

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th February, 2009

The House met at 9.00 a.m.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Parliamentary Select Committee on the Review of the Constitution on the Nomination of Members and the Director of the Committee of Experts.

(By Mr. Abdikadir)

NOTICE OF MOTION

APPROVAL OF REPORT ON NOMINATION
OF MEMBERS/DIRECTOR OF
COMMITTEE OF EXPERTS

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

THAT, pursuant to Sections 8(4), 9 and 17 of the Constitution of Kenya Review Act No.9, 2008; this House approves the recommendations on the Members and the Director of the Committee of Experts contained in the Report of the Parliament Select Committee on the Review of the Constitution laid on the Table of the House on Wednesday, 4th February, 2009.

QUESTIONS BY PRIVATE NOTICE

FAMINE RELIEF FOR MURANG'A
SOUTH DISTRICT RESIDENTS

(Mr. J. Kamau) to ask the Minister of State for Special Programmes:-

Considering that some parts of Murang'a South District are experiencing acute famine, what urgent steps is the Minister taking to supply famine relief food to the residents, particularly the Integrated Internally Displaced persons (IDPs)?

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. J. Kamau not here? That Question is dropped.

(Question dropped)

IMPOSITION OF OIL PRICE CONTROLS/
REGULATIONS

Dr. Eseli: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Given that international oil prices have fallen from US\$140 to US\$40 over the past three months, why have the local fuel prices remained high despite the Minister's promise to institute price controls?

[Dr. Eseli]

(b) What urgent measures is the Minister putting in place to ensure that farmers access reasonably priced fuel for land preparation to avoid another food shortfall next year?

(c) When will the price controls/regulations, as provided by the Minister, be effected?

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I beg to seek the indulgence of the House. I have just received the answer now and I think I need some more information to answer this Question satisfactorily. I need more time. I can answer the Question tomorrow.

The Temporary Deputy Speaker (Prof. Kaloki): What is the problem? You had adequate time to prepare and come with an answer. Is there a problem?

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I have just received the answer and I am not happy with it. I need more time to go through it and give a proper answer.

The Temporary Deputy Speaker (Prof. Kaloki): How much time do you need?

The Assistant Minister for Energy (Eng. M.M. Mahamud): I can answer the Question tomorrow.

The Temporary Deputy Speaker (Prof. Kaloki): We shall defer this Question until tomorrow, so that we can get a proper answer.

Next Question by Mr. Mbau!

GUIDELINES ON CREATION OF
NEW DISTRICTS

(Mr. Mbau) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Could the Minister spell the necessary guidelines to be followed by leaders and Provincial Administration who are desirous of creating new administrative units?

(b) Could the Minister give details of the proposed new districts that he plans to gazette in the next 12 months, and clarify the constituencies he plans to make districts?

(c) Could the Minister assure the House that none of the existing districts shall cede any of its administrative units or undergo sub-divisions without due consultations with the leadership of the district?

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Mbau not here? That Question is dropped.

(Question dropped)

ORAL ANSWERS TO QUESTIONS

*Question No.519*EXPENDITURE ON AGRICULTURAL
DEVELOPMENT PROJECTS IN MIGORI

Mr. Pesa asked the Minister for Agriculture:-

(a) what projects the Ministry has - in its agricultural development production and food security - undertaken in Migori Constituency in the last four years;

(b) what are the concrete results from (a) above; and,

(c) how much money the Ministry spent in the area during the same period and whether the Minister could table the expenditure.

Mr. Temporary Deputy Speaker, Sir, this is the second time I am asking this Question.

The Assistant Minister for Energy (Mr. Keter): On a point of order, Mr. Temporary Deputy Speaker, Sir. Since this is a Wednesday morning and, maybe, there is heavy traffic jam, could we proceed without dropping any Question because when a Minister is there and an hon. Member is not here, you drop the Question? What happens in a case where an hon. Member is there and the Minister is not there? I plead with you that we proceed and answer some Questions which are there.

The Temporary Deputy Speaker (Prof. Kaloki): We also have to take the business of the House very seriously. The time now is 9.00 a.m. in the morning and if you know that you have a Question that is coming up, you must be prepared to come and deal with it. We have to take this House very seriously. I have already ruled on that.

