline the industry, the Betting Control and Licensing Board, in consultation with the Ministry, has come up with additional regulations and the same are about to be published. Some of the regulations were published on 23rd May, 2003 in the Kenya Gazette Supplement No.47; Legal Notice No.57.

Mr. Kajwang: Mr. Speaker, Sir, you have heard that some two foreigners from Bulgaria came to this country and got a licence irregularly, which means illegally. They then started to collect money from the public purporting to give them some jackpots. These people have been collecting this money until the Betting Control and Licensing Board tried to get rid of them. Then, they went to court and got an order to continue illegally operating in this country. So, the court legalised an illegality. Why is the Government just watching when some two foreigners are ripping money in this country from unsuspecting people?

Dr. Machage: Mr. Speaker, Sir, I confirm that the company was, indeed, issued with a permit irregularly. First Lotto Limited operating LOTO 6/49 applied for a permit to run a public lottery on 20th June, 2002.

Mr. Speaker: Order, Dr. Machage! The issue now is not the circumstances under which it was given. What the hon. Member is asking is: Now that it was found that they were doing so illegally, and they have been allowed to continue doing so by the court, what are you, as Government, doing? What is your reaction to that order?

Dr. Machage: Mr. Speaker, Sir, the board in consultation with the Ministry, is in the process of holding a stakeholders' workshop pertaining to the national lottery. In this workshop, stakeholders will deliberate and suggest ways of harmonising all lotteries with a view to coming up with a comprehensive legislation which will be tabled in Parliament for consideration. However, the Government has taken a bit drastic measure by purging out some of these corrupt magistrates and Judges who may have given us this sort of situation. Really, there is nothing I can do. I am tied by the law.

(Laughter)

Mr. Nyachae: Mr. Speaker, Sir, I do not want to dwell on the question of what the court decided. If the court stopped the Betting Control and Licensing Board from interfering with these foreigners, what is the Ministry doing to cancel their permit so that they can go away?

Dr. Machage: Mr. Speaker, Sir, this company's licence will expire in June, 2004. We do not intend to renew the licence for these lotteries. As I have just said, the Ministry will shortly bring to this House a Bill for enactment of a law that will protect the Ministry from this kind of decisions by the courts.

Hon. Members: On a point of order!

Mr. Speaker: Order! Order, Mr. Assistant Minister! Look at the time we have taken on Questions. This is because sometimes Ministers try to avoid questions. Mr. Assistant Minister, Mr. Nyachae has asked you a very simple question: "These people are operating under what permit,

issued by you, as Government?". That does not require Parliament to give you authority to cancel. What are you doing about the work permit?

Dr. Machage: Mr. Speaker, Sir, I have noted the sentiments expressed by Mr. Nyachae and this House generally, and I will take the necessary action.

Mr. Maore: On a point of order, Mr. Speaker, Sir. I think we are getting into some strange behaviour. Foreigners come into this country and seek work permits. Is the Assistant Minister right to be excited and hurriedly say that he will cancel these people's work permits without knowing that there could be business competitors who could be pushing them out of the business?

Mr. Speaker: What exactly are you saying, Mr. Maore?

Mr. Maore: Mr. Speaker, Sir, what is illegal about foreigners acquiring work permits to work or do business in Kenya?

(Loud consultations)

Mr. Speaker: Order! Order! Mr. Maore, first of all, that was not a point of order. You were actually attempting to answer the Question and you have no capacity to do so, because you are not the Minister in charge. So, please, relax.

Could we have the last question on this matter from Mr. Kajwang?

Mr. Kajwang: Mr. Speaker, Sir, I thank you very much for assisting. Now, foreigners who come to this country to do illegal business should be asked to go home immediately.

Many countries in the world have national lotteries, which are tendered for and undertaken by professionals. Lotteries help in many good causes. Why does this country not have a national lottery? Why is there no plan for a national lottery? Is it that some people are interested in the lottery business for themselves?

Dr. Machage: Mr. Speaker, Sir, as a Ministry, we have noted that there is no national lottery in this country and we are taking action. We will have a national lottery introduced very soon.

Mr. Speaker: Next Question, Mr. Leshore!

Mr. Leshore: Mr. Speaker, Sir, before I ask the Question, there is a small error in part (b), which I would like to correct.

Mr. Speaker: What is the error?

Mr. Leshore: Mr. Speaker, Sir, part (b) should read "Could the Minister urgently allocate funds to set up Kainuk, Archers-Post, Garissa and Halal Abattoirs to serve these pastoralist areas?"

Mr. Speaker: Oh, yes, that makes sense. Mr. Minister, did that amendment to the Question cause any trouble to you?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Not quite, Mr. Speaker, Sir.

Mr. Speaker: Very well, let us proceed!

MEASURES TO PROTECT LIVESTOCK INDUSTRY

Mr. Leshore: Mr. Speaker, Sir, I beg to ask the Minister for Livestock and Fisheries Development the following Question by Private Notice.

(a) In view of the looming drought in the northern districts, what step is the Minister taking to ensure that the livestock industry, which is the backbone of pastoralists, will not be devastated?

(b) Could the Minister urgently allocate funds to set up Kainuk, Archers-Post, Garissa and

Halal Abattoirs to serve these pastoralist areas?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, I beg to reply.

(a) The Government is closely monitoring the situation in the ASAL areas. In the event that the situation deteriorates further, the Government will, jointly with other development agencies, take appropriate drought intervention measures. However, we have received information that the situation has improved over the last two weeks due to rain precipitation over a wide area of the ASAL areas. This has led to improved access to water by livestock, while the pasture situation is improving. The Government will continue to closely monitor the emerging trends.

(b) Kainuk, Archers-Post, Garissa and Halal Abattoirs are private sector investors. It is not currently a Government policy to allocate funds to private sector investors. However, the Government is ready and willing to provide an enabling environment to the private sector to invest in regional and satellite abattoirs to serve pastoral areas.

Mr. Leshore: Mr. Speaker, Sir, it is sad for the Minister to say that the drought situation in the ASAL districts is improving. I am just from a tour of my constituency, in the company of the Departmental Committee on Agriculture, Lands and Natural Resources, which had toured areas affected by drought. The Committee reported from my district that the situation was getting worse. I do not know where the Minister got the information that the situation is getting better. Even the National Cereals and Produce Board (NCPB) depots are empty. So, what is the Minister doing to ensure that the situation among pastoral communities is improved?

Mr. Munyao: Mr. Speaker, Sir, the hon. Member has raised two issues. One is the need to safeguard livestock to overcome the drought and the other is about financial assistance to slaughterhouses in ASAL areas. The truth is that, in the last three days, it has been raining in those areas. Even if it had not rained, the Government has plans to sink boreholes in those areas to safeguard the lives of livestock, because livestock produce is our number one income earner.

Secondly, we have had consultations with the African Development Bank (ADB), which has given us Kshs2.7 billion. Part of that money will be used to provide water to those areas. The water will help the abattoirs mentioned by the hon. Member.

Mr. Ethuro: Mr. Speaker, Sir, I hate to contradict the Minister, who is a good friend of mine, but he does not seem to understand the Question. Kainuk, Archers-Post and Garissa Abattoirs do not even exist. That is part of the recommendations we made to the Government in terms of opening up ASAL areas, so that abattoirs can be set up for our livestock farmers. It is not also true that the situation has improved. I got a phone call this afternoon to the effect that the situation is getting worse.

(Applause)

Now that the Minister is aware that, as part of the Government's commitment to the opening and development of ASAL areas these abattoirs should be set up, could he commit some money to this process? Part of the objective of the Kenya Meat Commission (KMC) was to de-stock in times of drought.

Mr. Munyao: Mr. Speaker, Sir, I am in no way misinforming this House. What I have said is in conformity with the Government's policy of taking services closer to the people. We are actually encouraging the opening up of abattoirs in areas where livestock is available. It was only last week when I clarified that we are encouraging the private sector to venture into the upper parts of the North Eastern and Rift Valley Provinces, as well as in Lokichoggio area, and invest in mobile slaughterhouses, so that livestock traders do not have to trek long distances to Nairobi. So, there is

no confusion about this matter. We have, in fact, assured livestock farmers that we want to assist them by sinking more boreholes, so that livestock can access water.

Mr. Leshore: On a point of order, Mr. Speaker, Sir. Is the Minister not misleading the House by saying that they are encouraging private investors to invest in mobile slaughterhouses? Who are these private investors they are encouraging to come and invest in those areas when the World Bank and the International Monetary Fund have just told the Government not to start operating the KMC?

Mr. Munyao: Mr. Speaker, Sir, there is no confusion in that matter. When we talk about private investors, we talk about Kenyans. We want Kenyans, including Mr. Leshore and partners, to borrow money from financial institutions and invest in those areas. In fact, livestock farmers in his constituency know him very well and he can be assured of their co-operation.

Ms. Abdalla: Mr. Speaker, Sir, the answer to this Question has contradicted one of the NARC Government's rhetorical promises to the arid areas of this country. The promise by the NARC Government was to revive the Kenya Meat Commission (KMC) and not to decentralise abattoirs. Could he clarify whether the policy has changed?

Mr. Munyao: Mr. Speaker, Sir, I have now confirmed why people must go to church or mosque every six days to be re-told the word of God. They forget so quickly. I have stood in this House and **[Mr. Munyao]** confirmed that the re-opening of KMC will not affect the opening of abattoirs in other areas. Mr. Speaker, Sir, we, as the Government, have got a policy to encourage satellite abattoirs so that the movement of animals could be minimised. How many times do I have to repeat one word? People must go to church every Sunday---

Mr. Speaker: Order, Mr. Minister! As much as you want us to go to church, we must remain in Parliament in the meantime! Members are asking you to tell the House when you are going to open the KMC.

