

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 4th April, 2007

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### NOTICES OF MOTIONS

#### REPEAL OF RESTRICTIVE TRADE PRACTICES, MONOPOLIES AND PRICE CONTROL ACT

**Mr. Sungu:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House do grant leave to introduce a Bill for an Act of Parliament, to repeal the Restrictive Trade Practices, Monopolies and Price Control Act, CAP.514 of the Laws of Kenya, and to replace the same with an appropriate law entitled the Competition Act in order to reduce monopoly and collision between firms and for matters incidental thereto and connected therewith.

**Mr. Oloo-Aringo:** Mr. Speaker, Sir, I beg to give notices of the following Motions:-

#### INTRODUCTION OF NATIONAL CONSTITUENT ASSEMBLY BILL

THAT, this House grant leave to introduce a Bill for an Act of Parliament entitled the National Constituent Assembly Bill to provide for the establishment of the National Constituent Assembly, where negotiations would be held to generate a new democratic Constitution, which shall be made available to the people of Kenya for scrutiny and approval in a national referendum and for matters connected thereto and related therewith.

#### AMENDMENT OF EDUCATION ACT

THAT, while this House notes with appreciation the implementation of the free primary education in Kenya since 2003 and observes with regret that the majority of the pupils who sit for the Kenya Certificate of Primary Education Examination do not proceed to secondary or higher education and lack opportunity to acquire proficiency, artisan, craft and other requisite technical skills; this House, therefore, grants leave to introduce a Bill for an Act of Parliament to amend the Education Act, CAP.212 of the Laws of Kenya, to provide for 12 years of free and compulsory elementary and secondary education for all children in Kenya.

ARID AND SEMI-ARID LANDS  
DEVELOPMENT BILL

**Prof. Ojiambo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, cognisant of the fact that Arid and Semi-Arid Lands (ASALs) constitute about 80 per cent of Kenya's land mass, aware that the ASALs are inhabited by about 10 million people; further aware that these ASALs contribute about 90 per cent of the country's meat production and have enormous potential for minerals, this House grants leave to introduce an Arid and Semi-Arid Lands Development Bill which will guarantee channelling of investment capital into ASALs to increase Kenya's land productivity by involving residents of ASALs into Kenya's wealth creation.

**Mr. Speaker:** Very well! Next Order!

Question by Private Notice by Dr. Ojiambo!

Have we got your title right? Are you not a professor? Let us get it right. I think there is already a raging debate in Uganda on titles. So, let us not get it here. It is Dr. Ojiambo?

**Prof. Ojiambo:** It is both Doctor and Professor, Mr. Speaker, Sir.

**Mr. Speaker:** Very well!

**QUESTION BY PRIVATE NOTICE**

UNLAWFUL DETENTION OF PEOPLE  
AT BUSIA POLICE STATION

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

(a) Is the Minister aware that four people from Sio Port area in Funyula Division, a councillor, an assistant chief and two others are being detained at Busia Police Station unlawfully for about two months now?

(b) What urgent steps is the Minister taking to ensure their release?

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

(a) I am aware that the following four people from Sio Port in Funyula Division are lawfully being held at Busia Police Station: Councillor Ojiambo Orinda, Mr. Kennedy N. Magio, Assistant Chief, Mr. Patrick O. Wafula and Mr. Dennis Mukhwana.

(b) I am not in a position to take any urgent measures for their release since the matter is pending before court.

**Prof. Ojiambo:** Mr. Speaker, Sir, these people have been in court for a long time. The information I have is that there was a list of--

**Mr. Speaker:** Could I get this right? Have these people been charged in court?

**Prof. Ojiambo:** Mr. Speaker, Sir, I have no idea. They are being held in courts.

**Mr. Speaker:** Are they being held in the courts or in the cells?

**Prof. Ojiambo:** They are being held in the cells.

**Mr. Speaker:** I see.

**Prof. Ojiambo:** Mr. Speaker, Sir, the information I have is that these people have been in the police cell for over two months now. The list of names should have increased, which means that there are more people who should have been apprehended together with the four and nothing has happened. The four people are still being held in the police cell.

Mr. Speaker, Sir, why would the four continue to be held when there are others who are supposed to be with them and they are not there?

**Mr. Munya:** Mr. Speaker, Sir, the four people were arrested after an inquest into the circumstances leading to the deaths of Messrs. Mohammed Lubale Ochieng and Wilfred Odhiambo Ochieng. They were arraigned in court on 14th March, 2007 to take their plea except the assistant chief, whose plea was deferred due to sickness. The court remanded them in police custody. They are due to appear before court on 13th April, 2007.

**Mr. Speaker:** Very well. Shall we end this Question with Mr. Odoyo?

**Mr. Odoyo:** Thank you, Mr. Speaker, Sir. Normally, those who are remanded in police custody are people who for one reason or another are still undergoing interrogation. It is unusual to remand such people in a police station rather than in a prison as is the case in many other courts. Could the Assistant Minister confirm or deny that, indeed, this is wrongful confinement by the concerned police officers in that district?

**Mr. Munya:** Mr. Speaker, Sir, when suspects have already been charged and the court has decided to remand them wherever it has decided to, I do not think this House has the capacity to investigate and determine where people should be remanded.

**Mr. Speaker:** Very well; I suppose so. It is not our business.

## ORAL ANSWERS TO QUESTIONS

### *Question No.003*

#### IMPROVEMENT OF POLICE OFFICERS' WELFARE

**Mr. Ojode** asked the Minister of State for Administration and National Security, in view of the upsurge of incidents of insecurity in the country where police officers have put their lives at risk, what measures he has taken to improve police equipment and welfare, including remuneration package and insurance scheme.

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

During Financial Years 2005/2006 and 2006/2007, the Government improved the services of the Police Department by providing the following security equipment. For transport, a total of 278 vehicles were purchased at a cost of Kshs516 million. Assorted communication equipment was also purchased for the Police Department. Three sets of scene-of-crime safety equipment were bought at a cost of Kshs200 million.

The Police Department is also in the process of repairing four MI17 helicopters that were grounded during the last financial year. Right now, the procurement process is going on to make sure that those helicopters are back in operation to help the police in their work. We have also started work on 14 housing projects that had stalled. Already 570 housing units have been completed, 1,442 units are under construction and 1,144 units in 94 locations are undergoing repair and rehabilitation. The Government has purchased property for putting up more housing units for officers in Kisumu, Ruiru and Loresho in Nairobi.

We have also built five new office blocks for the Police Department. The remuneration package for police officers was also reviewed upwards by 115 per cent in the 2003/2004 Financial Year. Their leave allowance has also been adjusted upwards and the Government is addressing the issue of police officers' allowances.

Also, all police officers are covered under a Group Personal Accident Cover. Police officers who earn less than Kshs400,000 annually are also covered under the Workman

Compensation Act.

**Mr. Ojode:** Mr. Speaker, Sir, I totally disagree with the reply given by the Assistant Minister. Insecurity in this country is as a result of our own officers becoming demoralised. They are completely demoralised. When police officers go out there on patrol duties, they do so without any protective gadgets. In other words, I am talking about---

**Mr. Speaker:** Mr. Ojode, you are just debating the issue. Why do you not ask the Assistant Minister a question? Maybe, they do.

**Mr. Ojode:** Excuse me, Mr. Speaker, Sir?

**Mr. Speaker:** You are now debating. Ask the Assistant Minister to tell you whether they have those items.

**Mr. Ojode:** Mr. Speaker, Sir, the police officers who patrol the streets in Nairobi and other cities within Kenya are not protected. They do not have bullet proof vests.

**Mr. Speaker:** What is your question?

**Mr. Ojode:** Mr. Speaker, Sir, my question is: When police officers are not given enough money to cater for their needs, we will continue having insecurity.

Mr. Speaker, Sir, is the Assistant Minister in order---

**Mr. Speaker:** Order! Order! You must sit down now! Mr. Ojode, if you want to discuss the general welfare of the Police Force and make all those very useful contributions and suggestions that you are making, please, proceed by way of Motion. In the meantime, we are in Question Time. So, ask questions. Do you have any?

**Mr. Ojode:** Thank you, Mr. Speaker, Sir. Police officers are not being paid risk allowance or hardship allowance.

**Mr. Speaker:** Order! Order!

**Mr. Ojode:** Mr. Speaker, Sir, let me now ask my question. I have to built it up in order for him to reply to it.

**Mr. Speaker:** Order! Order! Mr. Ojode, you know we have limited time. You can see that a lot of your colleagues are interested in this Question. You know, you are taking all their time. Please, ask your question.

**Mr. Ojode:** Is the Minister satisfied that even the medical allowance being paid to a police officer is enough to take care of him and his family? Take, for instance, the medical allowance being paid to a corporal or sergeant.

**Mr. Munya:** Mr. Speaker, Sir, during the last financial year, the Government increased the budget for the police by 100 per cent. I have already read out the list of the nature of the equipment we have so far procured for the police, and what we have done to take care of their welfare in terms of giving them a group insurance cover for accidents, and other benefits like increasing their personal emoluments by 115 per cent. I am satisfied with what the Government has so far done. The Government is still committed to continue improving the welfare of the police.

**Mr. Muriithi:** Mr. Speaker, Sir, there is no group personal accident cover for police officers. If there is one, I would like to challenge the Assistant Minister to table the policy number.

Also, there is no workman's compensation policy covering civil servants. If there is one, I would like to challenge him to table the number of the policy that lapsed last year and say whether it has been renewed.

**Mr. Munya:** Mr. Speaker, Sir, the information I have is that the police have a Group Personal Accident Policy No.102/107582.

**An hon. Member:** Table it!

**Mr. Munya:** Mr. Speaker, Sir, I will come with it here next time and table it. The Workman's Compensation Act applies to all employees of Government. Hon. Members should be aware of that fact. It is provided for under an Act of Parliament. Therefore, it exists.

**An hon. Member:** Support that!

**Mr. Munya:** Mr. Speaker, Sir, I need to give information, first, before he can talk out of ignorance.

**Mr. Speaker:** Order, hon. Members! Hatutafanya kazi hapa kienyeji. Tutafanya kazi kulingana na taratibu zilizowekwa. Taratibu zetu zinasema hivi: Ikiwa kuna Mbunge ambaye anazungumza, wengine wote wakae kimya. Mtakaa kimya!

**Maj-Gen. Nkaiserry:** Mr. Speaker, Sir, the Questioner was saying that since the police are under risk because of insecurity, what is the policy covering their lives in case they are shot by thugs? How much is a policeman supposed to be paid when he dies in the course of duty?

**Mr. Munya:** Mr. Speaker, Sir, if I am given time, I will bring all that information to the House.

**Mr. Speaker:** Order! I think it is only right that this House shows interest in the welfare of police officers. The safety of individual Kenyans is dependent upon their ability to do their job. I think the Assistant Minister has tried to respond to hon. Members' questions.

Since I am mindful of the interest shown by the House, I will allow the Assistant Minister the time he seeks. I will defer the Question to next Wednesday so that he is able to answer all those questions.

**An hon. Member:** When is that?

**Mr. Speaker:** Order! If you do not listen, I have no problem! You can find it out from the HANSARD. The Assistant Minister seems to be unhappy with the time.

**Mr. Munya:** Mr. Speaker, Sir, I wanted to answer the Question tomorrow afternoon because I will not be around on Wednesday. I will be undertaking other duties.

**Mr. Speaker:** Excellent! The Question is deferred to tomorrow afternoon.

*(Question deferred)*

*Question No.020*

AMOUNT OF MONEY SPENT ON CONSTRUCTION  
OF KIMATHI MONUMENT

**Rev. Nyagudi** asked the Minister of State for National Heritage:-

(a) how much money was spent in the construction of the late Dedan Kimathi Monument in Nairobi;

(b) how much the Government has given to the family of the late freedom fighter since Independence; and,

(c) what plans the Government has to compensate freedom fighters in the country.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, on behalf of the Minister of State for National Heritage, I beg to reply.

(a) The contract for erecting Dedan Kimathi's statue was awarded to Kenyatta University, Department of Fine Arts at a total cost of Kshs4,983,125.

(b) There were efforts by the previous Government to assist the family financially but we are not privy to this information.

(c) The Ministry of State for National Heritage is adopting a twin-pronged approach. The Ministry has set up a task force to review the modalities and criteria for honouring heroes and heroines as well as to determine modes of compensation for surviving freedom fighters and their families. The Ministry is crafting a legal framework, now at its formative stage, that once enacted will enable the Government to compensate freedom fighters and other national heroes and heroines.

**Rev. Nyagudi:** Mr. Speaker, Sir, you can see the misplaced priorities of this Government, whereby they would rather erect a statue for Kshs5 million but not even know what is happening to the wife of the late Dedan Kimathi. This is a woman who had to walk from where she lives to attend the launch of that statue. The son of this woman is a sweeper at the City Council. I would like to ask the Vice-President and Minister for Home Affairs to employ the son of this lady in his Ministry. Could he undertake that?

**Mr. Awori:** Mr. Speaker, Sir, I presume the question is whether I will employ the son of this woman in my Ministry. I think we are all aware that you can only employ someone when there is a vacancy.

**Mr. Bifwoli:** Mr. Speaker, Sir, the question is how much the Government has given to this family. The Vice-President is talking about the previous Government. How much has the current Government given to this family?

**Mr. Awori:** Mr. Speaker, Sir, when I have to quote an amount, it means it comes from a particular Vote. There is no Vote for giving this lady any amount of money. Nevertheless, we have looked after the lady.

**Mr. Ndambuki:** Mr. Speaker, Sir, we have so many heroes in this country. There are a lot of disparities when it comes to helping them. Kisoï Munyao hoisted the flag of Kenya on Mt. Kenya during Independence. Recently he passed away. I would like to know what policy the Ministry has in place to cater for all these heroes like Kisoï Munyao, Mathenge and the rest. This assistance should be distributed equally, not---

**Hon. Members:** Which Mathenge?

**Mr. Ndambuki:** I am talking of Kisoï Munyao.

**Mr. Awori:** Mr. Speaker, Sir, there never was a policy. In my answer I said that there is a task force which is working out the guidelines and criteria so that we do not have to start fund raising every time a hero passes away. We should have guidelines and criteria so that whenever this happens, we do not have any disparity since everyone is treated equally.

**Mr. Raila:** Mr. Speaker, Sir, I would like to jog the memory of the Vice-President. In the NARC manifesto, we said that we would remember the heroes who struggled for Independence.

The other time they brought an Ethiopian here by the name of Mr. Ayanu, alias Mathenge, and the Government spent a lot of money on him. What criteria was used to do this? Paul Ngei died the other day and a monument is being built for him. He spent most part of his life in Parliament here. Bildad Kaggia was buried the other day. We went with the President to his funeral. A monument has been built for him but when he was alive, nobody even cared to pay for his medical bills. It is a shame and the Vice-President needs to know that we are also heroes of the second liberation. What policy does the Government have at this eleventh hour, when they are playing on injury time, to deal with the issues of heroes of Independence?

**Mr. Awori:** Let me once again read my reply which really answers the hon. Member. The Ministry has set up a task force to review modalities and criteria for honouring heroes and heroines as well as to determine modes of compensation for surviving freedom fighters and their families. The Ministry is drafting a legal framework which is now in its formative stages which, once enacted will enable the Government to compensate freedom fighters and other national heroes and heroines.

*(Rev. Nyagudi stood up  
in his place)*

**Mr. Speaker:** Next Question! Order Rev. Nyagudi!

**Rev. Nyagudi:** On a point of order, Mr. Speaker, Sir. I am requesting that I ask my last

question.