Next Question by Mr. Ethuro!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have just seen Mr. Ethuro and Mr. Ojode consulting outside! They are probably coming!

The Temporary Deputy Speaker (Prof. Kaloki): If they are consulting outside, then we will give them more time to come to the Chamber.

Mr. Pesa: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wonder whether you gave a ruling on my Question.

The Temporary Deputy Speaker (Prof. Kaloki): Pardon! Could you repeat your question?

Mr. Pesa: I did not get your ruling on my Question because the Minister was not here!

The Temporary Deputy Speaker (Prof. Kaloki): We are going to defer that Question until the Minister gets here. He will be able to answer your Question. But if he does not make it, then we shall defer it to a later date.

Mr. Affey: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to contradict your ruling, but is it in order for the House to have a selective application of the rules? When a Minister is not in, the Question is deferred. When an hon. Member delays to come in due to traffic hiccups, it is dropped. I do not intend to challenge your ruling, but there is a selective application of the rules!

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Affey! We are going to defer that Question until we have the Minister in the House. I have already ruled on that particular one.

(Question deferred)

The Temporary Deputy Speaker (Prof. Kaloki): Next Question by Mr. Mwakuleghwa!

*Question No.495*UPSURGE OF CRIMINAL ACTIVITIES
IN VOI CONSTITUENCY

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

- (a) whether he is aware that there are increased criminal activities within Voi Constituency, especially Maungu Town and Ndi Trading Centre along Mombasa-Nairobi Highway;
- (b) what steps he has taken to ensure security in the area;
- (c) considering that a new division has been created in the area, when he will put up a police station; and,
- (d) whether he could also indicate when he will put up a police post in Kasigau Location.

The Assistant Minister of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg for the indulgence of the House since I am waiting for the answer which is just coming now. I will be able to answer this Question after two minutes!

The Temporary Deputy Speaker (Prof. Kaloki): Okay. We will come to you once you get your answer.

Next Question by Mr. Lekuton!

*Question No.133*GOVERNMENT INTERVENTION TO
ENSURE COMPETITIVE
OPERATION BY KENYA AIRWAYS

Mr. Lekuton asked the Minister for Transport:-

- (a) whether he is aware that Ethiopian Airlines and South African Airlines, who are competitors of the national flag carrier, Kenya Airways, are allowed direct flights to the United States while the later is not;
- (b) whether he could explain why the US Federal Aviation Administration (FAA) rules have placed Kenya in Category B and Ethiopia and South Africa in Category A, thus denying Kenya foreign exchange earnings; and,
- (c) what specific interventions the Minister has put in place to rectify the above situations and to ensure that Kenya Airways operates competitively with neighbouring airlines and other airlines in the rest of the world.

The Temporary Deputy Speaker (Prof. Kaloki): Is the Minister for Transport here? It seems he is not here. Since the hon. Questioner is here, I will leave this Question until the Minister gets here. Let us give him a little bit more time to get to the Chamber.

Next Question by hon. Nyamai!

Question No.607

ELECTRIFICATION

OF INSTITUTIONS/MARKET
CENTRES IN KITUI WEST

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Nyamai also not here? The Assistant Minister for Energy is here! So, we will give hon. Nyamai a little time to get here.
Next Question by Mr. Affey!

Question No.409

TARMACKING OF WAJIR-MANDERA ROAD

Mr. Affey asked the Minister for Roads what plans the Ministry has to tarmack the Wajir-Mandera Road, which is in a poor state, in order to spur development and assist in the free movement of goods and people in North Eastern Province.

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

The design for the road is ongoing and it is expected to be complete by June 2009. The Government will then solicit for funds from development partners and local sources for tarmacking of the road. The Wajir-Mandera Road is a national trunk road classified as Road B9 and the road is in fair condition. The designs for the road is ongoing and efforts are ongoing to ensure that funds are availed. In the meantime, a road sector investment plan for the year 2009 and 2013 is being prepared by the Ministry and the road will be prioritised for tarmacking in the plan.