Mr. Munyao: Mr. Speaker, Sir, I am proud of you because you ask me direct questions. The KMC is going to be opened very soon.

(Laughter)

Ms. Abdalla: On a point of order, Mr. Speaker, Sir. This is a very serious issue! The Minister is telling us that the KMC will be opened very soon. We requested for a Ministerial Statement over five weeks ago. If the Minister truly goes to church, he should provide what he promised.

Mr. Munyao: Mr. Speaker, Sir, that is yet more confusion! I would like to refer the Member and the Chair to the HANSARD. I was requested to make a Ministerial Statement last week and promised to issue one this week. Today is not the first or the last day of the week. There is still another day!

(Laughter)

Mr. Speaker: Well, last question, Mr. Leshore!

Ms. Abdalla: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Sorry, Ms. Abdalla! Relax!

Mr. Leshore: Mr. Speaker, Sir, you can see how the Minister is answering this Question casually. That is because he does not come from a pastoral area. If he was from Lokitaung or North

Eastern Province, he would have answered us properly.

Mr. Speaker, Sir, could you advise the Minister to come up with proper policies? He should not just sit in the office and tell us: "The policy is coming!" Which policy is that? He should tour those areas, come and tell us: "Kainuk, Archers-Post, Garissa and Halal deserve urgent Ministerial action!" That would enable the pastoralists to enjoy the fruits of the NARC Government.

Mr. Munyao: Mr. Speaker, Sir, although that was addressed to the Chair, let me say one thing. I have held several meetings which with pastoralists. I am on record as having declared myself a pastoralist and I repeat, I am a pastoralist! I love livestock! I am a farmer. What I am saying here is the gospel truth.

The commitment is there; to open abattoirs and to support private investors in those areas. The KMC is a different matter and I will bring a Ministerial Statement to this House.

Mr. Speaker: Very well! Next Question, Mr. Munya!

GOVERNMENT EXPENDITURE ON CKRC

Mr. Munya: Mr. Speaker, Sir, I beg to ask the Minister for Justice and Constitutional Affairs the following Question by Private Notice.

(a) How much money has so far been spent on the constitutional review process by the Constitution of Kenya Review Commission (CKRC)?

(b) Could the Minister give a breakdown of funds spent on particular items?

(c) Were the Government laid down procedures followed in the procurement of various services by the Commission?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I beg to reply.

(a) The total amount spent by the Commission from July, 2001 to date is Kshs1,863,000,930. Prior to that, the Commission's funds were administered initially by the Office of the Attorney-General and, subsequently, by the Clerk of the National Assembly.

(b) A breakdown of expenditure on particular items is attached. I will lay it on the Table because there are too many items.

*(Mr. Githae laid the list of items
on the Table)*

(c) The Commission follows public procurement regulations as set down by the Exchequer and Audit Act (Public Procurement Regulations, 2001). A tender committee to oversee the procurement has been constituted as required by the regulations. Further, on Commission's request, a procurement officer to preside over procurement transactions has been seconded from the Treasury.

Mr. Speaker, Sir, all procurement is done through competitive quotations under constant scrutiny by relevant Government organisations. Indeed, whenever there is doubt on any procurement matter, guidance and authority from the Ministry of Finance, Controller and Auditor-General and of the Director of Procurement has always been sought.

The accounts are under continuous scrutiny from the Controller and Auditor-General and, whenever audit queries have been raised, they have been answered affectively and timeously.

Mr. Munya: Mr. Speaker, Sir, the Assistant Minister has not answered part (c) of the Question. The Question is: "Were procurement procedures followed?" Were tender committees set up and tenders invited for the various items in the list?

Mr. Speaker: Mr. Munya, he said "yes". Any further question?

Mr. Munya: Mr. Speaker, Sir, what the Assistant Minister has said is that a tender committee has been appointed. My question is: Was that committee appointed before or after the tenders were given?

Mr. Githae: Mr. Speaker, Sir, it was done before the tenders were given. That is a continuous exercise. Unless he specifies what items were purchased, it is difficult to tell him.

Mr. Obwocha: Mr. Speaker, Sir, in view of the fact that Bomas III is opening in January for another round of talks, how much money will the Government release up to the completion of the exercise, which this House gave mandate up to 30th June, 2004?

(Applause)

Mr. Githae: Mr. Speaker, Sir, as far as Bomas III is concerned, Members should not have any worry. The amount of money requested by the CKRC will be given because the Government wants to see that exercise come to---

Hon. Members: How much?

Mr. Githae: Mr. Speaker, Sir, they have just prepared their budget. But on average, every session of the Bomas conference costs about Kshs400 million.

Mr. Angwenyi: Mr. Speaker, Sir, the matter of the constitutional review process is taking a very strange direction. We are hearing statements being issued by various people on behalf of Parliament.

Mr. Speaker, Sir, I would like to know who should give statements on behalf of Parliament. Is it the Speaker or Mr. Muite?

(Applause)

*(Mr. Githae walked towards
the Dispatch Box)*

Mr. Speaker: Mr. Githae, you are not Mr. Speaker! Are you? You want to give it on my behalf?

Mr. Githae: No, Mr. Speaker, Sir! I was just standing.

(Laughter)

COMMUNICATION FROM THE CHAIR

CHAIRMEN OF PARLIAMENTARY COMMITTEES HAVE NO AUTHORITY TO COMMUNICATE
WITH OUTSIDERS ON BEHALF OF PARLIAMENT

Mr. Speaker: Well, I am glad that Mr. Angwenyi has raised that issue! I think a very dangerous trend is emerging where Members and chairs committees speak and write on behalf of Parliament, even before bringing a report to Parliament for approval. May I state here that, no individual Member or chairman of any committee has authority to communicate on behalf of Parliament to the outside world.

(Applause)

Such communication is an insult to the Speaker and the Clerk of the National Assembly and as

Parliament in its corporate body. I have seen hon. Members write to various Government departments on behalf of Parliament. I have seen, even recently, I think yesterday, a letter written again by a chairman of a committee to a particular firm, soliciting for services on behalf of Parliament. These things must stop! I want it to be understood that, for the time being, the person with the mandate is the Speaker of National Assembly, now standing before you. I do not know of any other Speaker who will speak on behalf of the House. So, will all and sundry be informed; keep your peace. As far as Parliament is concerned, I am the spokesman for Parliament. So, let it remain that way absolutely. Mr. Muite must be informed, wherever he is, that he should cease to write letters to Government departments in the name of Parliament. He may write as the hon. Paul Muite, Member of Parliament for Kabete. That is the end of it.

(Applause)

Dr. Khalwale: Mr. Speaker, Sir, according to this breakdown, Kshs3.6 million was spent on official entertainment and Kshs61.7 million was spent on honorarium. Could the Assistant Minister define to us what the "official entertainment" was and who got the money for honorarium?

Mr. Githae: Mr. Speaker, Sir, for the honorarium, it was the various people who have done some services for the Commission. They are people who may have helped the Commission in one way or another, without there being a specific contract of employment. Those are the people who were paid honorarium. For entertainment allowance, the Commission entertained visitors who have been of help to the Commission. These are some professors and even I think some experts on law. So, those are the ones who were being entertained.

Mr. Speaker: Very well. That is the end of Question Time!

Mr. Munya: Mr. Speaker, Sir, I have one last question.

Mr. Speaker: Yes! Last question. I am sorry! Order, hon. Members! Just before you move out, at the end of this, how many hon. Members wanted Ministerial Statements? I have the hon. Assistant Minister for Justice and Constitutional Affairs, Mr. Githae, who will issue a Ministerial Statement on the state of the constitutional review talks at Bomas of Kenya. I have hon. Sambu requesting a Ministerial Statement from the Office of the President. Mr. Salat, did you ask me something about requesting for a Ministerial Statement? Do I really know what it is? Did you ever get in touch with me about anything?

Mr. Salat: Mr. Speaker, Sir, I requested a Ministerial Statement from the Office of the President.

Mr. Speaker: Alright! I think those were the ones I had.

Mr. Angwenyi: Mr. Speaker, Sir, there was even a Ministerial Statement which was promised to be issued today concerning the murder of the late hon. Magara.

Mr. Speaker: Order! I am unaware of that one. So, that is the end of it.

Mr. Munya with the last question!

Mr. Munya: Mr. Speaker, Sir, the breakdown indicates that Kshs47 million was spent on transport and operations and since the Assistant Minister states that all the services were tendered for, could he tell us which company won the tender for transport and operations and who are the other bidders?

Mr. Githae: Mr. Speaker, Sir, this is the amount that was spent on transport, petrol and other expenses on the Commission while visiting various places and hosting various conferences.

Mr. Speaker: Very well. That is the end of Question Time.

Mr. Assistant Minister for Justice and Constitutional Affairs, could we have your Ministerial Statement?

MINISTERIAL STATEMENT

STATUS/PROGRESS OF CONSTITUTIONAL REVIEW PROCESS

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, on Tuesday, the 18th of November this year, hon. Peter Castro Oloo-Aringo, nominated Member of Parliament, requested a Ministerial Statement on the status and progress of the constitutional review process of Kenya as at Monday 17th November this year.

I beg to issue the following Statement.

Mr. Speaker, Sir, a new Constitution is a prerequisite for our national construction and establishes a conciliation of an open democratic government, enjoyment of human rights, social development and economic prosperity which we promised the people of Kenya. We have no doubt that we shall deliver on this important promise. As you are all aware, the constitutional review process has taken a long and difficult road. The review process dates back to the early 1990s. Politicians, religious groups and the civil society worked together to ensure that the process started and was carried on with great risk being placed on their personal safety.

With the advent of multipartyism, the need for the constitutional review process intensified with groups such as the National Convention Executive Committee (NCEC) and the National Council of Churches of Kenya (NCCCK) and others taking an active part.