**Mr. Speaker:** Under what Standing Order?

*(Laughter)*

*Question No.028*

REHABILITATION OF  
ESIRULO WATER PROJECT

**Mr. Marende** asked the Minister for Water and Irrigation:-

- (a) whether he is aware that Esirulo Water Project in Luanda Division has been in operation for a number of years; and,
- (b) what urgent steps he will take to rehabilitate the project.

**The Assistant Minister for Water and Irrigation** (Maj. Sugow): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Esirulo Water Project which is a community managed project stalled in 1994 due to mismanagement. I am also aware that most of the installations of this water supply were later vandalised. My Ministry, through the Lake Victoria North Water Services Board, will undertake capacity building of the beneficiary community with a view to improving the management of this water supply. No budgetary provision was made for this project in this current Financial Year, 2006/2007. However, the board will include the rehabilitation of this project in the budgetary proposals for the next Financial Year, 2007/2008.

**Mr. Marende:** Mr. Speaker, Sir, the Assistant Minister's answer is a hotchpot of a number of things and, therefore, is unsatisfactory.

Could he be categorical and say that the Government will rehabilitate this project and if so, how much money does he intend to factor in the Budget for that purpose?

**Maj. Sugow:** Mr. Speaker, Sir, the Ministry has the intention of rehabilitating this project. Estimates have already been done with regard to how much it will cost. Kshs11 million will be allocated in the next financial year and that will be carried out by the board.

**Mr. Poghisi:** Mr. Speaker, Sir, this is all due to the new rules that have transformed the Ministry's reform process. There are many communities that do not benefit from the knowledge. Capacity building is a requirement as of necessity. Does the Assistant Minister intend to make this available to communities or does he want to wait for Questions to be asked in Parliament?

**Maj. Sugow:** Mr. Speaker, Sir, capacity building of communities is part of their reform process. As the projects that have stalled in the past are being rehabilitated, capacity building of the communities is part of that rehabilitation. Therefore, I am assuring the hon. Member that rehabilitation of projects and construction of new ones, incorporates capacity building of communities because the communities are supposed to run and manage these projects.

**Mr. Angwenyi:** Mr. Speaker, Sir, water is life. That is why we do not have life on the moon because there is no water.

Could the Assistant Minister tell us what projects his Ministry has initiated in each district in this country to provide clean water to our people?

**Maj. Sugow:** Mr. Speaker, Sir, with all due respect to the hon. Member, that is another substantive Question. If he can ask it, I will bring the details to the House.

**Mr. Marende:** Mr. Speaker, Sir, I am happy that the Ministry intends to spend Kshs11 million to rehabilitate this project. Given the immense expertise at the disposal of the Ministry in management, could the Assistant Minister confirm that the Ministry will lead the management of this project after the rehabilitation, so that it is not left entirely in the hands of the community to

manage?

**Maj. Sugow:** Mr. Speaker, Sir, capacity building of the community will come even before the rehabilitation of the project, to ensure that the community is well prepared to run the project properly. We do not want to go back to the old days when the Ministry was running community projects. We want communities to be able to run their own affairs. So, the responsibility of the Ministry, through the Board, is to ensure that the community has a capacity base and the management is efficient to run those projects, so that they do not stall again.

*Question No.021*

INTRODUCTION OF BILL TO  
INCREASE NUMBER OF CONSTITUENCIES

**Mr. Choge** asked the Minister for Justice and Constitutional Affairs:-

- (a) whether she is aware that the Constitution prescribes the minimum and maximum number of constituencies into which the country is divided;
- (b) whether she is further aware that the Electoral Commission of Kenya (ECK) is required to review the number, names and boundaries of constituencies at intervals of not less than eight and not more than ten years;
- (c) whether she is also further aware that the review of names, numbers and boundaries of constituencies was last undertaken in 1996 and as a result, the Electoral Commission is in breach of the Constitution; and,
- (d) when she will introduce to the House a Bill for an Act of Parliament to increase the number of constituencies to address population growth and other changes that have taken place since the last review.

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

(a) Yes, the Minister is aware.

(b) Yes, the Minister is aware. To this end, the Electoral Commission of Kenya, between 19th and 27th July, 2006, visited 71 districts to receive views on the boundaries of parliamentary constituencies and wards and also on the establishment of polling stations and new wards. As a result, wards were increased from 2,104 to 2,473, while polling stations were increased from 14,114 to 20,652.

For the constituencies, the ECK proposed that 42 new parliamentary constituencies be created. However, the responsibility of creating or increasing constituencies lies solely with Parliament.

(c) Yes, the Minister is aware. The responsibility lies in Parliament for changing the Constitution to provide for the increase of the number of constituencies in the Republic.

(d) The Ministry of Justice and Constitutional Affairs is in consultation with stakeholders and the various shades of opinion represented in the House, with a view to agreeing at the most appropriate time to bring a Bill to the House to change the Constitution. As soon as these consultations are over, the Ministry will present the Bill in this House.

**Mr. Choge:** Mr. Speaker, Sir, could the Assistant Minister confirm or deny that what the President said a week ago is part and parcel of what he intends to do under part "b" of the Question?

**Mr. Mungatana:** Mr. Speaker, Sir, I thank the hon. Member for that question.

We all know that when it comes to constitutional matters, both the Government and the Opposition sides cannot raise the requisite numbers to effect constitutional changes. It is for this reason that I want to assure the hon. Member that, once consultations are done and there is agreement on both sides, we will come here and it will take us just one sitting to finish the business



that will have brought us here.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House, that it is a constitutional matter to increase the number of constituencies in this country? In fact, we know that it is an Act of Parliament that will increase the number of constituencies in accordance to the Constitution.

**Mr. Speaker:** Order! You are totally out of order! The Assistant Minister is right and you are wrong. The Constitution of Kenya prescribes the minimum and maximum numbers of constituencies into which Kenya is divided.

At the moment, the maximum number is 210 constituencies and those 210 constituencies are duly filled. If you want to increase the number further, you will have to take that limit higher.

**Ms. Ndung'u:** On a point of order, Mr. Speaker, Sir. The reading of Section 42(2) of the Constitution is very clear. I agree with you that it does prescribe the maximum and minimum, but it also says that at any time, the number can change if Parliament so prescribes. Parliament can only prescribe through an Act of Parliament. Therefore, the Assistant Minister should be telling us when his Ministry will bring the Bill to the House.

**Mr. Speaker:** Order! If you want to take a shortcut, that is your reading. I have my reading, and for the time being, I am right because I say that I am right.

**Mr. Muite:** Mr. Speaker, Sir, I do not intend to engage the Chair. What the Chair says, obviously carries the day.

Mr. Speaker, Sir, however, does the Assistant Minister accept that even as we talk about increasing constituencies and altering their boundaries, there is a crying need to harmonise the boundaries of the districts, including the ones that have been created now and in the past, with the boundaries of the constituencies?

Now, there is even talk about splitting some provinces. Does he accept that we need to take a holistic approach to this matter, so that the boundaries are clear, and so that we do not allow any gerrymandering?

**Mr. Mungatana:** Mr. Speaker, Sir, I thank the hon. Member for that question. Indeed, there is a need to approach the whole issue of the Constitution in a holistic manner. The hon. Chairman of the Departmental Committee on Administration of Justice and Legal Affairs has already tabled a report in this House, although as we are all aware, it is in the public domain that discussions are going on.

In that report, you will realise that the question of provincial boundaries has also something to do with the Constitution. I agree entirely with the hon. Member that we need to approach this issue as a whole.

Mr. Speaker, Sir, my prayer is that when both sides of the House agree outside this House, we will come and make the changes that we need to make.

**Mr. Raila:** Mr. Speaker, Sir, it is nice to hear the Assistant Minister say that the Government is making consultations. However, recently, the Government appointed the Electoral Commissioners and then went ahead to claim that they had made extensive consultations.

Could the Assistant Minister confirm to the House that the kind of consultations that they did with respect to the appointment of the Electoral Commissioners are the kind of consultations that they also want to do with respect to the constitutional amendments?

**Mr. Mungatana:** Mr. Speaker, Sir, when it comes to the Constitution, it is not a laughing matter. We have come a long way and we are not joking about it. It is in the public domain that we are consulting. In fact, we are doing it publicly. I am sure once that is agreed upon, we will come here and pass those things.

*(Several hon. Members stood up)*

*in their places)*

**Mr. Speaker:** Order, hon. Members! In the interest of the nation and this House, I want to read Section 42 of the Constitution. I read it the way I feel because what I seem to be gathering is that some hon. Members think, or probably plan, to go outside the Constitution to create constituencies. That is a very dangerous thing. I think hon. Members must understand that the Constitution is what holds this country together.

I think you will remember that last year, we tried to guide this House and Members in general about the need to amend Section 47 of the Constitution to give birth to a new Constitution. I am glad I am looking now at the Order Paper and that has been realised. An amendment to the Constitution is being proposed.

Section 42 of the Constitution reads as follows:-

"Subject to this Section - that is this Section of this Constitution - Kenya shall be divided into such number of constituencies, having such boundaries and names as may be prescribed by order made by the Electoral Commission.

(2) Parliament may prescribe the minimum number of constituencies into which Kenya shall be divided, which shall not be less than 188 or the maximum number of constituencies which shall not exceed the minimum number by, at least, 20 and, until Parliament has so prescribed those numbers in accordance with that Section, the minimum number of constituencies shall be 188 and the maximum shall be 210."

So, to be able to go anywhere beyond 210 constituencies, you must amend Section 42 of the Constitution. That is the law. As far as I can gather, there are, maybe, some hon. Members who are planning to go outside this Section. I think they had better be served with this notice: It will not happen!

*(Applause)*

Very well! Anybody interested further? Dr. Ali?

**Mr. Ochilo-Ayacko:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Ochilo-Ayacko?

**Mr. Ochilo-Ayacko:** Mr. Speaker, Sir, while answering part (c) of the Question, the Assistant Minister agreed with the Questioner that the Electoral Commission of Kenya (ECK) was in breach of the Constitution. Arising from the ruling that you have given, it appears that the Assistant Minister's agreement with the fact that the Electoral Commission of Kenya is in breach of the Constitution is actually incorrect. Could I be in order to ask---

**Mr. Speaker:** Order! Actually, the Electoral Commission of Kenya cannot breach what they cannot do. The Electoral Commission of Kenya cannot create constituencies until you have given them authority to do so. Until you have done that, they will not be able to do what they ought not to do. So, please, let us proceed with the supplementary question. Proceed, Dr. Ali!

**Dr. Ali:** Mr. Speaker, Sir, the Assistant Minister, while answering a supplementary question, said that he is consulting the public, publicly. Could we be told who he is consulting? Are they political parties, hawkers, ECK or individuals? Whom is he referring to as the "public"?

**Mr. Mungatana:** Thank you, Dr. Ali. As I said before, the consultations are, indeed, a matter of public knowledge. It is in the public domain that the Opposition has been requested by this side of the House to bring in their own team. That is going on. You remember the first effort that was done did not succeed. We are now attempting a second effort. We hope that, this time round, we will discuss, amongst many other things, the constituencies boundary review. As I said,

if we reach an agreement outside there, we will come here and finish this matter.

**Mr. Speaker:** Very well! Last question, Mr. Choge!

**Mr. Choge:** Mr. Speaker, Sir, I agree with the Assistant Minister that the constitutional matters that are being discussed here are not a laughing matter. Could the Assistant Minister confirm to this House when he will bring the Bill and whether or not they have agreed outside or inside here?

**Mr. Mungatana:** Mr. Speaker, Sir, I want to repeat again for the benefit of the hon. Member that, when we reach an agreement outside there, even if it is tomorrow, we will present that Bill to the House. So, it depends on how much work both sides of the House are prepared to do outside there.

Thank you.

**Ms. Ndung'u:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Yes! What is it, Ms. Ndung'u?

**Ms. Ndung'u:** Mr. Speaker, Sir, I think the Assistant Minister has not given us a clear answer. This matter is very urgent because the Constitution says that additional constituencies can only be added upon the resolution of this House. That means that, if we go home this year without adding those constituencies, we will wait until 2012.

Could the Assistant Minister tell us whether he will bring that Bill and those changes before the end of the year?

**Mr. Mungatana:** Mr. Speaker, Sir, I would bring that Constitutional Bill as soon as we agree.

**Mr. Speaker:** Very well!

Next Question!

*Question No.029*

REPAIR OF RONGO-HOMA BAY ROAD

**Mr. Ochilo-Ayacko** asked the Minister for Roads and Public Works:-

- (a) when the Rongo-Homa Bay Road will be repaired; and,
- (b) how much money has been set aside for that exercise.

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

(a) The design and tender documentation for Rongo-Homa Bay Road was undertaken and completed in-house by my Ministry. The rehabilitation of that road is scheduled to be undertaken in the 2007/2008 Financial Year.

(b) My Ministry had a provision of Kshs5,651,296 for routine maintenance of that road this financial year, and a total of Kshs4,241,265 has been incurred to date. The whole project is, however, expected to cost approximately Kshs2 billion. That amount has already been factored in the Medium-Term Expenditure Framework (MTEF).

**Mr. Ochilo-Ayacko:** Mr. Speaker, Sir, this is very un-serious answer. The road requires Kshs2 billion to be repaired, but only Kshs5 million has been set aside for that purpose! You can see how ridiculous that is! That road is only 32 kilometres long. How can a 32-kilometre road cost Kshs2 billion? What is the cost per kilometre?

**Eng. Toro:** Mr. Speaker, Sir, I said, "approximately". The figure will come out when the tender documents will be sent out. In addition to what the hon. Member is asking, there are some additional works that will be accomplished. There will be the Rongo Township roads which will be done. Then, there is the three-kilometre road leading to Kabunde Airstrip. There is also approximately one-kilometre road linking Rongo-Homa Bay Road to Rodi Kopany-Karungu Road

within Rodi Kopany Market Centre. But the actual figure will come out when the tender documents will be issued.

**Mr. Manoti:** Mr. Speaker, Sir, the Rongo-Homa Bay Road is very important. If you pass there, you will take about five hours to get to Homa Bay from Rongo. It is a road on which fish from Lake Victoria to Nairobi is transported.

Mr. Speaker, Sir, could the Assistant Minister now allocate more money to repair such roads awaiting for the next financial year to give his Kshs2 billion for the repair of the same road?

**Eng. Toro:** Mr. Speaker, Sir, there is a limit we can use on the maintenance of the road which is due for total rehabilitation. We might not want to spend more money when the Ministry is about to go to tender and award this road for complete rehabilitation. The money we might spend might go to waste.

**Mr. Ochilo-Ayacko:** Thank you, Mr. Speaker, Sir. This road is at the heart of South Nyanza and, perhaps, that is why the economy of that side of the world is doing badly. From the Assistant Minister's answer, is it a definite assurance that we will have this road come the beginning of the Financial Year, 2007/2008?

**Eng. Toro:** Mr. Speaker, Sir, this is now definite. In fact, depending on the ceiling we get from the Treasury, we want to even do the Karungu-Kopany Road because the design for that road is also complete. We will be able to do that section of that road during the next financial year.

**Mr. Speaker:** Very well!

That is the end of that Question.

*Question No.034*

NUMBER OF CATTLE BRANDED  
IN NORTH RIFT SINCE 2006

**Mr. Speaker:** Mr. Lesrima, the Minister responsible for livestock---

*(Mr. Ojode consulted loudly)*

Order, Mr. Ojode! I am just talking to the hon. Member. The Minister wrote to me that neither him nor his Assistant are available today. Could I put your Question for Tuesday, next week?