During the Financial Year 2007/2008, the Ministry of Roads has allocated a total sum of Kshs34 million for routine maintenance, to keep the roads in motorable condition.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, to begin with, I have got three sets of answers to this Question. Now, we have got two sets signed by two different Ministers. One is the Assistant Minister and the other one is the Minister. I do not know how to proceed because there are three sets of answers for one Question. First of all, could there be clarity?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I think for purposes of this Question, the answer is the one I have read. There could have been efforts to upgrade. It is signed by the hon. Machage, the Assistant Minister.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister answer a Question which was answered by another Assistant Minister. We need your guidance. Answers must be signed by the substantive Minister for them to be brought to this House and then the Assistant Minister may answer. Is he in order?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, which is the right answer that you are giving to the House?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, the right answer is the one I have given but I think the Question that the hon. Member is asking is totally different from what I have answered. As to whether it is right for Assistant Ministers to answer, I think the ruling is actually overdue on this particular matter.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Affey, you have to be content with the answer that the Assistant Minister has just read to the House which is the latest version he has given now.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister has said that the answer he has given us, which he would like us to consume, has been signed by another Assistant Minister but here with us we have an answer signed by hon. Christopher M. Obure, EGH, MP, the Minister for Roads. Is the Assistant Minister suggesting that he is

insurbodinating his boss?

(Laughter)

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Assistant Minister, do you need additional time to sort yourself out, that is to bring to the House the answer that seems to be the relevant one?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, I will ensure I do that this afternoon.

The Temporary Deputy Speaker (Prof. Kaloki): So, we will defer this Question until the afternoon.

(Question deferred)

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

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ethuro! The Assistant Minister has just requested for additional time to be able to prepare himself by going to the Ministry and getting the right answer. I think, hon. Affey, you have to wait.

Mr. Ethuro's Question for the second time!

Question No.053

GAZETMENT OF POLICE STATIONS
IN TURKANA CENTRAL

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

- (a) whether he is aware that insecurity has undermined development in Turkana Central resulting in poverty and chronic unemployment;
- (b) when he will gazette police stations in Lorugum, Turkwel, Loima, Kalokol, Epuke and Kerio locations; and,
- (c) what other urgent measures the Government has taken to curb the insecurity.

I apologise for coming late, but I was in the next room consulting with the Assistant Minister.

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

This Question had already been answered last Wednesday and what was remaining was just the figures on part "b" of this Question which is the number of police officers in various police stations and posts. We have consulted with the Questioner and we have agreed that because of security reasons, I will not give him the number because that is a bandit-prone area. I will not want to give the number of police officers in each and every police station. I wish to table the list of the numbers.

(Mr. Ojode laid the document on the Table)

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, it is true that this Question was deferred last week in order to provide the Assistant Minister with an opportunity to answer it. In fact, I sought the ruling of the Chair by then. You owe this House a very elaborate explanation that befits the magnitude of the Question asked. The Question that was yet to be brought to the House was the staffing levels of the stations and secondly, and more importantly, was the commitment by the Assistant Minister, himself, to provide me with the details of the vehicles he sent to this particular

place, which he is yet to give me or the House. What is the registration number of the vehicles deployed for security in these places?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, if you go by the HANSARD, you will find that I did allude to the fact that I will give information on vehicles allocations not only to his constituency but the whole country to this House. I will do that tomorrow and that is what I had committed on that particular day.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. When this Question was on the Floor of the House, we were given an opportunity to ask some supplementary questions. Would I be in order to continue with the intended supplementary question that I wanted to ask on that particular day and which is very relevant now that the Assistant Minister is just about to table a list of the vehicles later in the week?

The Temporary Deputy Speaker (Prof. Kaloki): If you want to bring any supplementary question, first of all, you need to pass that question through the Clerk. So, the Assistant Minister is prepared to answer the question that is already in the Order Paper.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. The question was already on the Floor and we were interrogating it but at some point, it was deferred. At that time, we had intended to ask supplementary questions. The Question is here now. So, I am just asking a supplementary question and not filing a new Question.

The Temporary Deputy Speaker (Prof. Kaloki): Do you have that supplementary question ready?