Mr. Speaker, Sir, this House has taken a leading and key role in nurturing the process since 1997 and had to prod the previous Government ever so often, which rampantly worked with the rest of the country to move the process forward. The present Government fully appreciates this role played by Parliament.

Mr. Speaker, Sir, over the past five years, the Constitution of Kenya Review Act has, itself, been reviewed a number of times to accommodate and ensure the constitutional review process remains on course. Over this period, the principal statutory organ of the management of the review process, the Constitution of Kenya Review Commission (CKRC) has worked through its secretariat, various committees, public hearings, workshops and seminars, provincial and district visits all round the country. The Commission also actively provides civic education to ensure an informed participation by the people of Kenya in the review process. To this end, a national and district documentation centre and a library are operational at the secretariat, accessible daily to the public as is the Commission's website.

Mr. Speaker, Sir, having undertaken all the above, we are now at the National Constitutional Conference or the Bomas stage. The conference, as you know, was initially scheduled to commence on 23rd October 2002 but was postponed due to the general elections.

The first phase, therefore, commenced on 28th April this year. On 8th May this year, general debates on the various chapters of the Report and draft Bill began through an enigmatic computerised debate and a comprehensive overview. Presentations were made at the plenary and at the end of this phase, on 6th June this year, a total of 753 substantive speeches had been made.

Mr. Speaker, Sir, the second phase commenced on 18th August this year. Work on the 13 technical committees started after the burial of our late Vice-President, hon. Michael K. Wamalwa, on 6th September this year. To facilitate discussions, each committee was supplied with summaries of the plenary debates and verbatim records. Good progress was made with an average progress rate of about 60 per cent. Three committees, defence and national security, leadership and integrity and constitutional commissions have attained a completion rate of 90 per cent as at the date of the adjournment of the Conference which was on 26th September this year.

The Parliamentary Select Committee, the House Business Committee and the Constitution of Kenya Review Commission jointly deferred the commencement of the Third Session of the

National Constitutional Conference to 12th January 2004 due to the heavy workload of the National Assembly that had accumulated and which needs immediate attention. Members of Parliament, as you know, form one-third of the delegates at the National Constitutional Conference and it would be a great disservice to the review process if we were not afforded the opportunity to participate fully and actively at the Conference and yet matters such as Government operations and the economic recovery programme would be impeded if the House did not attend to its urgent business before the end of the year.

The Government is fully committed to the constitutional review process and will continue to totally support the work of the Constitution of Kenya Review Commission in general. As a Government, we have a duty to ensure that the 30 million Kenyans will have a sound, democratic, affordable and workable Constitution by the end of June next year.

Thank you.

Mr. Speaker: Who had requested for that Ministerial Statement? Mr. Oloo-Aringo is not there. So, I will allow only Mr. Angwenyi, to seek clarification.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. This country is slowly moving towards chaos. Our Constitution can land us in chaos. I have not known any organisation in the world whose chairperson takes the organisation to court. I have not seen one organisation in the world where the chairperson of that organisation pickets against the same organisation. What I am saying is this: It is this Parliament which delegated its function of amending the Constitutional to the Constitutional Review Conference. Therefore---

Mr. Speaker: Order, Mr. Angwenyi! Let us get this right. It is not debate time!

Mr. Angwenyi: Mr. Speaker, Sir, let me seek clarification---

Mr. Speaker: Order, Mr. Angwenyi! You will seek clarification from the Assistant Minister on what he has said, but not what he has not said!

Mr. Angwenyi: Mr. Speaker, Sir, could the Assistant Minister clarify to this House whether the Constitution Review Conference can actually amend the Constitution successfully?

(Laughter)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, the Constitutional Review Conference has power and authority to prepare a new Constitution for this country. However, there have been various views that actually, as per the current Constitution, Parliament has only authority to amend and not to pass a new Constitution.

Mr. Speaker, Sir, we shall come to that when we reach there. Let us not cross bridges before we reach them.

Mr. Speaker: Very well. That is the end of that matter.

POINTS OF ORDER ARREST OF MR. AGGREY RONO

Mr. Sambu: On a point of order, Mr. Speaker, Sir. I rise to demand a Ministerial Statement from the Minister of State, Office of the President concerning the circumstances that led to the arrest and incarceration of one Mr. Aggrey Rono of Kabiyeet PAG Church. I further demand investigations by the Kenya Human Rights Commission (KHRC) as to why this church elder has been held illegally since his arrest on 13th November, 2003 to date. The investigation should find out whether bribery was used to influence the arrest of the said Mr. Aggrey Rono.

RE-APPOINTMENT OF ENG. GADAYO

Mr. Salat: On a point of order, Mr. Speaker Sir. I rise to demand a Ministerial Statement from the Minister of State, Office of the President regarding the purported re-appointment of a retired public servant cum-politician by the name of Eng. Joseph Gadayo as a Principal Superitendant Engineer, Job Group "Q", at the Ministry of Roads, Public Works and Housing.

I would like an answer from the Minister on the following: One, why the public servant has not been subjected to the normal Public Service Commission reinstatement interviews.

Secondly, what is special about the former public servant that led to his reinstatement one week after he failed to be nominated to vie for the Kajiado South Parliamentary seat?

Mr. Speaker: Very well. Hon. Members, that now ends Question Time.

Mr. Kimeto: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order!

Mr. Kimeto: On a point of order, Mr. Speaker, Sir. Can I be allowed to ask my Question---

Mr. Speaker: Order, Mr. Kimeto!

(Laughter)

Mr. Speaker: Mr. Kimeto, you are late. The Question fell on its face and it is not before the House any more. Go look for it somewhere else. Please, relax for that matter is finished!

(Loud consultations)

Order, Members! Hon. Members as you can see, we have taken two hours on Question Time. This is the last time such a thing will ever happen. It will be strictly one hour for Question Time. So, please be ready for that, beginning Thursday.

I wish, again, to repeat that the operations of this Parliament must respect its rules. Committees must make Reports to this House for it to either approve or disapprove of those Reports. Pending the acceptance of the House, no Chairman of the Committees is allowed to speak on behalf of the House. Even after the Report has been accepted by the House, it will be implemented by the Speaker and the administration of Parliament. Let us get that absolutely clear.

Secondly, no Chairperson of any Committee is allowed to write to private firms and individuals seeking to acquire services or goods for Parliament. It is, indeed, criminal. It is the duty of Committees, in a meeting, to pass resolutions on what they want and they will leave that to the administration of Parliament, that is, the Secretariat, headed by the Clerk of the National Assembly to effect those resolutions in accordance with the laid down regulations for acquisition of goods and services for the time being in force in Kenya.

This House must set the standards of transparency and honesty. I hope that no hon. Member will ever, again, write to any firm or individual pretending to be acting on behalf of Parliament. In the event that they do so, requisite action shall be taken. Let that be absolutely clear.

Next Order!

BILLS*First Reading*

THE PRIVATISATION BILL

(Order for the First Reading read - Read the first time - Orderd to be referred to the relevant Departmental Committee)

Second Reading

THE REFUGEES BILL

(The Minister of State, Office of the Vice-President and Ministry of Home Affairs on 20.11.2003)

(Resumption of Debate interrupted on 20.11.2003)

Mr. Wario: Ahsante, Bw. Spika kwa kunipatia fursa hii. Ningependa kumshukuru Waziri ambaye aliwasilisha Mswada huu na vile vile kuipongeza Serikali kwa kujali maslahi ya wakimbizi ambao idadi yao ni takriban 230,000.

[Mr. Speaker left the Chair]

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

Nina matumaini kwamba Bunge hili litakubali kwamba chimbuko la ukimbizi duniani, licha ya kuwepo na majanga, ni utawala mbaya. Utawala mbaya unachangia kusambaratika kwa mataifa mbali mbali na hatimaye wananchi kutoroka kutoka makwao. Sio kupenda kwa mtu kuikimbia nchi yake, jamii yake na mali yake kwenda kuhangaika katika nchi geni. Ukimbizi ni hali inayomlazimu mtu kuiacha ardhi yake, wazazi wake na mali yake kwenda kuhangaika katika nchi geni.

Natumai Wabunge wenzangu watakubaliana nami kuwa tatizo la ukimbizi halikuanza jana na Wasomali, Wahebeshi wala Wasudani. Hili ni tatizo ambalo limekuwepo duniani tangu jadi. Mitume kadhaa walilazimika kuondoka katika nchi zao kwenda kutafuta usalama katika nchi jirani. Hivyo basi, wakimbizi wanapotafuta makao, wanastahili kukaribishwa kwa huruma na kusaidiwa.