**Mr. Lesrima:** That is acceptable, Mr. Speaker, Sir.

**Mr. Speaker:** Thank you. Question deferred to Tuesday next week!

*(Question deferred)*

Next Order!

*(Mrs. Tett consulted loudly)*

Order, Mrs. Tett! Is the hon. Member for Kilome here?

**An hon. Member:** He has gone out!

**Mr. Speaker:** Okay! Then he will forfeit his time. He wanted to seek a Ministerial Statement. I will give this chance to Mr. Ochilo-Ayacko.

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

Sorry, shall I begin with the Vice-President and Minister for Home Affairs and Leader for

Government Business?

## MINISTERIAL STATEMENTS

### APPOINTMENT OF MEMBERS TO HOUSE COMMITTEES

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, the following hon. Members have been appointed to serve in the following three Committees:-

#### **Public Accounts Committee**

The Hon. N.M. Nyagah, MP  
The Hon. D. Khamasi, MP  
The Hon. P. Odoyo, MP  
The Hon. Z. Opore, MP  
The Hon. Archbishop S. Ondiek, MP  
The Hon. Ochilo-Ayacko, MP  
The Hon. U. Kenyatta, MP  
The Hon. C. Keter, MP  
The Hon. K. Billow, MP  
The Hon. J.L. Kipchumba, MP  
The Hon. W. Galgallo, MP

#### **Public Investments Committee**

The Hon. K. Gitau, MP  
The Hon. W. Wamunyinyi, MP  
The Hon. N. Balala, MP  
The Hon. G. Khaniri, MP  
The Hon. W. Oparanya, MP  
The Hon. J. Angwenyi, MP  
The Hon. A. Bahari, MP  
The Hon. M. Cheboi, MP  
The Hon. J.B. Muturi, MP  
The Hon. Dr. S. Rutto, MP  
The Hon. Dr. I. Ali

#### **The Constituencies Development Fund Committee**

The Hon. Eng. K. Muriuki, MP  
The Hon. Prof. C. Mango, MP  
The Hon. L.J. Kilimo, MP  
The Hon. L. Maitha, MP  
The Hon. Eng. E. Nyamunga, MP  
The Hon. C. Kilonzo, MP  
The Hon. S. Manoti, MP  
The Hon. M.Y. Haji, MP  
The Hon. H. Kosgey, MP  
The Hon. K. Sang, MP  
The Hon. S. Koech, MP

Thank you, Mr. Speaker, Sir.

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to draw the attention of Mr. Speaker and the House that some of us still remain committee less despite the fact that some hon. Members serve in more than one Committee.

**Mr. Speaker:** Order, Mr. Sungu! We have only read out members of three Committees. There are many more coming!

**Mr. Sungu:** Thank you, Mr. Speaker, Sir. I am committee-less and I hope that I will be considered.

**Mr. Speaker:** Relax and cross your fingers that you will be in one of the other Committees! I know you will!

#### INCREASE IN DEATHS ON KENYAN ROADS

**The Minister for Transport** (Mr. Mwakwere): Mr. Speaker, Sir, I beg to make a Ministerial Statement in response to a point of order that was raised by Mr. Boit on 22nd March, 2007. Just to refresh my colleagues' memory, Mr. Boit sought a Ministerial Statement from the Minister for Transport. He observed:- "Of late we have had innocent *wananchi* losing their lives on our roads but we have not heard any Cabinet Minister apologise for those deaths.

Mr. Speaker, Sir, could we be told why deaths have increased on our roads? Is it because of un-roadworthy vehicles or bad roads? Is it because of reckless driving? I would like to know what the Minister has to say about this development. Of late, even *matatus* are being controlled by a gang called "*Mungiki*". What is the Government doing about this issue? Where is the Minister concerned? Is he sleeping?"

This is a very serious issue because before I go to the core part of the question, we need to be at the same level of knowledge. I am saying this because there is misinterpretation, misunderstanding that have, indeed, given rise to comments that in some cases, are totally uncalled for.

Mr. Speaker, Sir, first and foremost, I will surprise you that I am not responsible for the carnage on the roads on a day-to-day basis. I am responsible when it comes to regulations relating to the usage of our roads. Maybe, that is a little bit confusing. However, allow me to say a few words that will bring us to the same level.

Mr. Speaker, Sir, the Ministry of Transport has four key roles to play which have five key responsibilities. This Ministry is in charge of sea, air and land transport which is in two categories; rail and road transport. It is also in charge of the Meteorological Department which could actually fall under any Ministry. It could be under the Ministry of Agriculture, the Ministry of Environment and Natural Resources, the Ministry of Regional Development or even the Office of the President. However, it is conveniently under the Ministry of Transport because we are the main users of the data that is published by the Meteorological Department for our air and sea transport. There would be no flights in and out of the country if there was no reliable meteorological data for the pilots.

Mr. Speaker, Sir, I said that we have five key responsibilities under those functions. Under the sea transport, like all other modes of transport, we are responsible for the regulation, infrastructure provision, implementation, enforcement, monitoring and evaluation. Under the sea transport sector, we are responsible for all the regulation; the Acts that relate to maritime transport, the Kenya Ports Authority Act, the Maritime Act, the Merchant Shipping Act, safety at sea, pollution and all that. We are responsible for the those regulations through Parliament and guidance by the Attorney-General.

We also provide the necessary infrastructure. For example, we widen the channel, that is, the entrance to the Port of Mombasa, deepen the basin in a process that is called dredging, provide the berths, terminals, cranes and all the prime movers that relate to sea transport. That is as far as infrastructure is concerned. We also assist in implementation, but the role is squarely in the hands of the port users; that is, the shippers, the clearing agents and the owners of goods.

**Dr. Manduku:** On a point of order, Mr. Speaker, Sir. The issue was very clear that there are a lot of problems on our roads with regard to road users, and especially *matatus*. Ideally, we do not want to know what the Ministry does. What we are interested in are the roads. Could the Minister tell us how he will control the problems that we face on our roads? Is he in order to tell us everything about his Ministry?

*(Applause)*

**Mr. Speaker:** Order, Members! I think the Minister must confine himself to the matter raised by hon. Members and not the whole portfolio of his Ministry.

**The Minister for Transport (Mr. Mwakwere):** Mr. Speaker, Sir, with your guidance, I will assume and take it that we are all at the same level of understanding with regard to issues in the transport sector. I will, therefore, proceed as directed by Mr. Speaker.

When it comes to land transport, we have road transport and rail transport. Under road transport, we are responsible for the regulations that govern the utilisation of our roads. We have in place the Traffic Act, the Transport and Licensing Board Act and various Acts that are used in the utilisation and regulation of the road transport sector.

Mr. Speaker, Sir, however, unlike sea transport, air transport and rail transport, we do not provide the infrastructure. The construction of roads unlike the construction of the railway line and runways is the responsibility of another arm of Government. We do not provide the road transport infrastructure. We are, therefore, not responsible for the potholes, chip roads---

**Mr. Oloo-Aringo:** On a point of order, Mr. Speaker, Sir. You have tried to give guidance to the Minister and he is boring us stiff with all these analogies and what he is doing in his Ministry. Is the Minister really relevant? He appears to be irrelevant to most of us.

*(Loud consultations)*

**Mr. Speaker:** Order, Members! Order! As I understand it, Mr. Minister, what worries hon. Members and the country is the recent too many accidents involving buses and *matatus*; and the apparent reverse of the previous sanity in the *matatu* industry. That is what you are being asked to answer.

**The Minister for Transport (Mr. Mwakwere):** Mr. Speaker, Sir, I really get the question and I understand it fully. I am now answering the question so that you may be in a position to pose intervening questions to the right Ministry.

As it is now, probably unknown to most people, the implementation and enforcement of those regulations are not the responsibility of the Ministry of Transport. The implementation is the responsibility of vehicle owners, vehicle operators, traffic police and not the Ministry of Transport. We do not even have the right to flag down a vehicle. We have no right to check---

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. The Minister is misleading this House. When the former Minister for Transport by the name---

**Hon. Members:** *Kimendero!* Michuki!

**Mr. Ojode:** Mr. Speaker, Sir, he brought some sanity in the transport sector. Which Ministry is Mr. Mwakwere talking about? I thought that he is the Minister for Transport!

**Mr. Speaker:** Order! I think this House should never work in vain. I think we should never act in vain as a House. When a Minister asks me to allow him or her to make a Ministerial Statement in response to a complaint by the House, it must be something that is actually positive or possible. Now, I understand the exasperation of hon. Members. The Government of the Republic of Kenya is run through a Cabinet comprising of Ministers and headed by the President. I understand that, that arrangement was in place when Mr. Michuki was the Minister for Transport and Communications. As I understand it, that arrangement has not changed since hon. Mwakwere became the Minister for Transport.

I thought that the Kenya Police are there to enforce the law irrespective of which Ministry they fall under. The law must be enforced by the police irrespective of whether it is the Ministry of State for Administration and National Security, the Ministry of Trade and Industry, the Ministry of Gender, Sports, Culture and Social Services and so on. So, Mr. Minister, unless you are saying that the police do not listen to you, then be straightforward.

**The Minister for Transport** (Mr. Mwakwere): Mr. Speaker, Sir, the Traffic Act, CAP.403, Section 69 gives the responsibility to regulate and maintain order on our roads to the police. The Act is very clear and it states that the responsibility to regulate and maintain order on our roads is the responsibility of the traffic police.

*(Loud consultations)*

**Mr. Speaker:** Order, Members! I think that we are not doing anything. Mr. Minister, please, you are in the Cabinet. Have you sought the assistance of the Minister in charge of the police? In fact, Mr. Munya is seated next to you. Have you sought his assistance and he has refused to do so? Has the Commissioner of Police defied you as the Minister for Transport?

**The Minister for Transport** (Mr. Mwakwere): Mr. Speaker, Sir, I think all of us know that responsibilities are clearly apportioned. What I want to---

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

**Mr. Speaker:** Order, Members! Order! I do not think that we are going anywhere further and so I withdraw the leave that I gave to the Minister.

**Mr. Lesrima:** On a point of order, Mr. Speaker, Sir. This was a very simple request. I happened to be in charge of this sector several years back and I know that the cost of accidents can be attributed to three factors in the following percentages: 9 per cent, the condition of the road; 8 per cent, the condition of the vehicle; and 83 per cent, the condition of the driver.

Mr. Speaker, Sir, roads are under the Ministry of Roads and Public Works; vehicles are under the Ministry of Transport; and the condition of the driver is the responsibility of the Traffic Police. However, there is a Road Safety Committee which falls under the Ministry of Transport. Could the Minister tell us how he has focused on the condition of vehicles the way hon. Michuki had brought sanity in this sector?

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! As I said, this House shall not act in vain. The minute it dawns on Mr. Speaker that we are not getting anywhere, I will make progress.

What is it, Mr. Minister!

**The Minister for Transport** (Mr. Mwakwere): On a point of order, Mr. Speaker, Sir. If hon. Members had been patient enough to give me ten minutes, we would have come to the same conclusion and with the same information. The statistics given by the hon. Member was captured in my presentation. The only unfortunate thing is that we have been impatient.

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

**Mr. Speaker:** Order, hon. Members! I think I have been too generous. In my very honest view, we are not getting anywhere. We are static. I must create some mobility. I will do so, by moving on to the next Order!

Mr. Ochilo-Ayacko, please, proceed!

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



Order, hon. Members! All of you will sit down! There is nothing more on this! Hon. Members, all I know is that we are not making progress.

Mr. Ochilo-Ayacko, please, proceed!

**Mr. Ochilo-Ayacko:** Thank you Mr. Speaker, Sir---

**Mr. Boit:** On a point of order, Mr. Speaker, Sir. Do I take it that the Government cannot answer my question? Do I take it also that the Minister has failed and call Mr. Michuki to come and answer it?

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! I do not answer for the Government. As I said, from what I am hearing, we are not making any progress.

**Capt. Nakitare:** On a point of order, Mr. Speaker, Sir. What has failed this Ministry is the lack of road signs designed by driving schools. The Ministry is also not educating drivers.

*(Loud consultations)*

**Mr. Speaker:** Order, all of you! Again, you can see that we are not making progress. I think it is not my intention to take the House in circles. The House must proceed with its business.

Mr. Ochilo-Ayacko, please, proceed!

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

**Mr. Speaker:** Order, Mr. Ochilo-Ayacko! Just give me one minute. What is it, Mr. Minister?

**The Minister for Transport** (Mr. Mwakwere): Mr. Speaker, Sir, Mr. Boit asked a question. The Government has the answer. However, the Government is pleading for patience in the House, so that we get a comprehensive answer. That is lacking.

**Mr. Speaker:** Mr. Ochilo-Ayacko, please, proceed!

*(Loud consultations)*

Order, hon. Members! The hon. Minister can hear the reaction of his colleagues. He can, in fact, see the uneasiness about this issue in the Chamber! It is up to him to take stock of what he has heard, seen and take the necessary action. For now, I will ask Mr. Ochilo-Ayacko to proceed!

**Hon. Members:** On a point of order, Mr. Speaker, Sir!

**Mr. Speaker:** Order, hon. Members! If hon. Members want to talk about road transport, bring a relevant Motion to this House! Otherwise, we cannot spend the whole day raising points of order.

Mr. Ochilo-Ayacko, please, proceed!

## POINT OF ORDER

### SELECTION OF KENYAN EALA MEMBERS

**Mr. Ochilo-Ayacko:** Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Vice President and Minister for Home Affairs and Leader of Government Business.

On 30th, March, 2007, the East African Court of Justice made a landmark ruling regarding

the fate of the Members this

House purported to have been appointed to the East African Legislative Assembly.

The bickering that had accompanied the manner in which we had appointed these people gave this country a bad name. It is also very urgent that members of that assembly be elected and put in place to conduct the affairs of this great nation. I want a Statement assuring this House that the matter will be approached in a bipartisan manner; there will be consultation and wide dialogue; that there will be regulations that are in compliance with the court ruling, and we will respect and honour this treaty for the welfare of the about 100 million people who inhabit the East African area.

*(Applause)*

**Mr. Speaker:** Hon. Members, I think the Leader of Government Business has heard what the hon. Member has said. The judgement from the East African Court of Justice has just landed on almost everybody's desk, including mine! I wish to report that I got it yesterday. I have read it and digested it. I am sure other colleagues will read and digest it.

When the House Business Committee (HBC) meets next Tuesday, we should be able to put our heads together to get this process forward. We should make sure we do our bit as part of the East African Community to ensure it moves forward. I think that is the state of everybody. I hope everybody goes with and in that spirit.

Next Order!

## BILLS

### *First Readings*

#### THE CONSTITUTION OF KENYA REVIEW BILL

*(Order for First Reading read -  
Read the First Time -  
Ordered to be referred to  
the relevant Departmental Committee)*

*(Several hon. Members withdrew  
from the Chamber)*

**Mr. Speaker:** Order, hon. Members! I think since the beginning of this year and the greater part of last year, we have spent a lot of energies agitating for the overhaul or review of the Constitution, either maximum or minimum. However, when a Bill to do exactly that is being read, hon. Members cannot even listen or sit to hear it! Please, go through these Bills.

**Mr. Muite:** On a point of order, Mr. Speaker, Sir. You know what the Chair says goes into the HANSARD. I think that, perhaps, inadvertently, Mr. Speaker said, "when a Bill seeking to do exactly that is being read---". This Bill is attempting to do that. It is not "doing exactly that". That can be corrected.