Mr. Bahari: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Could you proceed?

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, many a time, when there are attacks in arid and semi-arid areas which are vast areas, you will hear the OCPDs say that their men are in the field and that they are waiting for information. That makes the police very vulnerable. Could the Assistant Minister confirm that all those vehicles have been fitted with VHF radio-calls so that they can instantly communicate with the base for purposes of reinforcement, if necessary, and for effective operation? Could he now confirm?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, yes, I confirm that vehicles which will be allocated to crime-prone areas, especially those going to the upper Eastern and North Eastern Provinces will be fitted with the VHF radios.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Bahari, are you satisfied with that answer?

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I am very satisfied.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I really do not know what to make of this answer. When the Question was deferred by the Chair, in a very considered ruling, sympathetic to the plight of my people in particular and Kenyans in general, who are suffering from insecurity, it was on the consideration that the Assistant Minister has argued before the House that Mr. Ethuro being his friend had already extended some courtesies to me, one of them being a vehicle. He was to bring it today. He came today and said that he will bring it tomorrow. The House is just becoming as desperate as Kenyans who are being killed due to insecurity. I need your ruling, and protection, for the Assistant Minister to answer this Question as he had promised. Do we wait for tomorrow?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, getting a list is not a big deal for me. It is better for me to do a good job for my colleague. What is the rush for? The list is being done and I did promise that I would bring the list to in this House. Whether I bring it this morning or in the afternoon, what is the rush?

The Temporary Deputy Speaker (Prof. Kaloki): When will you bring the list here?

Mr. Ojode: I said tomorrow in the afternoon!

The Temporary Deputy Speaker (Prof. Kaloki): Thank you. Next Question, Mr. Ochieng!

Question No.520

NON-CLASSIFICATION OF
ROADS IN NYAKACH CONSTITUENCY

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Ochieng is not here? The Question is dropped!

(Question dropped)

Question No.559

DEVELOPMENT PROJECTS INITIATED BY
LODGES/TENTED CAMPS IN SAMBURU

Mr. Letimalo asked the Minister for Tourism:-

- (a) whether he could state the number, names and proprietors of lodges/tented camps in Samburu East District,
- (b) what the current staff establishment in each lodge/tented camp is with respect to permanent and casual employment,
- (c) whether he could provide a breakdown of employees in each of the lodges/tented camps from the district, indicating their names and indicating whether they are permanently or casually employed; and,
- (d) what development projects each of these establishments have initiated to support local communities.

The Temporary Deputy Speaker (Prof. Kaloki): Is there any one here from the Ministry of Tourism?

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, the Minister has been here. He has just walked out. I do not know whether he has gone forever or he is coming back.

(Laughter)

The Temporary Deputy Speaker (Prof. Kaloki): Order. Let us give the Minister a little bit more time and then we will proceed once he is in the House.

Next Question.

Question No.509

NON-COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. Prof. Kamar called me to say that she is in a traffic jam and that if she delays, she would request that this Question be deferred.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. We have actually been ready to answer this Question and my

Assistant Minister, Mrs. Kones, was so set to answer it. I am sure she is in the House and ready to deal with this matter. This has been a hide-and-seek situation. Sometimes Prof. Kamar has been out on parliamentary business. In view of the fact that I had undertaken to personally make sure that work progresses, whether or not Prof. Kamar may not just want to have this matter stood over generally in the Standing Orders because we are already doing the best we can. I think we can, take final deferment of this Question.

The Temporary Deputy Speaker (Prof. Kaloki): Let us give Prof. Kamar a little bit more time because she called me and then we can proceed from there.

Next Question.

Question No.133

GOVERNMENT INTERVENTION
TO ENSURE COMPETITIVE
OPERATION BY KENYA AIRWAYS

Mr. Lekuton asked the Minister for Transport:-

(a) whether he is aware that Ethiopian Airlines and South African Airlines who are competitors of the national flag carrier, Kenya Airways are allowed direct flights to the United States while the latter is not,

(b) whether he could explain why the US Federal Aviation Administration (FAA) rules have placed Kenya in category B and Ethiopia and South Africa A; thus denying Kenya foreign exchange earnings; and,

(c) what specific interventions he has put in place to rectify the above situations and to ensure that Kenya Airways operates competitively with neighbouring airlines and other airlines in the rest of the world.