Bw Naibu Spika wa Muda, nimesimama ili kuipongeza Serikali kwa sababu wamejaribu kuleta sheria na sera ambayo hatukuwa nayo zamani. Ni lazima tuwe na sera ambayo itaweza kuzingatia vile tutakavyowakaribisha watu hawa. Tunapozungumza kuhusu watu laki mbili au laki tatu, bali na idadi ya watu wa nchi yetu yenyewe, hawa ni watu wengi ambao ni lazima Serikali iwe na mpango na sera maalum ya kukabiliana na watu hawa, kwa sababu sisi wenyewe tuna matatizo yetu kama Wakenya. Tuna matatizo, kwa sababu, ninavyozungumza hivi sasa, kuna watoto kadha wa kadha ambao wako barabarani na hawana kazi. Tutakapowakaribisha watu laki tatu, ni lazima tuwe na sera na mwongozo unaotuelekeza ni vipi tutawakaribisha, muda gani tutawakaribisha na ni wapi katika nchi yetu tutawakaribisha. Bw. Naibu Spika wa Muda, kila tatizo lina uzuri na ubaya wake. Licha ya vile nilivyosema ya kuwa, tuwe na huruma tunapowakaribisha watu hawa katika sehemu fulani katika nchi hii, kuna matatizo ya aina mbali mbali yaliyosababishwa na watu hawa. Kwa hivyo, kama nilivyosema hapo awali, ni muhimu tuwe na sera inayoweza kuzungumzia ni vipi tutawakaribisha watu hawa katika nchi yetu. Mimi nilibahatika kufanya kazi katika kambi ya wakimbizi. Watu hawa

wana matatizo ya aina mbali mbali. Kuna mama wengine waliobakwa katika nchi yao wakati wa vita na wengine walijeruhiwa. Sasa, ile tume ya Umoja wa Mataifa inayoshughulikia Wakimbizi huwa inashughulikia kila mmoja wao kidharura. Hapa tunataka kubuni tume ambayo itawashughulikia wakimbizi. Mimi, niliyewahi kufanya kazi katika kambi ya wakimbizi, ningependa kuijulisha Serikali kwamba, hali ya kuwakaribisha wakimbizi katika nchi ni shughuli ghali sana. Serikali itakapounda hii tume, inafaa iangalie masuala ya wakimbizi kindani, na sio kwa juu, kwa sababu watu hawa wana matatizo ya kipekee. Hivyo ndivyo tume hiyo itakavyoweza kushughulikia matatizo ya wakimbizi hao. Ndiposa ninasema kwamba, hata kama tutakuwa na tume itakayowakaribisha wakimbizi hapa nchini, baadhi ya wajibu usiondolewe kwa Umoja wa Mataifa. Ni muhimu Umoja wa Mataifa ubaki na wajibu fulani unaohusiana na kuwakaribisha na pia kuwapeleka wakimbizi hao katika nchi ya tatu.

Bw. Naibu Spika wa Muda, wakimbizi wanapotoka kwao, huwa wanapitia hapa kwetu Kenya ili wapate kupumzika na pia kutafuta njia ya kwenda katika nchi ya tatu, kwa sababu wana matatizo ya kiuchumi, kielimu, kiusalama na pia, kwa sababu hawawezi kupata suluhisho lolote katika nchi yetu. Lengo lao ni kutoka katika vita, kutulia na kupita kuelekea mbele. Basi, tutakapokuwa na tume inayoshughulikia wakimbizi, inafaa iangalie ni njia gani itakayotumiwa kuwapitisha watu hawa hadi nchi ya tatu, maanake iwapo tutasema kuwa idadi hii ya wakimbizi waishi hapa nchini na wawe Wakenya, nafikiri itakuwa vigumu sana. Hii ni kwa sababu kila wakati amani itakaposambaratika katika nchi fulani halafu tuwachukue watu hao ili waishi hapa na wawe Wakenya, huo utakuwa mzigo mkubwa. Ni lazima tume hii iwe na mbinu ya kuwakalisha nchini kwa muda, halafu iwapitishwe kwa nchi ya tatu ili waweze kuendelea na hali yao ya maisha ya kila siku.

Bw. Naibu Spika wa Muda, Mswada ulioko mbele yetu unasema kwamba wakimbizi wafaa wakae mahali popote katika nchi watakayo. Ni sawa, mimi sina shaka na hoja hiyo. Lakini ni vizuri wale wakimbizi wanaojimudu kuishi mahali wanapoweza, waishi mahali hapo. Lakini kuna wakimbizi wengine wasioweza kujimudu na ambao wanastahili kukaa kambini. Kwa wakati huu nchi yetu yenyewe ina matatizo fulani ya usalama. Kwa hivyo, tutakuwa na mzigo mkubwa wa wakimbizi kutoka nje, ikiwa tutawaruhusu kukaa mahali popote wanapotaka. Ninavyozungumza, mimi ni mfugaji, na kuna wakimbizi wengine ambao wameingia katika nchi hii na mifugo yao na kwa hivyo, tusipokuwa na sera maalum kuhusu vile watu hawa wataishi, na ni wapi wataishi, watakuja kupambana na Wakenya wengine, na baadaye kutakuwa na matatizo makubwa. Mara kwa mara, tumesikia matukio mengi kutoka Turkana; wakimbizi na wananchi wamezozana mara kwa mara. Ni vizuri tuwe na sera maalum na tukubaliane kuwa, ingawa wakimbizi wataruhusiwa kukaa nchini, wale watakao kaa mahali popote wanakotaka, ni wale wanaoweza kujimudu kimaisha. Isiwe kila mtu anaruhusiwa kurandaranda katika nchi.

Bw. Naibu Spika wa Muda, wakimbizi hawa wanateswa sana na polisi. Polisi wanapojua kwamba mtu fulani ni mkimbizi wao huwa wanamshika kama muuaji. Ni vizuri kuwa na sera ambayo itawalinda watu hawa dhidi ya polisi wafisadi ambao wanawahangaisha watu hawa bila kujali utu na ubinadamu wao. Kifungu Nambari 4(a) kinazungumzia mambo mengi; kwamba mtu hataruhusiwa kuwa mkimbizi katika nchi ya Kenya iwapo amehusika na mambo fulani ya kisiasa au mambo ya kigaidi. Kifungu hiki kinafaa kuangaliwa kwa makini, na ikiwezekana kirekebishwe, kwa sababu, kama ujuavyo kuna mizozo ya kisiasa katika nchi nyingi katika bara la Afrika. Kama upinzani utakuwa ndio siasa mbaya itakayosababisha kutomruhusu mkimbizi nchini, basi ni watu wengi sana watakaokosa hifadhi katika nchi ya Kenya.

Bw. Naibu Spika wa Muda, kuhusiana na shughuli ya ugaidi, natumai kwamba Bunge hili linakumbuka kuwa mwanzilishi wa taifa, Mzee Jomo Kenyatta, alitwa gaidi wakati fulani. Bunge hili pia litakumbuka vizuri kuwa Nelson Mandela pia alitwa gaidi. Kwa hivyo, ni lazima tujue

maana ya ugaidi. Kwa nini wazungu wakuite gaidi wakati wanapopenda, na shujaa wakati inawafaa? Tukitumia kifungu kama hiki katika sheria, tutakuwa tunawanyima wale wanadamu ambao wanakimbilia katika nchi yetu ili wapate usalama, haki za kibinadamu. Kwa hivyo Kifungu Nambari 4(a) kinafaa kurekebisha, kwa sababu vile kilivyo sasa, kina matatizo na hakiwezi kuhakikisha haki kwa wale wanadamu ambao wamekosa usalama katika nchi yao kuja kutafuta hifadhi katika nchi yetu.

Kwa hayo machache, naomba kuunga Mswada huu mkono.

The Assistant Minister for Agriculture (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I stand to support the Bill and, in so doing, I wish to thank the Government and the Ministry for preparing this particular Bill and bringing it to the House, as it is long overdue.

Mr. Temporary Deputy Speaker, Sir, the reason people leave their countries to go and live in strange countries is not because they want to live in those strange countries. People live in those countries because they have found it impossible to live in their countries for either political, economic or whatever reasons. Those are the reasons why people leave their countries to come and stay in our country. For those of you who read the Bible, it is very clear that a nation which accepts refugees; looks after people in trouble when they come to their country, feed and clothe them, will be blessed. No wonder, Kenya has been blessed. Today, we have close to 300,000 refugees in this country. It is important for us to continue to look after them. I belong to a group of thinkers who say that we must look after refugees better than we have done in the past. If you look at refugee camps, for example, Kakuma and other camps in northern Kenya, you will find that they are situated in very hostile environments. You just have to pray that one day, you do not become a refugee in another country because you will live under the same hostile conditions.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Ministry because it is beginning to recognise the need to look after refugees in a better way than we have done in the past. In the past, we felt that it was the responsibility of the United Nations High Commission for Refugees (UNHCR) and Non-Governmental Organisations (NGOs) to look after refugees. Today, we enjoy a lot of goodwill because of the many Ugandan refugees that we looked after in the 1970s. They lived here; we gave them opportunities to go to school and medical care. We also gave them opportunities to even move forward to third countries. That is one of the reasons why today we enjoy good relationship with the people of Uganda. We must, therefore, as a nation, look at it from a positive point of view. We should not only look at the negative side; that refugees are eating into our resources, messing up our schools, spoiling our environment in northern Kenya and causing clashes with the local communities. We must look at the positive side that once they leave this country, once there is peace in their countries, they will go back as the best ambassadors for Kenya. We have seen this with our friends from Uganda. Let it be said the same when the Sudanese situation is sorted out. Let it be said the same when Somalia is a state. Let us help refugees to recreate their nations like we are doing in Mbagathi. That is the way to look after refugees. therefore, instead of us being dependent on the UNHCR and only giving refugees a temporary place as we find homes for them in Europe, we should talk to the UNHCR and other agencies to help us, so that we can make the refugees' lives in Kenya more hospitable than it has been. I know this is difficult for some of our communities who live next to states like Ethiopia, Somalia and others where there are problems. I know it is not easy, but as I said, it is Godly to look after refugees. That is a command. We are commanded in the Bible that we must look after refugees because one day they will look after us and God will bless those nations.

Mr. Temporary Deputy Speaker, Sir, when I was a student many years ago, we had refugee students in Alliance High School. They later on in life became very senior people in various organisations and I have seen them help Kenya. I have seen them being very useful to Kenya. That

is why I am convinced that we must not always look at the negative side of refugees.

As we emphasise the role of the UNHCR in the issue of refugees, I want to thank the Government for creating a special office in the Ministry to look after refugees. It should not be perceived as a temporary thing. We, as a nation, will look after refugees. We will be fully in charge and that office will be more active than it has been. Instead of putting refugees in remote areas under a District Commissioner, we will have a commissioner. We will have a secretariat within the Ministry that will be responsible on a daily basis for refugees and ensure that they live in better conditions.