*(Applause)*

**Mr. Speaker:** What exactly do you mean?

**Mr. Muite:** Mr. Speaker Sir, Sir, the Chair said "when a Bill that seeks to do exactly that, is being read". We should listen carefully. This Bill is not seeking to "do exactly that"; it is, perhaps,

attempting to do that.

**Mr. Speaker:** Order! As I understand, the agitation was to review the Constitution of Kenya. This Bill attempts to do exactly that.

Next Order!

THE CONSTITUTION OF KENYA  
(AMENDMENT) BILL

*(Order for First Reading read - Read the  
First Time - Ordered to be read  
the Second Time tomorrow)*

**Mr. Speaker:** Maybe hon. Members are wondering why we are not sending that to a Committee. It is simple. You cannot amend a Constitutional Bill on the Floor of the House.

So, even to send it to a Departmental Committee is an act in futility. So that the House does not act in futility, it is not sent to a Committee.

Proceed!

THE POLITICAL PARTIES BILL

THE SUPPLIES PRACTITIONERS  
MANAGEMENT BILL

THE NUTRITIONISTS AND  
DIETICIANS BILL

THE FISCAL MANAGEMENT BILL

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

**MOTIONS**

ADOPTION OF REPORT OF THE  
114TH IPU ASSEMBLY

**Mr. Musila:** Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the 114th Inter-Parliamentary Union (IPU) Assembly held in Nairobi from 7th to 12th May, 2006 laid on the Table of the House on Thursday 27th July, 2006.

Mr. Speaker, Sir, first and foremost, I want to recognise the important role that Kenya played in hosting this very important Assembly and also to recognise the valuable participation and contribution of the Kenyan delegation during the general debate of the Assembly whose main theme was: "Promoting democracy and helping to build democratic institutions". The IPU is the international organisation of Parliamentarians of sovereign states. It was established in 1889 and the union is the focal point for worldwide Parliamentary dialogue and works for peace and co-operation among peoples and for firm establishment of representative democracy.

Over 140 national Parliaments are currently Members of IPU. A total of 1,066 delegates from 118 countries took part in 114th IPU Assembly which was held here in Nairobi. The Kenyan delegation included the following hon. Members: Mr. Musila, who was the leader of delegation, Mr. Ligale, Mrs. Mugo, Mr. Kembi-Gitura, Eng. Okundi, Mr. Khamisi, Mr. G.G. Kariuki and supported by staff members including Mr. Gichohi and Mr. Mutunga.

Mr. Speaker, Sir, the general debate on the political economic and social situation in the world was based on the overall theme; "promoting democracy and helping to build democratic institutions." The items of the agenda of the conference included the election of the President and the Vice President.

**Dr. Manduku:** On a point of order, Mr. Speaker, Sir. My name is Dr. Manduku. I was a Member, but I have not been mentioned there.

**Mr. Musila:** Mr. Speaker, Sir, he was. I apologise. But if you recall, I said: "Among the following". Therefore, you may be omitted and I apologise inadvertently, but that was not a conclusive list.

Mr. Speaker, Sir, I was reading the items of the agenda of the conference. The third one was: "The role of Parliaments in the environmental management and in impacting global gradation of the environment". The fourth item was: "How Parliament can and must promote effective ways of combating violence against women in all fields". The Assembly passed numerous resolutions which are highlighted in the appendix of the Report on pages 7 through to page 45.

I want to draw the attention of the House to some of the important issues in the resolutions that bear relevance to the Kenyan experience. Key among these is the issue of peace and international security which was extensively tackled in the discussions which centred on the role of Parliament in strengthening, controlling of trafficking in small arms, light weapons and ammunition.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, another subject discussed by the Assembly has got to do with sustainable development, finance and trade, and the role of Parliament in environmental management and combating global degradation of the environment. Again, a resolution to this effect was unanimously passed by the Assembly. The Report, as tabled, gives the resolutions on democracy and human rights and what Parliament can and must do to promote effective ways of combating violence against women in all fields. The resolution was adopted by consensus by the Assembly and recommendations are contained on pages 29 and 40 of the Report.

Mr. Temporary Deputy Speaker, Sir, the relevance of this pertinent issue cannot be overemphasised, bearing in mind that many Kenyan women are afflicted by this menace.

Last, but not least, was the aspect of an emergency item which the Assembly chose, and is centred on the need for urgent food relief in order to combat drought-induced famine and poverty in Africa. The world's most industrialised nations need to speed up aid to the continent, and to make particular efforts to reach desperate and poor populations.

Mr. Temporary Deputy Speaker, Sir, the House will recall that during the time when we were hosting this conference, many parts of this Republic were afflicted with hunger, and hence the need for this resolution. I am pleased to say that this very important topic and the resolution on food security, which was a major issue at that time, was handled adequately and a resolution passed urging industrialised nations to assist poor nations improve food security.

Let me take this opportunity to pay tribute to the organisers and stakeholders and service providers who made the Assembly successful. But, first and foremost, I want to acknowledge the role that the Speaker of the Kenya National Assembly, hon. Francis ole Kaparo, who was the President of the Assembly, played in steering the Assembly into making very successful resolutions. I want to thank the entire Kenyan delegation for their participation, and also for representing this Parliament so effectively. May I also convey my thanks to the organising committee headed by hon. Ligale, and consisting of 22 members from various Ministries, for its tremendous effort and contribution to the preparation and arrangement before, during and after the Assembly.

I want also to pay special tribute to the Clerk of the National Assembly and his staff for the effort they made in providing resources to ensure that the Assembly ran smoothly, and for their dedication and commitment throughout the period of the conference.

Mr. Temporary Deputy Speaker, Sir, allow me to express my personal sincere gratitude to other players who made the Assembly a success. Among these are the Office of the President, which provided security during the Assembly.

Mr. Temporary Deputy Speaker, Sir, I am pleased to say that throughout the Assembly, we had no incidents of insecurity, and credit must, therefore, go to the law enforcement arm of our Government. The Ministry of Foreign Affairs participated in organising the Conference. The private sector, the transporters and others made enormous contributions by transporting participants to various destinations, including to their hotels and so on.

Let me also pay tribute to our hotel industry for putting their best feet forward and playing their role in hosting the delegates. I have no doubt in my mind that the role played by hoteliers during this important Conference continues to play a major role in contributing to the promotion of tourism, which is currently booming in this country.

Mr. Temporary Deputy Speaker, Sir, I also want to pay tribute to the management of the Kenyatta International Conference Centre (KICC) for providing the venue and conference facilities for the Assembly. Last, but not least, I thank the Carnivore Restaurant for their very colourful and warm send-off of the delegates. There are many other persons who participated in this very important function, including Dr. Manduku. I want to thank them all, very sincerely, for playing a major role and ensuring that the hosting of this important international conference by the Kenya National Assembly was so successful. I, therefore, on behalf of this House, want to thank each and every person, who, in one way or the other, participated in making this international conference successful.

In conclusion, I urge hon. Members to study the Report of this Conference, and also to familiarise themselves with the various conclusions and resolutions which were made by the Conference, because they will impact very effectively in their participation and understanding of international matters, particularly those touching on other Parliaments of the world.

Mr. Temporary Deputy Speaker, Sir, I beg to move, and, through the Chair, request that hon. Ligale seconds this Motion.

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, I beg to second this Motion, and first to say how proud we were, as a country, to host the 114th IPU Conference in May, 2006. To get to that point of hosting the Conference, of course, it took time. Those of us who had participated in IPU Conferences before vied for it and were elected as a host for this major Conference. Not every country that makes a request is able to host the Conference. It is due to the political stability and the multi-party democracy that we enjoy in this country that we were able, at the request of our Speaker, to be accorded that opportunity to host the IPU Conference.

Mr. Temporary Deputy Speaker, Sir, before hosting it, we made preparations. I would like to thank the Speaker and this august House for having accorded me the singular honour to be the

chairman of the organising committee, which hosted this very important IPU Conference. Amongst members of my committee, apart from their participation in the Conference, were hon. Mugo, hon. Kembi-Gitura, hon. Dr. Manduku, hon. Prof. Oniang'o, the Clerk of the National Assembly and others from various Ministries.

We spent three years preparing for this very important Conference. I have to say that we were able to benefit from the efforts of various experts from various Ministries, notably, the Office of the President for security and organisation, the Office of the Vice-President and Ministry of Home Affairs, the Treasury, the Ministry of Health, the Ministry of Immigration and Registration of Persons and the Ministry of Local Government. Everybody worked very hard to ensure that we put every arrangement in place to host this very important Conference.

Some of us have attended similar Conferences elsewhere. I have personally attended three of these conferences outside this country, apart from the Geneva one. I want to say that I became very proud of being a Kenyan after we hosted this conference. The standards that we maintained were the highest.

After the participants left this country, we received accolades from not only the President of the IPU and its Secretary-General, but also from a number of delegates, who were full of praise for the manner in which Kenya hosted the IPU Conference last year.

Mr. Temporary Deputy Speaker, Sir, I want to pay tribute to the various committees that assisted me to organise that conference. I want, first and foremost, to pay tribute to His Excellency the President. That is because to get the resources to host a conference of that nature calls for vast resources. At some point, it required that our Speaker and the organising committee consult His Excellency the President. Indeed, he appreciated the importance of hosting the IPU Conference here. He was able to lock in the Ministry of Finance and the Office of the President and hence, the availability of the financial resources to ensure that, first and foremost, the conference facility - the Kenyatta International Conference Centre (KICC) - was renovated to the standard that was required by the IPU. Unfortunately, the KICC had been run down. We were required to bring it up from scratch. We not only renovated the conference facilities, but also the restaurants and other common facilities that are very important. We want to appreciate the role that His Excellency the President played in ensuring that there was availability of resources.

Mr. Temporary Deputy Speaker, Sir, we want to associate ourselves with the efforts that were put in by the management of KICC. Some of the facilities were not done on time. I have an example of the sitting arrangements. But the management of KICC was able to come up with alternatives. They even borrowed from other institutions. They made sure that our guests were accommodated as comfortably as possible. At the end of it all, we can now proudly say that we have a conference facility that is worth marketing. I am glad that the management of KICC has now taken conference tourism to be very important. They are now marketing KICC as a facility that we can be proud of.

Mr. Temporary Deputy Speaker, Sir, we also want to thank the various Ministries. The leader of the delegation has thanked the police for the efficient manner in which their security was taken care of. When you host a large number of dignitaries of that magnitude---

The number of delegates numbering 1,066 did not include the accompanying persons. The accompanying persons were quite a large number. We had nearly 600 accompanying persons, who included spouses and friends of the delegates. The accompanying persons were able to enjoy our hospitality. We were able to arrange for them visits and enjoy areas of tourism and other attractions like cultural artefacts, museums and so on. To ensure the security of all those people - the delegates as well as accompanying persons - is no mean task. It is a mark of our efficiency. The period of the conference was only six days, but many delegates were staying for longer periods, some even for two weeks! To maintain their security was no mean task. I want to pay tribute, on my behalf and

that of the committee, to our police for the way they maintained peace and security in our country.

Mr. Temporary Deputy Speaker, Sir, the hotel industry was up to scratch. Of course, they were doing business. But, at the same time, we had to work very closely with them to ensure that they gave our friends and visitors the best that Kenya can offer. In addition to the facilities that the delegates enjoyed in hotels and so on, we had a number of receptions, apart from the cultural party at the Carnivore. The Speaker and the Government hosted separate receptions. The heads of the delegations were able to visit State House for a reception hosted by His Excellency the President. They all went away with a very good impression of our country. So, we want to pay tribute to the hotel industry for the way they looked after our guests. Our guests were all very proud and happy.

Mr. Temporary Deputy Speaker, Sir, we want to pay tribute to the transporters. Those are the people who made sure that our guests were moved from the airport to their various hotels. They were also able to transport our guests for the excursions. In addition to the serious business in the

conference centre, we organised excursions for our guests. We ensured that they were ferried comfortably. We want to pay tribute to those who provided transport services.

Mr. Temporary Deputy Speaker, Sir, that conference was a milestone in our history. Many of our guests who went away promised to come back. Indeed, some have since come back. Some have maintained contact with us. Whenever they have come, they have told us they want to attest to the hospitality of Kenyans.

Mr. Temporary Deputy Speaker, Sir, apart from all those arrangements, I want to enjoin my colleagues in reading through this Report. The copies are available. That will help them to take into account the resolutions that were passed.

The items on small arms, which have dogged this country and our neighbours, cannot be over-emphasised. Parliamentarians across the globe can influence their countries. There is proliferation of small arms in this region because of our porous borders, particularly the northern and eastern borders of this country. Those arms have wrecked havoc in this country. The small arms fall into the wrong hands. That is why our security is compromised. We hope that the Parliamentarians who were here--- We urged them to speak with their governments to ensure that they pass the necessary legislation, so that the proliferation of small arms does not come to our countries and wreck havoc on us. It is a matter that is of concern to us. It is a matter that we would like to continue to ventilate and speak about.

Mr. Temporary Deputy Speaker, Sir, the role of women in society cannot be gain-said. We, in this country, are now talking of ensuring that our womenfolk are given an opportunity in all public appointments to the tune of 30 per cent. That is a laudable political statement. However, I hope that we can follow that through with the necessary legislation to make it possible for our womenfolk to come into this House in much more larger numbers than we have at present. Once they are here, they can participate effectively in the committees and in appointments to various public offices within Parliament and the Government. That will make the role of women recognised and appreciated. That is of principal importance to us. I hope that the necessary legislation will be brought to this House to put what we passed in the conference into law. That will give credence to affirmative action. It is critically important to do so.

We discussed an emergency situation of hunger in Africa. We are the only continent that continues to beg for food. In the 1940s and 1950s, the Indian Sub-continent used to go around the world with a begging bowl. But they took positive steps to ensure that they did not depend on rain-fed agriculture. They started small scale irrigation schemes. Those schemes are found in India, Bangladesh, Pakistan and other countries. Those countries are now self-sufficient in food. It is only in the African Continent that hunger continues to plague us. Mr. Temporary Deputy Speaker, Sir, all the speakers on the item of emergency item, did urge that as long as we still have it as a major

problem, developed countries should come to our aid. Efforts should not be put so much on giving food aid to Africa, but on ensuring that it can become self-sufficient in the production of its own food requirements. So, I hope that those resolutions pertaining to those items in this Report be ventilated and taken seriously by Parliamentarians in this august House.

It was my pride to have chaired that organising committee and to have participated in the deliberations of the 114th IPU Conference. I felt proud as a Kenyan.

With those few remarks, I beg to second.

*(Question proposed)*

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute and support the Motion on the Floor.

Mr. Temporary Deputy Speaker, Sir, let me start also by adding my voice in support of the hosting of the conference last year. I would like also to congratulate the Speaker for the able manner in which he chaired the conference and as overall host. I also want to congratulate the leader of our delegation to the conference, the Deputy Speaker and also the Chair of the Planning Committee, hon. Andrew Ligale, for the very able manner in which he guided the committee, and for his diplomacy and perseverance which showed our traits of good leadership. As a result, we were able to host a very successful conference.

Mr. Temporary Deputy Speaker, Sir, in my terms as a Member of Parliament in the Eighth Parliament and this Ninth Parliament, I have attended all conferences other than one which took place in Germany. At that time, there were two conferences in a year. I can tell this House confidently that the Kenyan conference rated very high among all those conferences. It is not only me saying so, but we have been told so, by our colleagues with whom we attend these conferences from other countries. Even in the recent conference held in Geneva in October, a few months after our conference, they were full of praise for us. Each member wanted to hug a Kenyan member in the conference. This shows how close they felt to us. They all praised Kenyans for their wonderful hospitality. They thought that Kenyans were very hospitable, kind and loving people. Whereas they talked about the animals and our game parks, they also had very good words to say about the conference, especially the Africa Night. For all that, I add my voice in thanking all hon. Members because we did this all together.