The Assistant Minister for Transport (Mr. Mwau): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that both the Ethiopian Airlines and South African Airlines who are competitors of the national flag carrier, Kenya Airways, are allowed direct flights to the United States while Kenya Airways does not fly to the United States.

(b) Kenya has not been placed in either category "A" or "B" by US Federal Aviation Administration.

(c) Kenya and the United States of America (USA) recently signed an Open Sky Bilateral Air Services Agreement, which will enable Kenya Airways access the USA market once we attain category one status.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, Kenya's need to have a direct flight to the USA is very crucial for our tourism market. I would like the Assistant Minister to confirm that the reason we do not direct flight to the USA is the fact that we are in category "B". South Africa and the rest of the world is in category "A". We are in category "B", because both our domestic and international services are exactly in the same location with the same arrival and departure lounges. Could he confirm or deny that fact?

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, it is correct to say that our airport combines both international and domestic flights. The Ministry is in the process of trying to separate these two departures, so that we can meet the internationally required status.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is aware that after the inauguration of Barack Obama, there are many Americans who would like to fly directly to Kenya. What is taking so long to ensure that the upgrading of this airport is done, so that we seize on

the moment?

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, the only problem curtailing the fast facilitation of this process is the budgetary issue.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I remember very well that in the last Parliament, when this project was mentioned in this House, the reason for expansion of the airport was given as the need for us to have direct flights to the USA. Now that the expansion has been completed, and the new terminal is in use, could the Assistant Minister tell us whether that policy has now been changed? That was the very reason given in this House to justify the expansion of airport.

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member, but the fact is that the expansion has not actually started. Currently, what is going on is the innovation of the current airport facilities. So, once the expansion begins, that separation will take place. The policy is still in force.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us what plans they have to relocate domestic flights, to which location and at what cost?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, are you prepared for that answer?

Mr. Mwau: Mr. Temporary Deputy Speaker, surely, at the time being, there is enough land at Jomo Kenyatta International Airport (JKIA). So, relocating local flights to another airport is not necessary. What is necessary is building a new terminal, which will cater for international flights and leave the current terminal for domestic flights, which will cater for the African region. We want to make JKIA a hub for Africa.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, Kenya Airways, which is the pride of Africa, is a major employer in this country. We know the demand for employment in this country. When you visit the transfer lounge at JKIA, you will find very long queues, thus introducing inefficiency. What is the Ministry doing to ensure that Kenya Airways is efficient as far as transfer of passengers is concerned, since in other countries, this has already been automated?

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, there are two things we must look at all the time. Kenya Airways is a public company. It makes profits. So, it should be able to finance its own terminal. One of the areas that will be addressed in the ongoing renovation exercise at the JKIA is facilitating Kenya Airways to have a proper terminal, where it can accommodate all the passengers it carries.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister needs to give us the specific dates on which he intends to complete this exercise. We need to be competitive. I am asking this on realising that last year, Dr. Machage promised this House, when asked by the Member of Parliament for Kisumu Town West, that the expansion of Kisumu Airport would be completed in good time in order to allow Airforce One to land before 20th January. Now that President Obama is in office, could he confirm whether Kisumu Airport is big enough for Airforce One to land, as promised in the House last year?

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, I can confirm that my Ministry is willing and ready to ensure that Kisumu International Airport will accommodate Airforce One. The only small hitch has been the compensation of the people who own the land on which the runway would be expanded.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, Mr. Lekuton!

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister gave an answer which says that the Open Sky Bilateral Air Service Agreement was signed between Kenya and the United States of America. Now, with all the construction that is going on, I am wondering why Kenya signed the agreement with the USA if we had no plans in place. When this agreement take effect? I am sure that there are some dates in that agreement.

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, it is correct to say that we, as a Government, signed the bilateral agreement with the USA. However, two problems arose. One of them was acquisition of a navigation equipment. We all know the matter went to court. However, let me assure the hon. Member that as far as we are concerned, we are trying to do what is humanly possible to ensure that these agreements are honoured. We want to do it, within the shortest time, particularly within the period during which one of our own is the President of the USA.