With those few remarks, I wish to thank the Government and I support the Bill.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I also wish to support this Bill. Hon. J. Nyagah has correctly said that there is a lot to read in the Bible. I think he is more conversant with the Bible than me. But one of the earliest refugees that we read about in history are in the Bible and the Koran. One of the most notable refugees was Jesus Christ himself and also Mohammed, as the Koran will say. This is an age-old problem. We have to reckon that, as long as humanity is on this earth, we will live with this problem.

It is appropriate that we are now addressing it. I am aware that for 12 years, the stakeholders in this industry have been pressing for this Bill to come up, but there was a lot of resistance to this Bill because of our internal contradictions in our body politic. While we intended to take care of refugees, at the same time we were creating conditions for internally-displaced people. The Government lacked the moral authority to bring a Refugees Bill at that point in time. But with the changed situation on the ground and improved governance, I must thank the NARC Government for having brought this Bill finally.

Mr. Temporary Deputy Speaker, Sir, to be able contain the issue of refugees, the fundamental issue to address is governance and democratisation. As long as we have not democratised, and our neighbours have not democratised, this problem is likely to recur. Our neighbours; the Sudanese and the Somalis, are engulfed in situations that recreate a climate for refugees. The refugee camps that we have in northern Kenya are products of the instability and lack of peace that is within our neighbourhood. Much as we want to discuss this problem, it is inevitable that we address the fundamental issues of democratisation and proper governance. That is the only way that we will ensure that our neighbours are at peace and there is no need for our neighbours to cross the border and seek protection and refuge in this country and vice-versa.

Mr. Temporary Deputy Speaker, Sir, there are certain elements that need to be defined within this Bill, but I will come to that later. My principal concern is that the Bill has one fundamental omission. I am aware that one hon. Member made this observation last week, that the modern day refugee is partly here because of political persecution which we reckon has been there because of poor governance, but is also here as an economic refugee.

Today, Kenyans, for example, are in many European and Western countries trying to look for greener pastures. The reality of modern day world is such that we cannot sweep this issue under the carpet. This Bill tries to re-enact the rights of refugees as laid down in the 1951 UN Convention on the Rights of Refugees. But so much water has passed under the bridge and now we are in an era of globalisation where we want free trade and movement of people. That is precisely why our people are now moving here and there. You will realise that every Government has put in place certain immigration restrictions that cannot allow free flow of labour despite our lip service to the concept of globalisation.

Mr. Temporary Deputy Speaker, Sir, if you look at the history of colonisation, the Europeans came to Africa, went to America and Australia basically because of the economic pressures at home. The economic recessions that their economies were suffering from pushed them

out of their boundaries to go and explore. Subsequently, because they were looking for greener pastures, they came and took away our land, colonised us and expropriated whatever we had in terms of labour and natural resources. It looks like the chicken have now come to roost for the developing countries. It is now our turn to look for greener pastures in the West. We have economic refugees with very good skills in various areas of technology. However, it is extremely difficult for Kenyans to get visas to go and work in the United Kingdom despite the fact that they are skilled.

Mr. Temporary Deputy Speaker, Sir, we have become victims of modern day policies of the West. For example, when you talk about globalization and if look at the agreements under the World Trade Organization (WTO), all of them are essentially meant to make the world a global village. However, we are no longer a global village. As we try to move our components of production and labour, we find impediments. This is because of the conditionalities that are being attached by our development partners in granting us loans. For example, even for what we are being offered today, we are being told that we have to retrench the civil servants. That creates internal pressure in terms of creation of employment and absorption of people who are leaving our institutions of learning. There is also an exodus towards the West to go and look for greener pastures. It is time the West made a payback because we did accommodate them for 70 years. They exploited our wealth and now they are trying to block us from accessing their markets, particularly in the area of skilled labour.

Mr. Temporary Deputy Speaker, Sir, the Bill would have done some greater justice to address the realities of today; where economic exiles are basically the norm, particularly in this country where we have not had any instability for a long time. There are certain political challenges that we have to face in addressing this Bill. One of them, I have already alluded to. As we try to address the issue of refugees from Somalia, Ethiopia, Sudan and elsewhere, certain things have to cross our minds, as leaders. What are we doing about our displaced people in this country? We have people who have been victims of poor governance and ethnic cleansing. In my constituency, I have about 100,000 people, who were displaced in Molo Town and other areas of Nakuru District. They now live in that town. The Government has not addressed their plight so far. It is important that we, as political leaders, do not to turn a blind eye to the reality that is on the ground. Despite the fact that this House passed a Motion calling on the Government to resettle and set up a commission to resettle the victims of tribal clashes, the Government has been dragging its feet, yet we are so quick to embrace the Refugees Bill. This is, of course, with the hope of getting some handouts from the West. We are also being seen to comply with the United Nations Convention on Refugees (UNCR) demands. We have to be honest with ourselves and begin immediately to address the plight of displaced Kenyans. I hope the Office of the Vice-President and Ministry of Home Affairs will now prepare a Bill that will ensure that we address the issue of internally-displaced people, so that this Government also takes care of their welfare.

Mr. Temporary Deputy Speaker, Sir, this Bill does address one fundamental aspect, which is really for us all to appreciate. It recognises the fact that a refugee has a human right like any other citizen in this country. There are two fundamental human rights that have been taken care of in this particular Bill. One of them is the right to life. The right to life is not merely about protection of one's life, but the right to life has a greater implication according to modern day jurisprudence. One particular constitutional court in India interpreted the right to life as the right to means of livelihood. If you visit the refugee camps in Kakuma, you will find that the refugees are not allowed to leave their camps and come out to the rest of Kenya. This kind of injustice has been addressed. Today they can register themselves and be absorbed within our labour force. That guarantees them, not only protection and the security they lacked from where they came from, but also a means of

livelihood to make the right to life a complete right.

The second human right of refugees that has been basically addressed here is the right to freedom of movement. Putting refugees in camps and confining them there is as good as putting them in a prison or putting them under restriction under the emergency law. The fact that refugees can now move out of the camps after obtaining the identification papers, and also that the host country can now grant them travel documents to move to another jurisdiction, is a major achievement in this particular Bill. All people who support the human rights of the individual should embrace this particular Bill.

I know that there is a lot of hostility between our people and the refugees. I have, on some occasions, visited northern Kenya and particularly the Kakuma camp. The relationship between the Turkana people and the refugees in Kakuma is not the best to talk about. Due to the levels of poverty that the people in our country are experiencing, the refugees are at least assured of a meal through the UNHCR, while our people who neighbour that camp are never sure of where to get their next meal. There is an apparent feeling that the refugees are being treated in a special way. Mr. Temporary Deputy Speaker, Sir, I think, to improve our relationship with the refugees, we need to carry out a civic education programme. This particular Bill should empower the Commissioner of Refugees to aggressively address the issue of civic education to improve the relationship between the host community and the refugees who are already here, so that we do not appear like we are giving foreigners special treatment while turning a blind eye to the desperate plight of our people and more so about hunger.

I was very pleased when I went to Kakuma and saw that the UNHCR has allowed the children of the Turkana community to have the facilities that are offered to the refugees like the primary schools, and the secondary school. That is actually a very positive fact in terms of improving the relationships between the host people and the refugees.

Mr. Temporary Deputy Speaker, Sir, this particular Bill requires our support. In doing so, we should not forget that on many occasions, refugees have brought great benefits to the host countries. I, for one, received my economics education over 30 years ago, in my "A" level from a refugee from Sudan who was my Economics teacher. That person, five years after being my teacher became a Minister in the Government of Sudan. It was a pleasure to meet my former teacher when he was a Cabinet Minister. He did a lot of work for the Kenyan students because that was at a time when we did not have many Economics teachers at our "A" level classes. Refugees in fact, bring benefit to the host country.

During the reign of Idd Amin and partly Obote too, a lot of Ugandans who were trained graduate teachers came to Kenya. Many Ugandan doctors came to practice here in Nairobi and one of them, most notable, is the former late Vice-President of Uganda, Dr. Kiseka, who was a medical doctor here in Nairobi. These people did, in fact, come to boost the welfare of our people. It is not in all instances that refugees should be seen to be taking away the cake from the host country.

Mr. Temporary Deputy Speaker, Sir, I know that there has been a very strange coincidence during the exodus of people from Somali and Sudan, into this country. There has occurred hand in hand with the acquisition of small arms. Strangely enough, we have also had an escalation of crime locally here. The tendency among our people is to pick refugees as convenient scapegoats. Whenever we have had some form of insecurity, the first person we look for is a refugee. This particular xenophobia has to be fought. We have to look at a situation where we can stay as brothers and sisters with the refugees.

It is true that there is great concern about security issues which have to be addressed, particularly after the collapse of the Somali Government, where the refugees came in with small arms. However, that is not a basis to say that we do not want refugees in this country. That is just

coincidental, given that there was war in that particular country. I am sure the Government is able to address the issue of insecurity without having to deny the refugees their fundamental human rights. There is a sense in which refugees, in fact, have been of a great benefit to the host country.

America, in many ways, is a creature of refugees. It is a great country and a super power today, but most of the people who live in America today do not have an America lineage. The indigenous people of the United States of America are the Red Indians. Everybody else has moved there and they have been able to create one of the greatest economies in the world and the most powerful nation today. So, there is a sense in which we should see refugees as coming to add to whatever we have.

Mr. Temporary Deputy Speaker, Sir, similarly when Britain started pushing their prisoners into Australia because of economic pressures, hardly did they know that they would create one of the major modern day nations. Australia was basically a prison camp for criminals in Britain who were being shipped away from home. The modern day Australians were initially refugees. They were migrants to another country. The indigenous people there are hardly heard of. So, we should not be looking at refugees from a negative perspective. They bring very good advantages.