I also want to congratulate Kenyans in general. I also congratulate His Excellency the President and the First Lady for the wonderful reception they hosted for the delegates at State House.

Mr. Temporary Deputy Speaker, Sir, I had the honour of chairing the Women's Committee. In fact, it was one of the highly attended committees in all the conferences by women Members of Parliament and women speakers. We were happy that one of the items dealt with was violence against women. Again, this was the first time a women's item had been discussed at the plenary and not just at the committee stage. I hope, and it is my prayer, that we are not only adopting these resolutions, but they could be forwarded to the relevant committees which deal with those items. They can look at them and recommend to this House as to how we should go about either by legislating or enjoining them into some of the legislations we have. That is the only way we can justify the enormous amount of money we spend when we travel to attend these conferences. It is not only in the May IPU conference that we had these wonderful resolutions passed, but in all the conferences. These resolutions would go a long way in serving Kenyans and improving their lives in general.

Mr. Temporary Deputy Speaker, Sir, on violence against women, a lot was said and captured in the resolutions. Decision making is part and parcel of violence against women. We



want women to be felt as being part of the decisions and legislations which will raise their status in society. I believe if we adopt these resolutions, violence meted to women would be a thing of the past. However, I am surprised and shocked to see the Departmental Committee on Administration of Justice and Legal Affairs recommend the 24 per cent for affirmative action. The recommended number through all the IPU---

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member for Dagoretti, first of all, to anticipate debate because that Motion is here and is coming up for debate since it is already on the table of the House? Secondly, is it in order for her to mislead the House that the committee has recommended 24 per cent when, in fact, we have recommended the number of nominated Members of Parliament be increased to 36 and that 24 of them be women? If she wants to reject the 24, let her make that clear and then we shall delete it.

**The Assistant Minister for Education (Mrs. Mugo):** Mr. Temporary Deputy Speaker, Sir, I am not anticipating any debate. I am talking about the resolutions as they have been passed in the IPU. I have seen and the Press has written about it. The report I have seen from that committee does say 24 and if you say 24 in a House of 221, hon. Members will not translate that to anything near 30 per cent, what we have been asking for. If it is talking of 36 nominated Members of Parliament, they should actually be talking of 12 nominated women Members of Parliament, which will at least comprise one-third which is recommended internationally and nationally. Those are the statutes we are talking about that they should be legislated. We must start here. If that is what the IPU has recommended as being partnership between men and women, then we should start with this House honouring it.

Mr. Temporary Deputy Speaker, Sir, I commend the President for showing the way by asking his own Government to reserve 30 per cent of recruitment into the Public Service to women. That is what we are asking this House to do. Otherwise, we will just be playing lip service. Very recently, we saw what happened to the Members that we nominated to the East African Legislative Assembly. Even when we debate Motions and Bills to do with women, it is in this House where we see them opposed mostly. So, I am trying to sensitise my colleagues; the male Members of Parliament to be gender sensitive and adopt the resolutions which are passed internationally. I think that is what the Chair was trying to say.

I thank this House for passing the Sexual Offences Bill after a lot of problems and objections. There were some fair gender-sensitive men. I should even refer to them as very sensitive men to humanity, who supported the Bill wholeheartedly. I am not condemning all of them, but there are a few who still need to be convinced that, that is the way to go. Until such a time when we will be sensitive to these issues, we will just be playing lip service. As we move to the 10th Parliament, we should see a change. We should see this House with, at least, one-third of the hon. Members being women.

Mr. Temporary Deputy Speaker, Sir, food security was taken very seriously by the Members. We thank the visiting Members for the contribution they made, because that is when we had draught in North Eastern Province. But I also commend the Government, because for the first time, in four years since it came to power, we have not imported any food. At least, we have enough food despite the big drought. What we must encourage the Government to do, is to make sure that every area of this country is able to produce its own food. Wherever the climate does not allow - although with boreholes it is possible to practise agriculture -we should improve the marketing and transportation, so that food can immediately be moved from one area where there is plenty, to other areas where there is none, without any wastage.

I think the main challenge right now is improving food storage in the country. The issue is not that this nation cannot feed itself. It is now able to feed itself, but we need to feed all areas simultaneously, because the food is there. So, I commend the Ministry of Agriculture, because we

have seen a change and shape in the right direction.

Mr. Temporary Deputy Speaker, Sir, so once again, I ask that the relevant Departmental Committees take hold of these resolutions and other resolutions from other conferences of the Inter-Parliamentary Union (IPU), and domesticate them. In addition, they should recommend to this House which way to go, in order to domesticate them, so that we can make use of those vast sums of money we use in these IPU conferences.

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

**Mr. Odoyo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to add my voice to those who have congratulated the hon. Ligale, the Speaker of the National Assembly, and all hon. Members who participated in one way or another, right from the planning to paying attention to small details like transport. Indeed, one may say that this Parliament is coming of age, as we are now able to host large international conferences quite efficiently. We count ourselves lucky for having able people like hon. Ligale, who have wide national and international experience to support us in such exercises.

Mr. Temporary Deputy Speaker, Sir, I do note that while it was widely attended, of the over 1,000 delegates, only about half were Members of Parliament. The other half was composed of people from Non-Governmental Organisations (NGOs) and all manner of walks of life. I would have preferred if the ratio was 80 per cent Members of Parliament to 20 per cent others, as opposed to the situation where it was almost 50 to 50 per cent. This means that we may not be directly targeting the audience which the IPU should be targeting.

**Mr. Ligale:** On a point of information, Mr. Temporary Deputy Speaker, Sir. The 1,066 delegates who attended were Members of Parliament. The accompanying persons were not counted in that number. You cannot become a delegate, unless you are a Member of Parliament.

**Mr. Odoyo:** Mr. Temporary Deputy Speaker, Sir, I do note that from the leader of the Kenyan delegation during the function. However, there were only 33 Speakers who attended the conference out of a possible 145. This may mean that if less than 20 per cent of the presiding officers of those parliaments were able to attend, we are also not targeting the appropriate presiding officers. So, I appeal that future IPU conferences should be attended by many more Speakers of national assemblies, so that they may guide many of the discussions on the topics and resolutions that were passed at the IPU Conference.

Mr. Temporary Deputy Speaker, Sir, I wish to congratulate the 115th IPU meeting on the three resolutions which it passed. The first resolution was on small arms. The second one was on sustainable development, specifically, finance and trade. The third one was broadly, democracy and human rights, but specifically, on violence against women. These were the main areas in which the IPU conference passed resolutions. I wish to speak about just one of them. I will not speak about small arms, since I have seen somebody from the Ministry of Justice and Constitutional Affairs. I will leave him to do so.

I will speak about finance and trade, where I have some expertise. The digital divide between the North and South, the East and West, the First World and the Third World is not getting nearer. It was believed for quite a long time that aid would be able to assist countries like Kenya, but, indeed, it has not helped us. If anything, aid has gone ahead to line the pockets of a few misguided rulers, who have continued to steal from the people who mandated them through trust, to oversee their own affairs. The philosophy or idea of trade being at the heart of achieving sustainable development in Africa, specifically, in Kenya, is a matter that this Parliament needs to put to the fore. We should manage our economy in such a manner that we are able to capitalise on trade.

The first level of trade is within the region. First, this Parliament and Government must be committed to the regional aspects of trade. We must strengthen those regional bodies dealing with

the Common Market for Eastern and Southern Africa (COMESA) and the East African Co-operation (EAC), and give them their due respect, because that is where the future lies. Indeed, Uganda, Rwanda, Burundi, eastern Zaire, Southern Sudan and other countries that are nearby, is where the future of Kenya lies. It is time that we, in Kenya, started thinking like imperialists. I am using the word "imperial" to mean that we should be able to put our hands into resources that are available in the neighbouring countries. For example, we are now being edged out of Sudan and losing ground in Uganda. The same is happening in Rwanda and Burundi. We are not active in the Common Market for Eastern and Southern Africa (COMESA). Indeed, the duty on sugar that is going to be lifted in 2008 is a big threat to the sugar industry in western Kenya, particularly Nyakach Constituency, which I represent.

Mr. Temporary Deputy Speaker, Sir, the time is ripe now to say that the East African Community is a part of the future of Kenya. Therefore, when we are electing Members of Parliament to go to the East African Community in Arusha, we must sustain the very tenets of a parliamentary system, which is democracy. I say this because the Inter-Parliamentary Union (IPU) is a body that brought together Members of Parliament. Indeed, it is really shameful that we here in Kenya, have lost a case in Arusha that we should not have lost. We should not have lost that case because pure common sense was what was required.

Mr. Temporary Deputy Speaker, Sir, we have a Government which has been in power for just four years, but it is exhibiting dictatorial tendencies by assuming that the salaries of hon. Members of this Parliament are not the same. Indeed, we all earn the same amount of salary and it is about time that those on the Government side also realize that there is a need for consultation at various levels. Parliament and the rule of law dictate that they must consult all stakeholders before they appoint people of their will. They should not look at their own cheap and simple political agenda which, indeed, will be a big disappointment to them come November and December, 2007.

Mr. Temporary Deputy Speaker, Sir, the issue of trade has been a subject to all the World Trade Organization (WTO) conferences. It remains at the heart of the future. Let us not cheat ourselves and assume that Kenya will benefit up to and until we have looked at the terms of trade between the goods we produce in Africa and those produced in the West. Specifically, look at items like coffee. The price of coffee keeps on declining, whereas the price of manufactured goods keeps on rising. The same applies for tea, pyrethrum and those raw materials produced in Africa, including cocoa. The only goods whose prices are rising are, for example, gold and diamonds. These are controlled by the Boers of South Africa, who we very well know manage a very strong cartel to keep prices on the higher side. But the real productive sector that goes to help the *wananchi* in Kenya or Africa has not been addressed. It is time that we have to put our foot down so that we are able to, first, undertake intra-trade among the neighbouring countries before we venture into other countries.

Mr. Temporary Deputy Speaker, Sir, it is time that this Parliament put in legislation to introduce all manner of value addition to the products we produce in Kenya. It is time for us to say that unless we are able to bring in more export revenue, this country may be on the downward side.

Mr. Temporary Deputy Speaker, Sir, as I congratulate the Committee that held this particular meeting in Nairobi and, indeed I looked at the membership that was the official delegation, we would have preferred an almost 50 to 50 representation from left to right sides. The delegation was too lopsided on the Government side. Perhaps, in future IPU conferences, we request your office and the Chair to try and make it balanced on a 50 to 50 representation, so that we can have 50 per cent of hon. Members from the left and 50 per cent from the right hand side. In this case, we had 70 per cent membership from the Government side while only 30 per cent was taken from what was perceived as the Opposition side. Indeed, parliamentary matters cut across the divide of left and right and I plead that this issue should be looked into.

Mr. Temporary Deputy Speaker, Sir, I would like to talk briefly in passing about small arms. Insecurity in this country continues to increase. Indeed, unless we are able to get the police to respond, and it is not that we are asking Mr. Michuki to get rid of insecurity; insecurity will always be there. But we are telling Mr. Michuki that the response time of the police and armed forces has to be such that they can arrest a situation. We have mobs and people walking down a street, like Tom Mboya Street with impunity, holding guns like the AK-47, just assuming that there is no security in this country. Indeed, all the good work that has been done by this Government is being eroded very fast by insecurity. I plead to this Government that if the Steadman Report will not start showing declining rating trends--Unless you correct the insecurity situation, do accept that the Report will start to show that this Government has ratings which will be well below 20 per cent. In fact, I predict that come October, 2007, the Government ratings will be in the region of 12 to 14 per cent due to increasing insecurity. Increasing insecurity is due to declining resources for our people.

*(Mr. N. Nyagah looked up at  
the Press Gallery)*

Mr. N. Nyagah, I assume that you are looking up to see whether the people from the Press are in. I can assure you that the Press is on full time.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Odoyo! You should address the Chair!

Proceed!

**Mr. Odoyo:** Thank you, Mr. Temporary Deputy Speaker, Sir.

Let me now talk about food insecurity. It was discussed that no Government can go on without proper food security. The IPU meeting noted that people in dry land areas of Kenya fight for resources. When there is drought, the Pokot, Marakwet, Elgeyo and also Tugen, *et cetera*, fight. The same applies to Nairobi. Today, we have gangs of young boys aged between 18 to 25 years who are terrorising this city. It can only mean that, indeed, their access to resources and to participating in the economy is being diminished day by day, despite all the assurance we are receiving that the economy is growing. This economy may be growing but poverty and, therefore, insecurity and food security is declining. It is time for us to ask this Government: "Is this a Government for the rich? Is this a Government for the wealthy? Is this a Government for the "haves"? How about the majority of our people, the "have-nots" who are suffering? These are the taxpayers". It is time for us to say: "Yes, we do not mind if our economy grew at 3 per cent, but the poverty index should also decline by 3 per cent". Indeed, our economy is growing by 6 per cent and the poverty index is increasing by between 5 to 10 per cent. Something is not right! It can only show that the "haves" are becoming too of the "super-haves" and the "have-nots" are becoming the terribly downtrodden "have-nots". This situation is a threat to everybody and is causing insecurity in this country. Insecurity will explode!

Mr. Temporary Deputy Speaker, Sir, the *Mungiki* are no longer the "have-nots". They are young men coming from middle class families with fairly good, decent backgrounds. So, we must take responsibility for groups like *Mungiki*. What is happening to our society? We must put the question forward that, this Government must address the issue of *Mungiki*, not necessarily by making arrests and detentions and what-have-you. The Government must address social problems which give rise to *Mungiki*, and art of this is because we are not bringing young men to participate in this Government. Young men must begin to start feeling that they own this country and Government! We can do that by having more young men in key positions in this Government. We should not have everybody who is in their 70s or 80s having positions in this Government.

Mr. Temporary Deputy Speaker, Sir, I beg and request all hon. Members to learn from the

Kenyatta regime. When Kenyatta came into power, he was well into his 70s, and everybody he appointed was below 35 years old. When he came to power, virtually everybody in the Government was below 35 years old. All the Permanent Secretaries (PSs) were below 35 years old. All the key Ministers were below 35 years. The late Tom Mboya, the late Kiano and Messrs Mwai Kibaki and Njonjo were all dynamic young men, and we did not have *Mungiki* then. Until we bring young men into the Government's mainstream, the likes of *Kamjeshi*, *Mungiki* and similar gangs comprising of young people will continue sprouting across the country.

Therefore, I request that, for sustainable governance to take place, which was a theme discussed at the Inter-Parliamentary Union (IPU) conference, we must address the plight of the young men in this country. We must bring them on board, so that they can participate in managing the affairs of this country, and feel part and parcel of the economic growth we have registered. I request that at the next IPU conference, we put in place a system that can assist young men in this country.

Mr. Temporary Deputy Speaker, sir, I would like to repeat what I said earlier. How do we address the rural economy in Kenya? Let us learn from the American Economic Depression of the 1930s and China's economic depression of the 1980s and 1990s. What did they do to address the issue of rural economy? They, simply, started building roads. The Americans built roads manually from New York to Los Angeles. In certain cases, some people dug holes and others went and filled up those holes. But they were being paid.

The idea of giving hand outs to people through the Youth Enterprise Development Fund and the Women Enterprise Development Fund is not good. *Wananchi* do not want handouts. They want to feel that they have worked for their money. One would want to go to work in the morning and go back to his wife in the evening, feeling tired but having been paid, say, Kshs300. The next day, he will want to wake up again and go to work. Then he will make proper choices on what to buy. That will only happen once our rural economy starts sprouting.