The Temporary Deputy Speaker (Prof. Kaloki): Very well! Question No.512 by Mr. Kioni!

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, first of all, I want to apologise for coming late.

Question No.512

PAYMENT OF RETIREMENT
BENEFITS TO JOHN MUTHUI

Mr. Kioni asked the Minister for Information and Communications:-

(a) whether he is aware that Mr. John Muthui, who worked for the former Ministry of Information and Broadcasting for 17 years (from July, 1972 to February, 1989) has not received his pension or final dues from the Government; and,

(b) what the Government is doing to ensure that the veteran journalist is paid his dues.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. John Muthui, of the then Ministry of Information and Broadcasting, has not been paid any dues following exit from the service.

(b) Mr. Muthui resigned from Government service with effect from 6th January, 1989. According to the Code of Regulations, Section R17(2), no officer is eligible for pension or gratuity on leaving the service through resignation, except in specific circumstances defined in the Pensions Act or in one's letter of appointment. It is, therefore, not possible for the Government to pay the officer any dues.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Assistant Minister for that accurate answer.

Mr. Temporary Deputy Speaker, Sir, that is a gentleman who sat in this Gallery for 17 years, from 1972 to 1989. Section 3 of the Pensions Act allows the Minister to have some discretionary powers to pay some pension or gratuity. Could the Assistant Minister be that magnanimous? That is a Kenyan whom we grew up with. As we were growing up, we kept on hearing: "Muthui Mwai, reporting from Parliament." Could the Assistant Minister show some magnanimity? These young people who sit here throughout can make a mistake. It may not be of their own making, but out of not knowing. Section 3 of the Pensions Act allows the Minister to have some discretionary powers.

An hon. Member: *Patia yeye.*

Mr. Khaniri: Thank you, Mr. Temporary Deputy Speaker, Sir. I personally sympathise with the case of Mr. Muthui Mwai. Mr. Mwai had options of requesting for early retirement, if he wanted to be paid his dues. I am personally not aware of the Section that the hon. Member is quoting, but I will look at it. If it has that particular provision that the hon. Member is alluding to, we will exercise our powers to pay him some dues.

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to tell the Assistant Minister that it is true that, long before most of the hon. Members here were in primary school, Mr. Muthui Mwai worked here and reported parliamentary proceedings so diligently and he was never misquoted. Could the Assistant Minister think of doing something? Even if it is organising a

Harambee within the Ministers, so that Mr. Muthui Mwai is, at least, settled comfortably?

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I think the best way to approach this particular issue is through the suggestion that has been made by hon. Kioni. We will look at Section 3 of the Pensions Act and see if there is anything that we can do for Mr. Muthui Mwai.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Last question by hon. Kioni!

Mr. Kioni: Once again, Mr. Temporary Deputy Speaker, Sir, I want to appreciate that gesture from the Assistant Minister. I want to tell him that, that is one of the Kenyans who has served us very well. It is a pity to see people who were so dedicated in their work wallowing in difficulties and poverty after moving out of the service. I would look forward to getting that gesture. I would like to ask the Assistant Minister to even do more than what the Act provides.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Give your final submission, hon. Khaniri.

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I oblige to what the hon. Member is suggesting. I will also request him, probably, to ask Mr. Muthui to make a formal request citing that particular section of the Pensions Act.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Question No.539

AMENDMENT OF ENERGY ACT TO ALLOW
BLENDING OF PETROL

Mr. Washiali asked the Minister for Energy what steps he has taken to amend the Energy Act to allow blending of petrol with other fuels in order to create a market for ethanol, a by product in sugar manufacturing.

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The current Energy Act No.12 of 2006 provides an enabling environment for efficient and sustainable production, distribution and marketing of bio-energy, which includes bio-ethanol. Specifically, the Act vide Section 103 mandates the Minister for Energy to promote the production and use of bio-ethanol and bio-diesel. It is thus noted that the Energy Act has the necessary and adequate provisions for the Minister to regulate the production and use of bio-ethanol, including blending with mineral petroleum. Amendments, therefore, are not necessary.