The modern nuclear scientists we have in the world today have had to move from their countries to other countries. During the Second World War most of the people who were nuclear scientists in Germany went to Russia and others America. They are the ones who have made those nations great nations today. I think we have to change our attitudes and begin to embrace refugees as our sisters and brothers. We should also take into account that there are times of peace and war. We have enjoyed relative peace as a nation for a long time, but who can predict where we will be ten years from now? God forbid that we might one day be refugees, but this is the reality of history that people enjoy relative peace and when a period of war comes, they find themselves in strange lands.

By enacting this particular Bill, we are also preparing ourselves in case of such an eventuality because we would like our humanity to be respected. Kenyans who went into exile in the mid 1908s and early 1990s have enjoyed quite some hospitality from the European states, more particularly those who were in the Scandinavian countries. Some of them are hon. Members of this House today. They were able to be treated with great human dignity. They were allowed to work and earn a living. When there was relative peace and stability in Kenya, they managed to come back. Some of them have been elected into this House. So, there is a sense in which we should try and see "positivism" in the way we handle refugees.

I would like to quickly look at some provisions in this particular Bill. One of the things that the preamble to this Bill recaps here is the proclamation and protection of refugees. Clause 2 of the Bill in defining asylum fails to capture this particular preamble. It says that "asylum" means shelter granted by the Government. I would like to propose that "asylum" here should be defined as meaning shelter and protection because that is what refugees need in terms of their security.

Mr. Temporary Deputy Speaker, Sir, an observation has been made on Clause 4(a) of the Bill where it says "a person shall not be a refugee for the purposes of this Act if such person (a) has committed a crime against peace, terrorism, a war crime and so forth." I would like to propose here, and we will also propose at the Committee Stage that we should talk about the crime of terrorism because the perception about terrorism is divided.

Terrorism is, in fact, a political term. As one hon. Member has observed, most of our freedom fighters in Africa, particularly the founding father of this nation, the late Mzee Jomo Kenyatta, was described by the Colonial Government as a terrorist and so was Mandela. There were so many others who were described in such a manner. The Mau Mau which was a liberation organisation was criminalised as a terrorist movement. We need to be very careful with this term.

We need to define clearly the crime of terrorism. That means that in future, if we are going to define a crime called "terrorism", then we need to confine the jurisdiction of this particular Bill to the crime of terrorism, if it will be defined at some point.

In Clause 2, the definition section fails to define what terrorism is. I think we need to define what a crime of terrorism is. If you merely refer to it as terrorism, you might end up with a definition of terrorism as known by George Bush and others who are creating instability around the world today. So, there is need to be more precise in our definition of terrorism, and to put an appropriate Clause 2 in the definition.

In Clause 5, we need to polish up our language. The other day we passed a Bill on gender and this Bill has followed subsequently. If you look at the language of Clause 5, it refers to "his", "we" or "he" and so forth. I think there is need to polish up that language and to include "his" and "her" so that we are clear about the people we are talking about because refugees include women, men and also children.

As far as Clause 6 is concerned, there is need in proposing this particular Committee under Clause 6 to bear in mind what we passed in the gender Bill; that there should be one-third of either gender in the composition. I think that is important and it is in line with what we passed here a few weeks ago. The composition here raises serious questions. If we are going to create an independent body to determine the status of refugees and also the Appeals Board, we have to move from---

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

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I want to thank you for the opportunity to contribute to this Bill. A number of my colleagues who have spoken ahead of me have made very valuable contributions and remarks that I do not want to repeat. I just want to congratulate them.

A refugee, as has been said here, is not necessarily a bad term. I think we should begin to address the term itself as having a human face to it.

Mr. Temporary Deputy Speaker, Sir, we should not think of refugees as bad people. We should think of refugees as a way of life that we may find ourselves in at any time in our lives. Anyone can be a refugee. Politicians are excellent candidates for refugee status. Politicians who are making the laws should be careful not to be put off by the term "refugees". Personally, I came close to being a refugee in 1988. I never became a refugee but what happened is that when I was expelled from the party and lost my seat in this House because of bad party leadership--- You could be expelled and lose your seat the same afternoon. I came very close to being a refugee. So, I have a feeling that anyone of us can be a refugee.

Mr. Temporary Deputy Speaker, Sir, I just want to make a few comments pertaining to what we say and what we do. We say that we want to ensure proper passage, protection and management of refugees. But the case of Kenya has given us doubts as to whether we mean what we say. The refugees are camped in the North, very far from the centre. They are camped somewhere near Garissa. We have given the impression that to be a refugee, you must be put in the most difficult parts of this country, far from the centre. Yet, we are saying that we should give them a life within ourselves. They should not be left in those areas. How can we talk about their security when they are surrounded by insecurity prone areas? So, we make our work difficult when we say one thing and do quite the opposite.

I would like to appeal to the Minister to compensate areas like Turkana and Garissa districts where those refugees are camped. Those people are hospitable. They have actually welcomed refugees. The Government should find a way of compensating those pastoralists who are very hospitable and are receiving refugees. That way, as it has been argued, they will have a chance to reciprocate and give a better environment to the refugees.

I would like to caution that before giving so much power to the police in that regard, they must undergo special training. The Police Force that handles the refugees in this country should be re-trained for that purpose. We hear of so many abuses in the camps. We hear of mistreatment and people losing their valuables. If we have a Police Force to offer security, then they should be re-trained, so that they can have knowledge of human rights and a humane heart. I speak like that because as we go on, a very important question has to be addressed. What happens to the children who are born in the refugee camps? Whose citizens are they? We do not even know who has fathered most of them. If they are fathered by Kenyans, do they acquire citizenship in the refugee camps? Maybe, we have so many Kenyans in the refugee camps at the moment. They are children of Kenyan parentage. So, I would like us to address that matter very seriously because in the refugee camps, we know their number when they come. But after some time, they multiply very fast. We need to sort out who are ours and who are not; so that they could remain and be useful Kenyans.

Mr. Temporary Deputy Speaker, Sir, the Bible clearly says: "Do unto others as you would have them do to you." Many Presidents in Africa today--- Many a great leader in Africa have gone through refugee camps. It is interesting to note that Presidents like Thabo Mbeki of South Africa, Yoweri Museveni of Uganda, Sam Nujoma of Namibia, Paul Kagame of Rwanda and people like Yasser Arafat of Palestine have lived in exile as refugees. Some of them have lived outside their countries, but they were given good treatment wherever they were. Now, some of them are reciprocating. We now have a very good relationship with Rwanda, for example, because many of their people in leadership now were refugees here. They came here and some of them were given jobs to teach in our schools, some did other jobs and they went back and they are now ministers and senior Government officials, and they receive Kenyans very favourably. I had the opportunity to monitor Presidential elections in Rwanda in October this year, and I can say that Kenyans are received very favourably there, because when they were here as refugees, we may have done something good and offered them a home. So, many issues that have been proposed in the Bill are useful.

Refugees, as I have said, are human beings. It is not by choice that they are refugees and we must not make their conditions punitive. If somebody was living comfortably in his or her country-- - We are not saying that we should make them comfortable here, but at least, their conditions should not be punitive. The refugee camps are very unfriendly. If, for example, you are a Member of Parliament and you find yourself being a refugee in another country where you have to live in the conditions of refugee camps as we know them today, you might die faster because you feel as if life has been thrown away. At least, some decent housing should be provided to them and the food rations should also be decent, so that they can feel like they are beginning to be recognised as human beings. The reason they have ran away is because somebody does not want them there and they should go to a place they feel is a transit place, not a permanent settlement, but a place where you will have something to eat and somewhere to sleep which is more comfortable than what I see today in our refugee camps.

However, I have a word of caution. The Commissioner for Refugees Affairs position being created by this Bill is a position of honour. It should not be used by Government to reward political friends or politically correct people. This is not the kind of position for which you just say: "Who supported us in the last elections so that they can fill this position?" This is a position that must be clearly advertised and the most qualified, and most likely, a person of impeccable character appointed; somebody who is going to be able to stand independently and make decisions that are good for the refugees. I fear for the culture of this country that it is possible for a refugee--- In fact, there is talk that many of the refugees living in camps in Kenya already have Kenyan identity cards. How did that happen? Is it because we have officers who are just rewarded with posts as it is

happening today; rewarding political friends? If we do that for positions like this, we may destroy what we are trying to build. We might as well just remain where we are. I fear especially, for the Refugees Status Determining Committee. If the Committee is not made up of men and women of integrity, selected by virtue of their qualifications, we may have people who will be compromised; we may have people who will be determining refugee status left and right, without following the procedures because they can be compromised. As I have said, it is already clear that it is easy to compromise Kenyans. My fear is that the Government will use this opportunity to create jobs. If that is the case, Government should find young people who are also looking for jobs. It is very clear in this country that positions like this will be created for retired senior citizens. These are people who are tired, retired and they come back again to do this kind of work. The Commissioner of Refugees must be a very active person; a person who is able to liaise, co-ordinate and run around, if possible, whenever there is a crisis in the offing. Finally, I would like to ask that we do not leave the determination of Clause 15 (2) (a) and (b) just to the Minister and a Gazette notice. We should not just say that the Minister will gazette the places that are good for transit of refugees or where the camps should be because that can be abused. I think we should make it very clear that the Minister alone may not be able to do that. The Minister should do it in consultation with the local people. Usually, there are areas in the country that we may call good for nothing. These are areas which you may think are open spaces, not knowing that the local people treasure those particular places.

I come from an area where the people are nomadic and when they leave, you may find an empty space one day, but they actually intend to go back there in six months time. So, if you take it away, there might be a clash with the refugees and yet, we do not want the refugees to clash with the locals; they have already suffered enough. So, let us be cautious when the Minister is gazetting such areas. I am saying this because, for people who live in certain areas that are very likely going to be open spaces for the Minister to determine as transit areas or refugee camps, most of them do not have access to the Kenya Gazette and so, they will not be able to know when their lands were gazetted as refugee areas and then, we run into trouble.