That is what happened in China, where storey highways were constructed. In that country, you can see four or five storey highways, running straight for 200-300 kilometres. All those highways, except those which required stone cutting machines, were built by hand. We have to revive the rural economy in this country. It is the rural economy that will create demand for investment, so that factories in the urban areas can produce, say, more cooking oil, sugar, shoes, toothpaste, soap, *et cetera*, because the commodities are in demand.

As factories increase their production capacities, they will employ more people unlike in the current situation, where the Nairobi Stock Market (NSE), mobile telephone networks, banks, among other institutions, are the only ones making money. These institutions do not employ. They mint billions upon billions of shillings as *wananchi* starve to death. So, although the economy is growing, the poverty index is increasing. Therefore, the time is ripe for us to fully address those issues which were discussed at the IPU conference, particularly those touching on sustainable development.

On the issues of democracy and human rights, there is human rights violation going on in Mount Elgon. I will not repeat what was discussed by this House this [Mr. Odoyo] morning. I can only say that we cannot pretend to be upholders of human rights if we are unable to look after the rights of our fellow Kenyans. Indeed, charity begins at home. This Government must uphold the human rights of each and every Kenyan.

Indeed, the intended purpose of the constitutional amendment proposal to create the positions of Prime Minister as head of Government and President was to ensure that every Kenyan has an equal opportunity to become the Head of State of this country. At the moment, we must be honest that if you do not come from the three or four largest tribes of this country, it is very difficult for you to become the Head of State of this country. That system must change, so that

even a strong, lucky and hard working Pokot boy can become the chief executive of this country. At this moment, one cannot become one. So, this scenario has to change.

The first value in human rights says that all human beings are equal. So, how do we make all Kenyans equal to ensure one can rise to the highest leadership position of this country irrespective of the part of the country one comes from? This is the first human right issue that we must address.

Finally, on the issue of violence against women, the training standards of our police officers are still low. The Judiciary has not been brought on board. The Government keeps using good platitudes about good working conditions but, indeed, it is doing nothing. We have passed legislation in the House, but the Government's ability to implement it is still wanting. The amount of want this Government has left us in is such that the Kenyan people will speak come December, 2007.

With those few remarks, I beg to support this excellent Report and commend the Committee for the good work it has done.

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears that every hon. Member who has stood to contribute is supporting this Motion. No one has spoken against the Motion. It appears that we have, really, exhausted debate on this Motion. So, would I be in order to move that the Mover be now called upon to reply, or that the Question be put?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): I will give a chance to Mr. Mungatana, first.

Proceed, Mr. Mungatana!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to join the hon. Members who have spoken before me in congratulating the Committee for the excellent preparation that was done as well as for the excellent hospitality that was extended to our guests, who came to participate in this extremely important international conference. People may forget and take it for granted that hosting 1,066 delegates from 118 parliaments is one of those things that you can do easily.

In my tour of duty in the Ministry of Foreign Affairs as the person in charge of African affairs, we visited many countries on official duty. In many countries in Africa, it is very difficult to find suitable accommodation for hosting international conferences. We visited capital cities within our own regions of Southern and Eastern Africa to deal with certain inter-governmental matters, and found that because certain countries have no capacity, they are unable to host important inter-governmental meetings.

Mr. Temporary Deputy Speaker, Sir, therefore, I want to particularly pay tribute to the organising Committee as well as to those who organised the hospitality when this event took place in this country. This is a pointer to what this Government has been able to achieve within a very short period of time. As at the time of the hosting of the IPU conference in Nairobi, the incumbent Government had not been anything more than four years into its term.

Mr. Temporary Deputy Speaker, Sir, as has very well been expressed here and supported by the Opposition hon. Members, the facilities in terms of tourism and the hospitality business in this country was at an all time high. When you look at the figures that have been quoted on several occasions by the Ministry of Tourism and Wildlife, you find that we have every reason to be proud as a Government, for the work that has been done for the last four years. Bed occupancy has gone up. We have received a lot of visitors even from countries that have not been friendly to this nation. Despite some countries offering official communication which has been discouraging visitors from coming to this country, we have seen a continuous trend of people continuing to come into this nation. This points to the level of development that this nation has achieved within the last few years of this Government in power.

Not to belabour the point, the Kenyatta International Conference Centre had been run down. The place had been converted into a hawking area, but with the taking over of this Government and the new management that was set up and, indeed, the efforts of the Ministry of Tourism and Wildlife, we have been able to attract international conferences of this calibre. This is a tribute to the Government that has been in power.

Mr. Temporary Deputy Speaker, Sir, I want to also record my appreciation for the kind of resolutions that came out of the IPU meeting. When we talk of the International Peace and Security Resolution that was passed, I want to zero-in on the question of illicit small arms in Kenya. We have passed the resolution that condemns the proliferation of small arms into our region. We need not belabour the point that illegal small arms have been the cause of a lot of insecurity, not only in Kenya, but in the region as a whole.

I was happy to note that even governments outside the region of Eastern and Central Africa participated in this conference and took responsibility. The small arms and the light weapons that we spoke about in the IPU conference are not manufactured in East or Central Africa. Most of these weaponry are brought in through illegal trade and they are sent specifically to this region. It was heartening to note that even those countries that manufacture these weapons were there to support this resolution against the proliferation of small arms and light weapons.

Mr. Temporary Deputy Speaker, Sir, having said that, I would want to again record the kind of efforts that the Government of Kenya has been spearheading in this region. The Kenya Government, together with other regional players around, has been able to set up a small arms centre and the Secretariat is based right here in Kenya. The Regional Centre for Small Arms (RECSA) Secretariat is based in Kenya.

I participated in representing our Government when we were choosing the site and several neighbouring countries were there to support the positioning of the regional centre for small arms and light weapons control in Kenya. One of the issues that was said and repeated time and again is that Kenya has been able to put down its foot on the control of the proliferation of small arms and light weapons. Of course, a lot needs to be done, but Kenya has been on the fore-front and we need to commend the Government for the work that has been done so far.

It is within the living memory when a number of light weapons, namely, firearms, were destroyed in the glare of the public. This was just in keeping with the International Peace and Security Resolution that was passed during the IPU meeting. They urged that destruction of these small arms and other light weapons must be done in the glare of the public, so that a message is sent strongly to all those who are involved in this trade and all those who would wish to make illicit money from this trade, that governments around this area are not willing to support this kind of thing.

Mr. Temporary Deputy Speaker, Sir, I was also very happy to note that the then Speaker for the Transitional Federal Parliament of Somalia, Sheikh Aden, addressed the IPU Conference. He got a chance to speak to the delegates and he brought to them the facts of the matter around this region. We may continue talking and passing beautiful resolutions about peace and security, but before we take practical steps to sort out the problems that are affecting our region, we will not do lot of work.

It was good to hear him speak. Unfortunately, there came out no particular commitment in terms of funding and something tangible from that sitting that would go to Somalia. If we look again in those resolutions, one can see that countries are being called upon to honour previous international promises and commitments that have been made. As a country, we would encourage that nations honour their international commitments. If this had been done in Somalia in good time, we may not have had the kind of problems that erupted afterwards.

Mr. Temporary Deputy Speaker, Sir, I was also hoping that a fund could have been set up

during this IPU Conference, so that parliaments from the regions which are in the process of development can be assisted. For instance, there are countries which have struggled with internal wars for many years. These countries need support in real terms, but not support in terms of nicely worded resolutions. These are parliaments that are struggling to be recognised as democracies that are flourishing.

I had a chance to visit the place where the Transitional Federal Parliament of Somalia was sitting and I found that chairs were inadequate. The loud speaker was not functional. The hon. Members who had been chosen had not gone through so much in terms of capacity building and in terms of how to do things in Parliament. As a result, there were some arguments and things that would look very strange if they were happening in this House. In adopting this report, it could have been a very good idea if some funds had been set aside, specifically to help develop up-coming parliaments and democracies that are just taking off, or democracies that have been interrupted by civil wars. Having said that, I think Kenya and this Parliament can take a leading role in this region. We have a concept of Parliament teaming up with other Parliaments to encourage growth in parliamentary practice and procedures. We can do it in our own small way as Parliament. We can visit other Parliaments and engage them at deeper rather than superficial levels. We should look forward to the next IPU Conference that will be held in Geneva. Kenya can go there and say that it has nurtured parliaments of other countries to grow. It will be a very beautiful thing. Kenya has pioneered in many things, as far as parliamentary procedures are concerned. We are the first real multi-party and democratically elected Parliament. We have serious democratic practices taking place in this country. We have the first Government that was elected on a coalition basis. We should state how we function and the challenges that we face, both positive and negative. We were able to overcome some of those challenges. But we have also not been able to overcome others. We have consequent results of what has happened.

Mr. Temporary Deputy Speaker, Sir, those shared experiences can be documented within this Parliament. We can use them to enrich our neighbours and friends within this region. That way, we can say that our Parliament has taken a leading role within the region. When we go to the next IPU Conference, we can be proud to say what we have done, apart from the other generalised resolutions.

I wish, once again, to commend the delegates for the resolutions that they passed on sustainable trade and development. That is a very crucial issue for us, as a nation and Parliament. This Parliament has shown the way. In many ways, I am very proud for being part of this Parliament. This Parliament has passed substantial legislations that have ensured the economic growth of this country. That also tells you that our Government is committed to foster development.

In terms of administrative actions, we have reduced the number of licences required to open businesses. We have also reduced the time that was required for foreign investors to come into this country. We have also initiated divestiture and sale of our State owned companies. It has been done in a proper way. We have come out looking good as a Parliament. That is part of sustainable development in this country. If the law is there, development will follow tomorrow. That is part of the sustainable development that we are talking about.

Parliament can do more in terms of sustainable development, finance and trade. The Tanzanian Parliament has passed more legislation than we have. It is my hope that in this final term, we shall pass more legislations that touch on trade and finance. For instance, today, we had the First Reading of some of those legislations that are very crucial in terms of how we allocate our monies in the Budget. If we can sit together as Parliament and pass a law that will help us manage our economy in a sustainable manner, we can hold our heads high and say that we have done a good job.



Mr. Temporary Deputy Speaker, Sir, otherwise, I stand to sincerely support this Report and the work that has gone into it. I appreciate the beautiful ideas that have been expressed in this Report. I also wish to join others who have said that we should effect some of the things that have been passed here as soon as possible.

I thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support.

Thank you.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): It is now time for the Mover to reply. Hon. Members, it seems that the Mover is either absent or did not need to reply to this Motion. I will, therefore, straightaway, put the question.

*(Question put and agreed to)*

ADOPTION OF REPORT OF THE  
115TH IPU ASSEMBLY

THAT, this House adopts the Report of the 115th Inter-Parliamentary Union (IPU) Assembly held in Geneva, Switzerland from 15th to 18th October, 2006 laid on the Table of the House on Thursday 7th December, 2006

*(Motion deferred)*

ADOPTION OF REPORT ON FIDA NOMINEE TO KACA ADVISORY BOARD

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the International Federation of Women Lawyers (FIDA) nominee to the Kenya Anti-Corruption Advisory Board laid on the Table of the House on Wednesday, 28th March, 2007.

Mr. Temporary Deputy Speaker, this Report has been available to hon. Members for a very long time. A vacancy arose in the Advisory Board of the Kenya Anti-Corruption Commission due to a resignation of the lady who was originally nominated by FIDA. Hon. Members would remember that

the Anti-Corruption and Economic Crimes Act has a schedule of the organisations that are supposed to nominate members to the Advisory Board. One of those bodies is FIDA. So, when the vacancies arose - in fact, they were two; the nominee by the Law Society of Kenya and the nominee by FIDA--- The former Chairman of LSK, who was also the Chairman of the Advisory Board, Mr. Abdullahi Ahmednasir, resigned over the saga relating to the nomination of Dr. Rotich.

I would like to draw the attention of hon. Members to the fact that the Departmental Committee on Administration of Justice and Legal Affairs, as it appears in its report, took its work very seriously. In fact, as it will appear from the minutes of the deliberations of the Committee which are annexed to the Report, the initial nominee of FIDA came before the Committee. We examined her experience and curriculum vitae (CV). Given the very heavy responsibility of the Advisory Board of the Kenya Anti-Corruption Commission, we found that the initial nominee's qualifications, experience, CV and track record did not match the high expectation of the calibre of people to sit on the Advisory Board. Therefore, this Committee, as it can be recollected, laid an initial report where we recommendation the adoption of the nominee of the Law Society of Kenya, and the rejection of the nominee of FIDA. So, FIDA was obliged to look for a more suitable person to nominate to that very important Board. They forwarded two names. Again, the Committee sat

and evaluated the CVs, experiences and track records of the two nominees who had been proposed. Finally, we settled for a particular individual who the Committee is recommending to this House to nominate to the Board.

Mr. Temporary Deputy Speaker, Sir, I would like to mention that the Anti-Corruption and Economic Crimes Act is an example of how power can be shared between the Executive and this House with respect to appointments to important public offices. It is a very good trend! The other one is the Kenya National Commission on Human Rights (KNCHR) where hon. Members will recollect that the names are brought to this House and it is this House that makes the decision.

The Departmental Committee on Administration of Justice and Legal Affairs takes its work so seriously that we have actually travelled all the way to the USA to study how the Senate goes about verification of nominees to important public positions. In fact, the Committee was privileged to have witnessed the deliberations of the Senate when confirming the current Chief Justice of the USA. We also visited the State of New York to see how they go about it. Without, in any manner, anticipating debate, hon. Members will recollect that this Committee has drafted and drawn a very comprehensive Report to seek how to guide this House on verification of important public appointments where the House is required to verify appointments to high public offices. This is increasingly an important duty which needs to be extended across. As you are aware, in fact, this is one of the issues that are very important in the new constitutional dispensation. From time immemorial, this country has seen abuse of power by the Executive of the day when it comes to appointments to key public positions.

So, Mr. Temporary Deputy Speaker, Sir, what is being suggested is that all these appointments be subjected to Parliamentary approval. This is going to be increasingly a very important job. So, I would urge the House that when that Report is laid on the table of the House to study it and take it seriously so that we can do this important job of approving or disapproving important public appointments, as a House. This will ensure that this power can be shared between the Executive and this House.

You will recall the uproar recently about the appointment of the Governor of the Central Bank of Kenya (CBK). Besides qualifications, there are other issues to be taken into account. The consumer friendly language these days is not ethnicity. It is to talk about regional diversity of the Kenyan people. However, it is an important aspect of the matter. The KNCHR Act, for example, specifically requires this House, when approving appointments as Commissioners to the KNCHR, to factor in the regional diversity of the Kenyan people. That phrase is actually in the Act of Parliament. That is what the Committee has done and what this House does. Out of the nine Commissioners, we ensure that, at least, each province produces a Commissioner. If you look at the current Commissioners of the KNCHR, you will see that there is a Commissioner from the Coast, North Eastern, Nairobi, Central, Western, Nyanza and Rift Valley provinces. The other one can represent the whole country. We think that this is an important direction in which to go. It is important because it brings cohesion. Take the best from Rift valley, Nyanza, Central and other provinces because that is the regional diversity of the Kenyan people.