I am sure nobody asked the Turkanas about the refugee camp in Kakuma. That is the danger, because we have had clashes there. We have had the local people complaining. So, let us have the Minister consult the local people, instead of just issuing a gazette notice, determining this kind of thing.

What I am saying in many words is that we should be prepared to receive refugees. The world, as we know it today, is changing. In fact, because of the calamities caused by epidemics or pandemics like HIV/AIDS, there will be people who will be just leaving their countries in large numbers because they may hear there is treatment in Kenya, for example. If there is free medication in Kenya, people will be trooping into this country. You cannot stop anybody if they know there is medication in the country. So, we should just be prepared. However, let us consider refugees after we have considered the plight of our own people. I sat here last week and listened to my colleague, hon. Ethuro, speak on this Bill. When he said that children in Turkana are asking how they can be refugees, that speaks a lot. It means that they have been neglected and they are watching refugees get privileges, schools, reliable food when they do not have a square meal. That should be a lesson for us. Before you give them anything, let us set the parameters of what the refugees should get. Let those be the minimum.

(A mobile phone rang)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Hon. Poghisiu, there is a mobile phone ringing somewhere in the Chamber. Whose mobile phone is it?

Mr. Poghisio: Mr. Temporary Deputy Speaker, Sir, it looks like it is in a bag somewhere.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Poghisio. Prof. Maathai, please make sure when you bring in your handbag, your mobile phone is switched off so that it does not interrupt business. Proceed, Mr. Poghisio.

Mr. Poghisio: Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that the minimum benefits that we give to our people should reflect something of a status slightly better than refugees. We do not want to see refugees in our neighbourhood getting better services than our citizens because that will cause friction between our people and the refugees and we do not want to have those frictions. I sat here and listened to my colleague, hon. Ehturo, and I felt that even before we go into all these things, the Government should think about communities in our own country who are so disadvantaged; whose people do not even have an assurance of a meal. There are many communities like that. There are many communities which are facing problems of this kind in this country. So, let us not think that all of us are the same in this country. For example, when the Government declared that it will implement the free primary school education programme, from statistics you can see that there are some places where that declaration has not made any difference. The number of children going to primary school is still the same as the one before the Government implemented the free primary school programme. Why is this the case? It is because life in its totality does not allow children in those areas to go to school. We must address these problems as a nation before we even think about refugees.

Mr. Temporary Deputy Speaker, Sir, as long as there are discrepancies within our system in dealing with our own people, the Refugees Bill will simply be a paper. We must show that we are serious. If anybody will provide anything for the refugees, then he or she should be generous enough and extend the same gesture to the people who live in the neighbourhood of those camps. Basically, that is what I am saying.

This is a good Bill because it will be in line with what other countries have agreed upon. I do hope that this Bill will be in line with what Uganda, Tanzania and Rwanda will pass. The region should have the same law so that receipt, transit, security and management of refugees can be the same. If we find ourselves on the other side, and we hope that we will not--- I have said here that it is possible to become a refugee. An hon. Member has reminded us that even our Lord Jesus Christ was a refugee. Many a great leader have also been refugees. Let us not look at the term "refugee" from the negative side, but as a way determined by human beings. It is a condition of living we must improve.

Thank you.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would also like to join my colleagues in supporting this Bill which is extremely important. I think the Minister should be commended for bringing this Bill before the House now.

It is sad that Africa produces the largest number of refugees in the world. It is a fact that African countries do not always welcome these refugees across their borders. Although Kenya, for some reasons which have been given before, has been very responsive to refugees, they are not welcome in other African countries. Many of them die because they are not accepted across the borders. It is also true that Africa produces most of these refugees because for many years our continent has been misgoverned.

By bringing this Bill before this House and passing it into law, as Africans, we want to work towards better governance of our region so that we can reduce the number of refugees. Bad governance can come in many ways. Some people have left their countries for political reasons, war and environmental degradation, and as a result, they are environmental refugees. Some

refugees have also left their countries because of poverty and as a result they are economic refugees. Africa has the highest number of refugees.

Mr. Temporary Deputy Speaker, Sir, I particularly want to join the hon. Members who have raised concern over environmental degradation in areas where refugee camps are located in our country. Although we have left the responsibility of providing firewood to the refugee camps to some Non-Governmental Organizations (NGOs) and other bodies, we do not have equivalent programmes for reforestation in those areas. So, the refugees have destroyed our environment. This is something which we should be careful about. We should ensure that the environment in the areas where we host refugees is not destroyed. It is for that reason that I welcome the idea that once these refugees have relevant documents, they should be moved to other areas so that they are not concentrated in one area where they could cause environmental havoc.

I also want to join my colleagues who have drawn our attention to the fact that we have ignored a very large number of Kenyans who were internally displaced. I was frustrated especially in the early 1990s and mid 1990s when we had the tribal clashes. Most of our people were displaced and they literally lived along the roads and in church compounds. Some of them were moved from one place to the other and dumped in stadia such as Kirigit. Nobody bothered about these "refugees" because the United Nations (UN) does not recognise internally displaced refugees. They consider that such people are a responsibility of the Government.

We all know that those people were actually displaced by other Kenyans and to a certain extent at the instigation of politicians. It was very unfortunate that our people were moving about helplessly, unable to settle anywhere with nobody to take care of them, while the refugees who had come from other countries were being taken care of by the UN. I hope that, as we debate and pass this Bill, we will find a place not only at the national level, but also at the international level to ensure that people who are internally displaced are also taken care of. These people should not be left at the mercy of their governments, which are sometimes the cause of their problems.

Mr. Temporary Deputy Speaker, Sir, indeed, many of those people were considered "foreigners" and they were made to feel that they did not belong to this country. It is important that we do not appear to be more concerned about outsiders than our own people.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about insecurity that usually results from refugees leaving their countries quite often because of wars. Unfortunately, many of them come into the country with weapons, and as a result, Kenyans experience a lot of insecurity due to the fact that many small arms have been brought into the country and fallen in the hands of criminals. Therefore, sometimes we associate refugees with small arms and we think that by encouraging or embracing them, we are also embracing insecurity.

However, I think it is quite possible for us to make sure that as refugees come in, they leave the arms at the border. I know it is not easy because there is sometimes no control on how these refugees come in. Even as we open our borders and want to embrace them, it is very important not to be naive and not to be concerned about the proliferation of small arms. I am aware that sometimes we have decided that the way to manage the increase of small arms is to burn them and create bonfires. Personally, I am convinced that burning small arms in bonfires cannot solve the problem, because small arms are distributed by some of the countries which manufacture them. We in developing countries are the ones using small arms but we do not manufacture them. They are brought into our country by countries which manufacture them, especially the developed countries. So, even as we create bonfires, it is very important for us to work more towards peace, rather than destroying small arms which have been bought; money has already changed hands and eventually gone to the people who manufactured them. Those of us who buy them eventually turn them into ashes. I do not think we have been any safer in this country just because we put those

small arms into bonfires.

Mr. Temporary Deputy Speaker, Sir, I think it is important to promote a culture of peace. We need to recognise that we are a conglomeration of many nationalities which I would like to refer to as micro-nationalities. I know that we like to think of ourselves as one nation, but so many times when we are challenged, either politically or otherwise, we quickly discover that we are, indeed, a conglomeration of many nationalities. It would serve us better if we acknowledged that because we are many nationalities or micro-nationalities, we need to understand and appreciate each other. We also need to understand that being alone in the 21st century, we cannot go very far. We need one another. We need to recognise that historically, many of these micro-nationalities were brought together by the British who also created the country we call Kenya. It is because of history that we find ourselves together. We should, therefore, deliberately struggle to understand the need to work together.

Mr. Temporary Deputy Speaker, Sir, that does not mean that we melt and stop being who we are. I often think that we would really reduce tension that is often exhibited during the general elections or whenever there is political pressure such as we had in 1992 and 1997 in this country, if we admitted that we are different, but for political and economic reasons, we need to work together. Therefore, we need to teach our children to be patient, tolerant, compassionate and to understand one another.

One of the ways in which we can do this is by introducing the teaching of culture in our schools so that our children learn different languages of the different communities that we have in this country. Not that every child will learn the 42 languages of the micro-nationalities in this country, but it is quite possible that besides English and Kiswahili, each child could learn his or her mother tongue and another language. This could go a long way towards reducing biases we have of one another. If there was a deliberate teaching of culture in our schools that would promote peace and tolerance, I am sure, we would not find ourselves in a situation such as we did in 1991 when some Kenyans were calling other Kenyans foreigners, or *madoadoa*.

Mr. Temporary Deputy Speaker, Sir, I would like to encourage the culture of good governance, especially through democratisation. If we embraced democracy, which I am glad is now an accepted form of governance in our country and the region, and deliberately taught it in our schools as part of the civic education, I think we would go a long way towards having peace and we will not create refugees. As said by my colleagues, anybody could become a refugee and, indeed, many of our leaders have been refugees.

Mr. Temporary Deputy Speaker, Sir, it is also possible for us to reduce the number of refugees we have in our country. Kenya has been relatively safe and peaceful. So, we have not created too many refugees, but nevertheless, we have had those internal refugees and many of our people leave this country as "economic refugees" because there was no political and economic space for them to be able to live a good quality life in our own country.

Mr. Temporary Deputy Speaker, Sir, one of the dimensions of democracy---

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

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

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we started debating this Bill, I think we have reached a point whereby hon. Members are saying one and the same thing. Therefore, I would request that the Mover be now called to reply.

The Temporary Deputy Speaker (Mr. Poghiso): I have heard the request, but let us hear her first before we call upon the Mover to reply.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I was almost finishing. I was emphasising the fact that prevention is better than cure. We are talking here about how to deal with refugees, but as Africans we can make a deliberate effort to reduce the number of refugees in our countries by promoting good governance. So, one aspect of good governance is consultation to ensure that as we govern our people, we encourage a culture of consultation, patience and tolerance. Indeed, we can create a country where there is peace, where people tolerate and give each other space.

If we do not listen to each other, we will resort to fighting. That is what produces refugees. Therefore, I want to urge the Minister to ensure that a culture of civic education is introduced in our schools, so that it can become something that our children can grow with. Even though we say that we have become a global village, we are not quite a village. We are still very diverse. But as we become exposed to other people's cultures, we have to learn to tolerate, listen and consult, so that we can prevent that unfortunate situation of creating refugees. Once we have refugees, we need to be compassionate, embracing and treat them as we would wish to be treated if we were refugees.

Mr. Temporary Deputy Speaker, Sir, I want to mention one aspect which has not been mentioned here, namely; the refugees that we had during the struggle for Independence. Between 1952 and 1960, we had a lot of refugees, especially from central Kenya who were displaced to other parts of the country. Many people actually died in refugee camps. Unfortunately, we have tended to forget them. Recently, I watched a documentary from the United Kingdom which indicated that during this period, one out of three males in central Kenya was either in jail or in a concentration camp. That was a situation where our own people were internally displaced. They were refugees in their own country. Therefore, let us sometimes not glorify the fact that we have not actually had a civil war. Let us remember that, at one time, as a result of colonisation of our country by a foreign government, many of our people died in concentration camps. We need to appreciate that, because of them, we eventually became a free nation.

With those few remarks, I beg to support.

Maj. Sugow: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Bill. I come from a constituency which hosts refugees, as one of my colleagues who spoke earlier this afternoon.

This Bill would not have come at a better time. It is a very noble Bill which needs the support of this august House. We hope that it will go a long way in solving not only the refugee problems in this country, but also the problems faced by host communities in this country.

Mr. Temporary Deputy Speaker, Sir, as you are aware, Kenya is like an island of peace in a sea of turmoil. Kenya is involved in many noble international activities aimed at bringing peace in many countries through mediation. Our armed forces are also taking part in peacekeeping missions throughout the world. I think hosting refugees is just an extension of that hospitality, which Kenya is known for. Therefore, I very much appreciate the fact that, so far, this country has done very well in hosting refugees. This Bill will regularise the stay of refugees in this country and enable us to take full charge in running the affairs of refugees in this country.

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

[The Temporary Deputy Speaker

(Mr. Khamasi) took the Chair]

So far, the Government has been inviting guests in the form of refugees to this country, but it allows other guests to run their affairs. It is like inviting somebody to become your guest and then inviting somebody else to come and host that guest. That is what has been happening. For a long time, UN agencies and other international NGOs have been running the affairs of refugees in this country. The passage of this Bill will give the Government the opportunity to take the bull by the horns and take responsibility for its guests. This is a very noble idea and it has come at an opportune moment.

We face a lot of problems. As the English say: "It is the wearer who knows where the shoe pinches." As an hon. Member who represents a constituency which hosts refugees, we have a lot of problems, including insecurity emanating from weapons that come into the country in the early stages of the influx and also, tension caused by disparities in terms of economic activities taking place within the refugee camp areas in the form of care being taken of the refugees by the agencies that are involved. As a result, tension usually builds up and the locals find themselves somehow left out economically compared with the refugees. This has always brought up some flare-ups in those areas and has contributed to the insecurity I am talking about.

There is also the problem of environmental degradation. Some refugees come into the country with livestock. They are crammed together into very small areas that have very fragile ecosystem. The environment is destroyed very fast. Currently, in the Dadaab area of North Eastern Province, there are so many boreholes which have been dug for the refugees. The water table is going down very fast. If the situation remains the same, that area will be dry in the next five years, or so. The water table will be very low and difficult to reach. That is a disastrous situation. These are some of the problems we are supposed to address when formulating this Bill. We should consider whether the areas where these refugees are supposed to be hosted can support a certain number of people and for how long. These are the issues to consider.

Currently, the refugees in Lagdera, for instance, use about 10,000 tonnes of fuelwood per month. All that wood comes from an environment which is not endowed with much vegetation. That will lead to desertification. These are the problems that we should address. While we address the noble idea of being hospitable to the refugees who need sympathy, we must also look at the interest of the host communities and the areas in which these refugees are supposed to be hosted. Therefore, we must have a policy regarding the environment and how to take care of the interests of the local people where refugees are supposed to live.

Mr. Temporary Deputy Speaker, Sir, this Bill will help very much in decongesting the refugees camps. Freedom of movement for the refugees will solve many problems. Restriction in the movement of refugees hinders them from accessing a livelihood. They feel like prisoners. They want to engage in income-generating activities. As a result, they are always tempted to corrupt their way to acquire Kenyan identity cards. By giving them identification which gives them the freedom to move around and engage in income-generating activities, we are getting rid of corruption and stopping refugees from acquiring Kenya citizenship illegally. This is a very important issue and I really commend that particular proposal.

Mr. Temporary Deputy Speaker, while we very much appreciate and support the general principle regarding hospitality, we must not go overboard. As we are aware, currently, Kenya is hosting many conferences aimed at bringing peaceful settlement to disputes in various countries whose citizens are hosted in this country as refugees. A good example is Somalia. We must be very careful not to provide an environment that is so good that it discourages those people from going back to their countries. Actually, most of them are involved in the negotiations that are going on.

They are refugees as well. When you provide a conducive environment for staying in this country, which is better than that of their country, you are not encouraging any progress in the deliberations. So, we must be careful on how much we can extend in terms of hospitality, when those negotiations are going on.

Mr. Temporary Deputy Speaker, Sir, this is a very important Bill. Overall, it helps the refugees in this country and boosts the image of this country as a very hospitable state. It also helps host communities in various areas where refugees are camped today. One thing that I would like to recommend is the involvement of host communities as far as vetting and identification of refugees is concerned. Today, we have scenarios where, because of the disparities in the income and amenities provided for the refugees and the locals, there are temptations by Kenyans to assume refugee status. That is a very serious problem and tells us a lot. There is a Member who talked about that earlier on. We must be very careful. We must try to provide a level playing field. If anything, we must improve the local communities who host those refugees before we settle them in designated areas. In that regard, we must involve more people and not just the Minister in deciding where those refugees are supposed to be settled. The host communities should have a say as far as settlement of refugees in their areas is concerned.

With those few remarks, I beg to support.

(Applause)

Mr. Wamwere: Bw. Naibu Spika wa Mda, naomba---

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wamwere! What is your point of order, Mr. Salat?

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, I had initially requested that we call upon the Mover to reply.

The Temporary Deputy Speaker (Mr. Khamasi): Order! I had been advised by the then Chair that, that application had been made. I think I am inclined to put the question.

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

Mr. Wamwere: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I had just caught your eye and you had given me a chance to contribute!

The Temporary Deputy Speaker (Mr. Khamasi): That is true! But an application was made to call upon the Mover to reply. I put that application to vote and it was carried. So, the Mover is now called upon to reply.

QUORUM

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The [Mr. Mwenje] Mover cannot reply when the House is like this! I think it is better we continue contributing. This House---

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

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, my point of order is that--- I do not want to say it, but I am forced to. There is no quorum.

The Temporary Deputy Speaker (Mr. Khamasi): There is no quorum. Could you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Order, Mr. Moi! we now have a quorum. The Mover of the Bill had been called upon to reply.

Could you proceed!

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, I would like to thank each hon. Member who contributed and even those who had the intention to contribute in support of this Bill. I would like to assure the hon. Members that the issues that they raised will be addressed and they will come up as amendments.

Mr. Temporary Deputy Speaker, Sir, I 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)*

Second Reading

THE PUBLIC AUDIT BILL

The Temporary Deputy Speaker (Mr. Khamasi): The Minister for Finance is not here.

(Bill deferred)

Next Order!

Second Reading

THE GOVERNMENT FINANCIAL MANAGEMENT BILL

The Temporary Deputy Speaker (Mr. Khamasi): The Minister for Finance is still not here.

The Minister for Education, Science and Technology (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. As a matter of fact, I just want to let you know that the reason why the Minister for Finance is not here is because he is already involved in the last leg of the donors consultative meeting. So, I was going to request that given the little time left, this Bill be dealt with tomorrow afternoon.

Hon. Members: Tomorrow is a holiday!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, with due respect to hon. Prof. Saitoti, I think he is aware of our Standing Orders. The Standing Orders say that both the Ministers and Assistant Ministers should be present for parliamentary business to be transacted. So, if the Minister for Finance, hon. Mwiraria is away, then the Assistant Minister should be in the House. Are you satisfied that because of some donor consultations, the House business should be terminated?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ethuro, you and I know very well that the Chair is completely unable to do anything about this. We can only proceed if the Minister responsible is here. If he is not, we go to the next order.

(Bill deferred)

Next Order!

Second Reading

THE PUBLIC PROCUREMENT AND
DISPOSAL BILL

The Temporary Deputy Speaker (Mr. Khamasi): The Minister for Finance is still not here. Order, hon. Members! As you have heard the explanation from Prof. Saitoti, the Minister for Finance is not here.

(Bill deferred)

Next Order!

Second Reading

THE HIV AND AIDS PREVENTION
AND CONTROL BILL

The Temporary Deputy Speaker (Mr. Khamasi): The Minister for Health is not here.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister for Finance, hon. Katuku, has just entered this House. Since we have just read Order No.11 which is the Public Procurement and Disposal Bill, could he now be requested to move the Bill?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwenje! You know the rules of this House. We have already passed that stage. We have now come to Order No.12, the HIV and AIDS Prevention Bill. The Minister for Health is also not available. In view of this, there is no more business on the Order Paper and I will now call the House to order.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, because we do not have any more business to transact, the House is now adjourned until Thursday, 27th November, 2003 at 2.30 p.m.

The House rose at 6.25 p.m.