Mr. Temporary Deputy Speaker, Sir, if we are going to remain as one nation, that is a factor that must continue to be taken into account. So, that position of the Governor, for example, is one of the positions we are saying should be subjected to Parliamentary approval. I suspect that if that had come for Parliamentary approval, questions would have been raised by hon. Members as to whether this Mr. Ndung'u is absolutely the only one in the whole country. Were there other equally qualified individuals; perhaps, even better qualified? We want to be more open and transparent. We want all these things to be done in a very transparent manner. That can only happen when this House is given the mandate to subject appointments to Parliamentary approval. So, this is a very important aspect. We do not want to leave any region or community. We want to be fair!

Where it is Parliament which is approving, it becomes very difficult, in fact, to sway it to make approval in respect of a person who is not qualified in every respect. You cannot influence 222 hon. Members. If this approval goes through a Committee, the Report is laid here and hon. Members are debating it, you will find that it is only the best; the most qualified, taking into account regional diversity, who will get appointed. We want all these positions; the Commissioner of Police, the Director of Criminal Investigations Department (CID) and the Director of Intelligence to be approved by Parliament. These are important positions where the individual should owe his loyalty to the people of Kenya. When the appointments are subjected to Parliamentary approval, that is how it is going to happen. You will find that we are going to give security of tenure to those people. They will be insulated against political manipulations. They will be able to discharge the duties of their office without fear or favour of anyone and, without being the agents of the Government of the day.

Mr. Temporary Deputy Speaker, Sir, when we make these contributions, we are not targeting the current regime. The first regime did the same. The second did the same and this one is also doing the same thing. If there is a change of regime, I suspect that without this re-arrangement of sharing this power between the Executive and Parliament, whoever comes in will follow in the same trend of appointing people from one community or region. So, time has come for us to put an end to this. This can only happen through a re-arrangement of this constitutional power so as to require Parliamentary approval of all important public positions, including the Judiciary. It is shrouded in secrecy! How do you go about identifying who are to be appointed as judges? How can we tolerate, as a country, a situation where we say that judges are going to be appointed by the President on the advice of the Judicial Service Commission (JSC)? However, examine who appoints the judges. The Chairman of the JSC is the Chief Justice. Who appoints the Chief Justice? It is the President without consulting anyone! Who is the other member of the JSC? It is the Attorney-General, who again is an appointee of the Executive. The Executive does not have to consult anyone. The chairperson of the Public Service Commission is also a member of the JSC. He is also another appointee of the President. Who are the other two members because they are supposed to be five of them? If you look at Section 62 of the Kenyan Constitution, it says another two judges, either from the High Court or the Court of Appeal, appointed by the President. So, you have a situation where the entire membership of the Judicial Service Commission actually comprises of Presidential appointees. Is that really an independent Judicial Service Commission that can identify independent judges and that sort of thing? The answer, obviously, is no. So, what we are saying is that we need to open up the manner in which judges are identified. Let them apply for appointment. Let those who apply be subjected to vetting. We should analyse their qualifications, track record, integrity, ability and suitability. When they are appointed, let them have absolute security of tenure, including operational financial autonomy. That is the way to strengthen the Judiciary.

Mr. Temporary Deputy Speaker, Sir, a powerful and independent Judiciary is for the good of all of us today, tomorrow and in the future. When you do not give financial autonomy to the Judiciary--- You will find that there are courtrooms in this country which are an absolute horror. You may not have had an occasion to visit the law courts in Naivasha. I was amused the other day when I was watching television and I saw a huge snake coming out at a public rally in Naivasha where hon. Michuki was addressing a meeting. It was a fairly huge snake. I do not know what is wrong with Naivasha, but snakes love Naivasha. If you go to the Magistrates Court in Naivasha, which was built during the colonial days, it has a raised wooden floor. In some places, the wooden floor has given way because it is very old. I can, surely, tell you, appearing as a lawyer in the law courts in Naivasha, you could be one alert person, but you cannot even concentrate. The magistrate, too, cannot concentrate because from time to time, you will find a snake popping up in the

courtroom.

*(Laughter)*

That is true, Mr. Temporary Deputy Speaker, Sir. In fact, everybody takes cover, including the magistrate. These snakes actually come from the wooden floor, and even the prisoners run. Everybody runs for their dear life, including the lawyers. Why does this happen? It is because the Judiciary does not have its own budget to renovate courtrooms and to build new courts. So, when we subject them to these approvals, let us also give them financial autonomy.

Mr. Temporary Deputy Speaker, Sir, we vetted this particular individual very well and we are satisfied. The Report has been there that she is an excellent lady. The vacancy has been there for a very long time and it needs to be filled now. I appeal to hon. Members to get copies of our vetting manuals. They are available in Room No.8 so that they can go through them to prepare for debate. I hope that the House Business Committee will find it fit to bring that Report for debate and amendment or rejection by hon. Members so that we can prepare ourselves in advance. I am very confident that given the ardour with which the President called on hon. Members of Parliament and the civil society to get together and dialogue and get to a consensus on minimum reforms simultaneously with the comprehensive reforms, which we want to entrench in the Constitution, we are on the verge of a breakthrough. We all are going to agree. Once we sit on Tuesday, we will agree and start moving forward. When we agree and put in these essential reforms, I hope that one of the issues that we will, at least, agree on is the necessity for Parliamentary approval of all key public sector jobs.

Mr. Temporary Deputy Speaker, Sir, you have heard hon. Members talk correctly on the need for dual citizenship so that we can encourage our brothers and sisters who are outside this country to invest more in this country. I am very pleased to learn that when hon. Kimunya recently went to talk to our brothers and sisters in the USA, everywhere he went, he was being told: "Dual citizenship! Dual Citizenship!"

I hope that as a result of the experience that he had there, he is now going to be converted and that he will support this issue of essential reforms. I also hope that he is going to walk away from being a hardliner against the reforms to supporting them. It is for the benefit of the country. We want all Kenyans to benefit out there and to benefit also as Kenyans. We want them to have dual citizenship.

However, the reason why I mentioned this is because those Kenyans want to vote. They want to participate in elections as voters. However, you will find hesitation. Why is that the case? There is hesitation because all our High Commissioners and ambassadors are appointed, single-handedly, by one individual. So, can we trust that these High Commissioners and ambassadors can conduct elections, in their respective places, in a neutral and impartial manner without rigging? That is the big question. That also explains the hesitation. If we subject our High Commissioners and ambassadors to Parliamentary approval, they will go there to serve the nation and not the person who appointed them. When we come to that, I shall be the first one to support the right to vote by people outside the country because I will be confident that we have ambassadors and High Commissioners who can conduct impartial and neutral elections by those people in the diaspora.

I would like to urge hon. Members to adopt this Report and ask hon. Mukiri to second.

**Mr. Mukiri:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to second this Motion. I am a Member of the Committee which prepared this Report. We have done a thorough work and it will be very important for hon. Members to take interest in the Report which took the Committee a lot of time to deliberate on. We have expended public money to go and learn some of the procedures that have been included in this Report. The issue of nominating

people who serve in the Public Service is a very important issue. I know that as we discuss and negotiate for the constitutional reforms---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Mukiri! I think, procedurally, we missed something. Mr. Muite, did you really move the Motion?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I may have jumped the gun and called on hon. Mukiri to second the Motion.

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

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): You may proceed now, Mr. Mukiri!

**Mr. Mukiri:** Mr. Temporary Deputy Speaker, Sir, I wish to thank you for giving me this opportunity to second this Motion and ask the House to adopt this Report.

This is a very important Report that has taken the Committee to far countries so that we can understand how other jurisdictions are doing their work. I was requesting hon. Members to take interest in the Report because I believe that it is going to improve on the issues of governance. I was talking about the issue of nominating top people in the Government.

This is a very important issue and it is always being debated in public fora. It is an issue that very many people raise questions about. I believe that it is an issue that Kenyans should now take the bull by the horns so that we sort it out.

Mr. Temporary Deputy Speaker, Sir, we are already in the process of amending our Constitution, so that we can improve on governance issues. One of the fundamental issues which have dominated Constitution debate is that of public appointments. It was also captured in both Bomas and Wako drafts.

Mr. Temporary Deputy Speaker, Sir, what has been done by the committee in suggesting the nomination of the lady should be followed. We have had appointments in the public service, but when we look at the officers appointed, they do not meet qualifications. Sometimes you find that they have been involved in scandals. If we adopted the procedure where public officers are subjected to Parliamentary approval, then all these issues will be sorted out.

I take this opportunity to ask the Government to support this proposal. I believe that governments will always come and go. It is only when we have powers that we enjoy and appoint our friends to those positions. We, however, forget that tomorrow we would not be in power and other leaders will start appointing people we would do not like.

The procedure that has been adopted now is that once these people are appointed or when they are about to be appointed; before the Executive gives its final authority, they should be vetted by Parliament. Parliament would then interrogate their qualifications and look at their backgrounds. We have had problems where Ministers appoint people from their villages and who are not qualified. Sometimes, Ministers appoint people of questionable character. I remember when we were deliberating on the issue of Dr. Rotich, there was a big quarrel between Parliament and the Executive. After Parliament approved the appointment of Dr. Rotich, His Excellency the President did not go with what Parliament approved. However, the Committee has now come up with a solution to such problems. They have said that before an appointment is done, we should be given time to do a background check. When their names come before the House for the usual voting, the character of individuals will have been put to test. When these appointments are eventually passed by Parliament, we will not have the President refusing to go with what Parliament has decided.

Mr. Temporary Deputy Speaker, Sir, I would, therefore, urge the Ministers, who are enjoying power now, to support this Report. In deed, I urge them to support one of the issues that the Committee has proposed for minimum reforms. The issue is that all key public appointments

should be subjected to Parliamentary approval.

Mr. Temporary Deputy Speaker, Sir, there are issues of concern, especially in the appointment to State Corporations. This is always done by the Executive. Sometimes the Ministers act beyond their powers. They end up hurting many people. I am taking into account the fact that the other day the Minister for Agriculture sent home people who had been elected by farmers. He used the powers provided to him by the Pyrethrum Act to sack officials elected by farmers and bring his own people.

Mr. Temporary Deputy Speaker, Sir, the problems we have in State Corporations are a result of some of the people appointed being wanting. It is because of this that parastatals are going down. We have seen that happen before. I would urge that when appointing some of these officers, they should be subjected to Parliamentary approval.

I would also ask the Minister for Justice and Constitutional Affairs that once the Report is adopted, she should follow the law. It is very clear that within 14 days after adoption of the Report, she must submit the names to the President. The President would then give the authority for officers to start working. We have had problems in the nominations in respect to the same Act. This House adopted the nomination of a nominee from the Law Society of Kenya (LSK). Since Parliament adopted that Report, nothing has been done. However, we are hoping that the Minister, as an officer of the law, will promptly follow the procedures. This should be done so that we add another soldier in the war against corruption.

Mr. Temporary Deputy Speaker, Sir, I would wish to ask hon. Members to support this Report. Once we go into the debate on Constitution review, we should also support the issue of approvals by Parliament. The hon. Members on the other side, have been complaining about the issue of ethnicity. They say people are being appointed to public offices from one region of the country. If we pass that provision in the Constitution, this noise would be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, I know that the Government has an intention of increasing the number of judges and we are hoping that by the time this judges are appointed, the provision in the Constitution that we are talking about, shall be in place. We want to see the calibre of the people that are appointed on the Bench. Of late, we have seen a lot of judges being appointed to the Bench and nobody knows their professional background or their moral probity. We do not want a situation where we appoint somebody on the Bench and the next day we start appointing tribunals to investigate him or her. I also wish to support the issue of the autonomy of the judiciary. That is very important.

The judiciary has a lot of problems and also the judges have a lot of problems. It is not only the judges who have problems but also the litigants. Due to such procedures that were adopted, the judiciary did not even have accounts. The accounts were being run from the district offices. If you appear in court and you are fined or given a cash bail, you do not get that money back because the procedure is too involving. You have to wait until the District Accountant writes for you a cheque. It is a long procedure. So, many people have been losing their money that way and sometimes even when the money is paid to the courts and it goes to the District Accountant, they sometimes expend that money and it is not possible for you to recover it. Sometimes, it is embezzled. Therefore, it is important that the issue of the courts and their financial autonomy be sorted out once and for all so that we can improve on the administration of justice.

With those few remarks, I beg to support.

*(Question proposed)*

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I wish to thank you for giving me this opportunity to contribute to the Report from the Departmental Committee on Administration

of Justice and Legal Affairs on the International Federation of Women Lawyers (FIDA) nominee. First, I must thank the Committee for doing a very good job after having taken a very long time to search all over to find a qualified nominee for FIDA. For all that period, we have been complaining that these people do not have the qualifications. What we used to have in FIDA were quacks and they could not qualify to fit in the Kenya Anti-Corruption Advisory Board. But they have done a commendable job and have come up with one person.

However, my question is: Since this organisation belongs to the Law Society of Kenya (LSK) and they are lawyers by profession, why can FIDA not be brought into the system via the LSK? Is law the only profession in Kenya? We have teachers who are also professionals. I am a teacher and Mr. Bifwoli is also a teacher. Why are they not appearing in the Kenya Anti-corruption Board? We have agriculturalists, like the veterinary doctors and so many other professionals. For how long are lawyers going to dominate the affairs of this country? We have had problems in the judiciary because of lawyers. We no longer trust them. Engage a lawyer outside here and you will see the suffering that will befall you.

Mr. Temporary Deputy Speaker, Sir, my appeal is that, even though the Committee has done a good job and that is provided for in the Anti-Corruption Act, next time--- In fact, I was preparing to bring an amendment so that if it is women representation in the Advisory Board, we should have somebody like Rukia Sugow who has faced an election in Kasarani and has been elected by around 3,000 delegates from around the country and not just somebody who has been hand-picked from the streets of Kijabe or Koinange and appointed to a board which should have a reputation.

Mr. Temporary Deputy Speaker, Sir, the Chairman said that Parliament is starting to share power with the Executive through the appointment of people because the appointments pass through Parliament. Mr. Mukiri said that we are now going to change the equation because the appointment will be going to another region. We are not changing anything. These are appointees from the same region where the President has been appointing people from. So, we are making no difference at all. The chairman should accept that we are not changing anything. We are just augmenting what has been happening previously.

Mr. Temporary Deputy Speaker, Sir, when we talk about the Executive sharing power with Parliament in terms of appointments, for example, this thing is being done hurriedly. In the next 14 days, it will be taken to the President for approval. In fact, may be, the name is already there. But what happened to somebody like Dr. Rotich? Dr. Rotich has a good track record in this country. He was at the Kenya College of Communications Technology (KCCT) and he did a fantastic job. When Parliament worked so hard to approve his name here, what happened thereafter? Is it because he comes from another ethnic community so that even the President did not even bother to reply? But in the next 14 days, this Mrs. Nyambura will be in the Kenya Gazette, having been appointed on the Kenya Anti-Corruption Advisory Board.

Unless we make constitutional changes which the Government is so much against, and we know it, some of us from the minority communities have nothing to say. But one time we might want to break away from your country because if we are not getting anything from you, why should you keep us in your country? The Pokots are not getting anything. Why could you not shop for a Pokot for this appointment because there is no qualification to recruit somebody into FIDA? You just have to be a lawyer. Does it mean that we do not have a female lawyer from Pokot whom FIDA can beckon and say: "Come and join us." I think the fee for joining FIDA is only Kshs10. Why could you not shop for somebody from the Pokot or Teso communities? We have so many Teso ladies who are lawyers. Why should we go for a particular Nyambura? We are still promoting ethnicity, and personally, I have remained---

**Mr. Mukiri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the

hon. Member to argue that this nominee was nominated on the basis of ethnicity? In fact, the majority of the members of FIDA do not actually come from the same ethnic group as this nominee. Is he in order to impute that FIDA did something wrong?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Ojaamong! Are you imputing improper motives on the Committee of the House?

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I am just making my contribution, I am not imputing any improper motives. This was a proposal that was brought by the Committee, and it will either be accepted or rejected, and we have to make our criticisms.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Ojaamong. If you do not support it, do not support it. But you cannot say you support it and then you start on other issues. Make up your mind on the Motion.

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, if you went back to the HANSARD, you would see that I just said I am making my contribution. I did not say I was supporting the Report. I thanked the Chair for giving me an opportunity to make my contribution.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that despite the general principles, as earlier said by the Chairman and other Members, that Parliament will be a bit impartial in appointments, we see that not being the case. The first nominee was rejected because---

*(Dr. Shaban entered the Chamber  
through the back door)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Ojaamong. It is not you who has a problem. I have just noticed an hon. Member coming in through the back door, which is against the Standing Orders of the House. Members enter through the main door to the Chamber. Hon. Shaban, could you kindly do that?

*(Dr. Shaban went and bowed at the Bar)*

*(Applause)*

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Thank you. Proceed, Mr. Ojaamong.

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, if indeed, we have to be fair, we still have to make some constitutional amendments. We still have to make amendments to the Anti-Corruption and Economic Crimes Act. If the Chairman truly believes that this Commission will be out to fight corruption in this country, it must show that they are indeed doing it. On several occasions many people have said that they do not have faith in this anti-corruption body led by Justice Ringera. Personally, I have sent cases to the KACC to investigate, but to date, no investigations have been done. I have sang here time and again about the issue of corruption at the Busia Municipality.

Busia Municipality is very rich. It makes a lot of money. It can make over Kshs6 million a month through revenue collection. On top of that, the Government sends it over Kshs10 million annually through LATF. From the collection alone, this municipality pays a wage bill of around Kshs2 million. So, it should have a surplus. But you will find that it permanently has a deficit. We know the people who are "eating" the money that is meant to assist the public. I have personally written to the KACC, but it has never responded nor gone there. People have reported many other cases. But what these people investigate is a chief who has taken a bribe of Kshs50; very petty crimes.



If we have to add value to the Kenya Anti-Corruption Advisory Board (KACAB), it is my appeal that, if it is a woman to be appointed to that Board, let her come from an organisation like Maendeleo Ya Wanawake Organisation (MYWO). That is because she should have been elected. We can only do that if we amend the Anti-Corruption and Economic Crimes Act to replace the Federation of Women Lawyers (FIDA) nominee with a MYWO nominee. As far as I know, FIDA officials do not represent anybody. They are just a handful of six women. They have nothing to care about. All I am saying is that, if we allow FIDA representatives, we will just add more corrupt people to a Board that has already failed Kenyans.

I oppose this Report with all my energy. I would like to request the Chairman of the Departmental Committee on Administration of Justice and Legal Affairs to wait until we review the Constitution. That way, we can have a proper advisory body---

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It has just occurred to me that there is a Standing Order that requires an hon. Member who is contributing to disclose if he has got a personal interest in a particular subject matter. Could the hon. Member really declare his problems with FIDA?

**Hon. Members:** Yes! Yes!

*(Laughter)*

**Mr. Ojaamong:** Mr. Temporary Deputy, Sir, I think I do not---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Ojaamong, before you speak, if you knew that you had a personal interest in the matter, it is always wise for you to declare it first.

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I used to have personal problems with FIDA a long time ago, but we sorted out that matter. Actually, it was a battle between me and them. Today, we do not hear them operating the way they used to do all over the country. I, personally, believe that those women are corrupt through and through!

**Ms. Ndung'u:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As a member of the FIDA myself, I take great exception to the remarks that we are corrupt. I am not a corrupt person! The matter in which Mr. Ojaamong was being prosecuted by FIDA is still in court today. He must declare his personal interest. He has a conflict of interest!

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I do not have any matter in court with FIDA. Might be you have yours. You have yours with me, but I do not have any matter in court with FIDA.

What I am saying is that--- My personal observation is that those are what we can rate in Kenya as classical con women. They want to live through other people's sweat. We cannot bring a very corrupt person and take her to a very clean---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Ojaamong! You are using very strong unparliamentary language! If you do not approve of somebody, there are better ways of saying it. Please, do not use words like "con men and con women", unless you have evidence to support that.

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I have overwhelming evidence.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Can you be specific now?

**Mr. N. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This House has hon. Members of Parliament. Ms. Ndung'u has clearly stated that she is a member of FIDA. She is an hon. Member of this Parliament. I, therefore, do not assume that Ms. Ndung'u is a con woman by virtue of being a member of FIDA.

It is only fair for the hon. Member on the Floor to apologise and continue with his contribution. It is unfair to condemn people without evidence.

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I have said that some of the FIDA

women, like Ms. Ndung'u, are good---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Ojaamong! Please, resume your chair. I shall not accept that. You are disrupting the business of the House. You are taking the House for granted! That is wrong! What you must do now is apologise for calling certain hon. Members of this House, who are members of FIDA, con women. That is unacceptable. So, withdraw those remarks, apologise and move on! Unless you have evidence which you can lay on the Table of this House, please, do not go back to that issue!

**Mr. Ojaamong:** Mr. Temporary Deputy Speaker, Sir, I apologise to the hon. Members present, including those who belong to FIDA. I also apologise to hon. Ndung'u because I do not have the evidence to table so far.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, since this is a very important body to the public, let us add value to it. That is why I am insisting that there should be a criteria even though the Departmental Committee on Administration of Justice and Legal Affairs vetted these people. I went through the minutes, but it seems it was done in such a hurry. Otherwise, I will not do what I had promised to do to hon. Muite during my earlier contribution. But, in future, hon. Members will gang up together and have at least a better way of appointing nominees to this KACA Advisory Board.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Ms. Ndung'u:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to support the adoption of the Report of the Departmental Committee on Administration of Justice and Legal Affairs with regard to the FIDA nominee to the Kenya Anti-Corruption Agency (KACA) Advisory Board.

Mr. Temporary Deputy Speaker, Sir, FIDA is a reputable organisation which represents the interests of women in Kenya in terms of law and policy. It is significant that nowadays the Government is taking on board civil society members and other stakeholders in terms of its appointment. It does reflect diversity and it also brings on board the experience and information that other organisations and stakeholders may have.

Mr. Temporary Deputy Speaker, Sir, there have been delays with this particular appointment because we felt that the first nomination we got did not meet the sufficient criteria. We were very happy to receive two names from FIDA. However, it was very difficult to choose between the two, but finally after looking at these two very competitive Curriculum Vitae (CVs), we settled on our nominee. I hope the President will appoint and gazette the committee's nominee as soon as possible.

Mr. Temporary Deputy Speaker, Sir, this is an example of where we want Parliament to go. It really must check the Executive. One of the ways of doing so, is by checking the appointments of the Executive. However, I must say that we need to be cautious. I really would not go all the way like my Chair to say that Parliament must vet all appointments. Indeed, we have problems in this Parliament; problems of ethnicity and parochialism. Until we reach a level of maturity in this House, we need to limit the appointments to those that are only for constitutional offices. I think that by the time Parliament gets through appointing ambassadors, we will have taken all parliamentary time debating who should be the ambassador for which country instead of actually doing parliamentary work.

Mr. Temporary Deputy Speaker, Sir, I also hope, in future, we continue with this trend where Parliament will ensure that women are represented in the appointments that we vet and approve. I hope this will be in line with the principle of Government where they have said that they

will appoint one-third of women in all public appointments. This must also apply to parliamentary and Judiciary appointments. Currently, the Court of Appeal has five judges. There are two vacancies since 2003. However, these five judges are all men. The two vacancies have been just vacant as if there are no women to fill them in the Judiciary and yet, they are there. Perhaps, the problem is that the Judicial Service Commission (JSC) which appoints judges, is in itself, all male. So, I think you can see that there is a problem where if the appointing authority has no women, then we will not have women in the appointments.

I think this is also one of the reasons why we must look towards minimum reforms. In the minimum reforms, of course, we will be talking about Parliament vetting Executive appointments. We really need to push this through, but we need to have a rider that those appointments also need to have a gender perspective.

Mr. Temporary Deputy Speaker, Sir, apart from the nomination of women into this House on the 24 seats that are proposed, we need to make sure that we talk about the issues of women throughout.

Mr. Temporary Deputy Speaker, Sir, as we talk about dual citizenship in the essential minimum reforms, we have also talked about the need for women to transfer their citizenship to their children. That has been taken care of in the proposals put forward by the Committee on Administration of Justice and Constitutional Affairs, which, hopefully, will be taken into consideration in next week's talks, and be brought here in the House as a Bill.

Mr. Temporary Deputy Speaker, Sir, there are also other issues that will be addressed during the essential reforms, such as additional constituencies and some convoluted language which is very confusing for us to interpret; what should be the meaning of this and that, like we saw in today's debate on the issue of additional constituencies.

Mr. Temporary Deputy Speaker, Sir, however, we need to up the minimum reform focus on comprehensive reforms. There, again, we will be looking at the role of Parliament in appointing and vetting executives. We should not stop at the minimum reforms. We must move forward to make sure that we provide for all the rights of all the citizens and, indeed, creatures of this country, including those snakes that chased counsel out of the law courts. Maybe, in future it will not be the Members of Parliament taking to their heels from snakes, but the snakes taking to their heels from the Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, finally, I think that in terms of our governance, our institutions should respect one another. They should respect the independence of Parliament and our ability to know what we are doing, in terms of what laws we need. I am saying this taking note of a newspaper advertisement published by the Kenya Anti-Corruption Advisory Board, criticizing the Committee on Administration of Justice and Legal Affairs for a position we have officially taken on some of the amendments that need to be made on anti-corruption laws.

Mr. Temporary Deputy Speaker, Sir, I think it is important for each institution to keep its mandate, but recognize the independence of Parliament.

With those few remarks, I beg to support.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili pia nichangie Hoja hii iliyo mbele yetu. Mara nyingi sisi husema tuko pamoja kama Wakenya na kuwa ni lazima tuipele na kujivunia nchi yetu. Lakini tunastaajabu tukiangalia jinsi mambo yanavyofanyika wakati mwingine.

Bw. Naibu Spika wa Muda, nashukuru kwa sababu Hoja hii inazungumzia mambo ambayo yanaweza kutujenga na kutuweka pamoja tukiyazingatia.

Bw. Naibu Spika wa Muda, tukizungumza juu ya uteuzi wa Mawaziri, Mawaziri Wasaidizi na maofisa wengine wa Serikali--- Kwa mfano, kuna Hoja iliyoletwa Bungeni kuhusu uteuzi wa

Dr. Rotich. Mpaka sasa wengi wetu tunauliza ni jambo gani lilifanyika kuhusu uteuzi huo. Tuna haki ya kupinga uteuzi mwingine, hata tukiwa wachache, mpaka tuambiwe ni jambo gani lilifanyika kuhusu uteuzi wa Dr. Rotich. Bw. Naibu Spika wa Muda, wakati Rais alikuwa akiwateuwa Mawaziri, Mawaziri Wasaidizi na maofisa wengine Serikalini, kuna Mpokot aliyebahatika kuteuliwa kama *Chief of Protocol*. Yeye ni

Bw. Stephen Loyatum. Ajabu ni kwamba Waziri mmoja alimwondoa kutoka kazi hiyo na kumbadilisha na mtu wake.

Lakini kwa sababu ni mtu anayetoka katika jamii iliyotengwa katika Jamhuri ya Kenya, hakuna mtu aliyejali na kuyafuata mambo hayo. Hata Rais mwenyewe hakuchukua hatua yoyote.

Bw. Naibu Spika wa Muda, kwa hivyo, hili ni jambo ambalo tunawaambia Wakenya na Wabunge walio hapa---

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to cast aspersions on a certain Minister without telling the House who that Minister is?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Yes, indeed, you are responsible for the facts of your statements, *Bwana* Assistant Minister.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Bw. Naibu Spika wa Muda, Waziri huyo ni Bw. Tuju, Waziri wa Mambo ya Nje. Hata ukitaka kuangalia *records* mpaka saa hizi, hili ni jambo ambalo limetuudhi, na hakuna mtu anaweza kusema kwamba---

**Capt. Nakitare:** Hoja ya nidhamu, Bw. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Moroto! What is your point of order, Capt. Nakitare?

**Capt. Nakitare:** Bw. Naibu Spika wa Muda, kulingana na sheria za Bunge, mtu hawezi kuzungumza kuhusu Mbunge yeyote katika Bunge hili hadi alete Hoja maalum. Kwa hivyo, kuzungumza kuhusu ama kumtaja Waziri bila kuleta Hoja maalum hapa ni kutoka katika barabara ya sheria zetu.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Indeed, that is true, Mr. Moroto. Please, withdraw your remarks. You need to bring in a substantive Motion in order to discuss the conduct of a Minister or any hon. Member. You know that.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Asante sana, Bw. Naibu Spika wa Muda. Sisi tuko hapa ili kurekebisha maovu yanayoendelea katika nchi hii.

Bw. Naibu Spika wa Muda, lazima tuseme maneno mengine wazi, ijapokuwa wakati mwingine, sheria inatuzuia kuyasema. Kwa hivyo, kwa hicho kiwango kidogo, tunaweza kusema jambo hilo liwekwe kando kidogo. Lakini---

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Hon. Moroto, you should address the Chair!

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Asante sana, Bw. Naibu Spika wa Muda.

Kwa kweli, tumepiga hatua kama Wakenya na kwa kiwango fulani, Serikali imejaribu sana. Lakini, kuna mambo mengine ambayo yanaudhi zaidi na yanaweza kuchafua hata yale mazuri ambayo Serikali imefanya, kama yale tuliyogusia wakati huu. Nilikuwa najiuliza swali fulani.

Wakati niliona kikundi cha dada zetu wa FIDA walipoketi na kutoa jina la mmoja wao hali kuwa tunajua kwamba kuna madada wengi ambao wanaweza kufanya kazi hiyo, kwa mfano, yule mwenyekiti wa Maendeleo ya Wanawake wa Jamhuri ya Kenya, kwa muda kidogo alioshikilia jukumu hiyo, kuna mabadiliko makubwa! Hakuna mtu atakayekuja kusema: Okay, wacha

tumshukuru dada huyu kwa sababu anatoka kona nyingine ya nchi, ambayo watu wanaona kuwa sio mtu wa maana.

Wazo ninalotaka kusesitiza zaidi ni kwamba kuanzia sasa, kila mtu lazima aangalie mahali anapokanyaga ili isije ikawa kwamba, wakati unapopiga hatua ukifikiri kuwa unapiga hatua, kuna watu wengine ambao wanaweka visiki kwenye njia yako. Hatutaki madharau. Tunaheshimiana na tunajua ni nani anaweka mali na ni nani anaweza kufanya jambo fulani.

Namshukuru sana Mbunge wa Molo kwa jambo alilogusia na kusesitiza sana. Hata ameanza kuuliza na kuisihi jamii fulani

ambao wanafikiria kuwa wao ndio bora peke yao katika Jamhuri ya Kenya kuliko wengine.

Wakenya wanaangalia, na hatutaki watu wachache; tunajua kwamba sio wengi au wote ambao wanaharibu. Kuna wale ambao wanafanya--

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Order, Mr. Moroto! When the House resumes debate on this Motion tomorrow, you have a balance of 24 minutes to continue making your contribution. Hon. Members, we have come to the end of today's proceedings. House is, therefore, adjourned until tomorrow, Thursday, 5th April, 2007 at 2.30 p.m.

The House rose at 6.30 p.m.