Mr. Washiali: Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the Assistant Minister for that answer. Although he did not give me a written answer, he took time and trouble to look for me and discuss this issue. I am satisfied with the answer.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, the Ministry of Energy is one of the most important Ministries in this country, just like the Ministry of Agriculture. Oil is like food. We do have strategic reserves for food in this country. Do we have strategic fuel reserves for Kenya?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, the question that the hon. Member has asked is quite different. But we are in the process of empowering the National Oil Corporation of Kenya (NOCK) to maintain strategic reserves for this country. Currently, the law requires the oil companies to maintain, at least, three weeks reserve within their stocks.

The Temporary Deputy Speaker (Prof. Kaloki): Final question, hon. Washiali!

Mr. Washiali: I am satisfied, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question!

Question No.376

REVIVAL OF KISUMU COTTON MILLS

Mr. Chanzu asked the Minister for Industrialization:-

(a) whether he is aware that the defunct Kisumu Cotton Mills (KICOMI) used to provide job opportunities and a source of livelihood to cotton farmers in Nyanza and Western provinces; and,

(b) what he is doing to ensure that the factory, and others in that region which have since closed down, are re-opened.

The Temporary Deputy Speaker (Prof. Kaloki): Where is the Minister for Industry? We will defer this Question.

(Question deferred)

Next Question!

Question No.520

NON-CLASSIFICATION OF ROADS IN
NYAKACH CONSTITUENCY

Mr. Ochieng asked the Minister for Roads:-

(a) whether he could confirm that Kongow-Nyadina, Kadinda-Sigoti-Bodi and Onyuongo-Pap Onditi-Bodi roads in Nyakach Constituency have not been classified;

(b) whether he is aware that a road classified as E219-01 Kapserok-Bodi does not actually exist and yet, the Ministry has severally allocated funds for its maintenance; and,

(c) what action he is taking to classify the roads and resolve the unclear circumstances surrounding the Kapserok-Bodi Road.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, I think you had ordered that the Question be dropped. It was dropped!

(Laughter)

The Temporary Deputy Speaker (Prof. Kaloki): Fine! But Mr. Assistant Minister, since the hon. Member pleaded with me, really, I can give him that time. Are you prepared to answer the Question?

The Assistant Minister for Roads (Mr. Kinyanjui): Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Please, proceed!

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

(a) I wish to inform the hon. Member that Kongow-Nyadina, Kadinda-Sigoti-Bodi and

Onyuongo-Pap Onditi-Bodi roads in Nyakach Constituency are already classified as follows:-

- (i) Kongow-Nyadina is classified as a Rural Access Road 47 (RAR47).
- (ii) Kadinda-Sigoti-Bodi is classified as E1130.
- (iii) Onyuongo-Pap Onditi-Bodi is classified as E219.

(b) The road classified as E219-01 - Kapserek-Bodi - actually exist. The District Roads Committee has, therefore, severally allocated funds for its maintenance in the past.

(c) As I have stated, the three roads are classified. The Kapserek-Bodi Road actually exists and is classified as E219 and the circumstances surrounding it are, therefore, clear.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I want the Assistant Minister to clarify one thing. I quite agree that funds have been allocated to that road - that is Kapserek-Bodi Road. But for the last five years, that road has never been gravelled. Where has that money been going to?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, our records at the Ministry clearly indicate that the money has been coming through the District Roads Fund. The Kapserek-Bodi Road, E219, stretches for 22.34 kilometres. It received that money through the normal district funds of 16 per cent. Our records clearly show that. But if the hon. Member has any information to the contrary, we would be glad to follow up on that matter.

The Temporary Deputy Speaker (Prof. Kaloki): Are you satisfied, Mr. Ochieng?

Mr. Ochieng: I am not satisfied, Mr. Temporary Deputy Speaker, Sir. What I wanted is---

The Temporary Deputy Speaker (Prof. Kaloki): What part of the answer did not satisfy you?

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, the second part of the answer has not satisfied me yet because that money has consistently been allocated to that particular road but no single gravelling has ever taken place on it for the past five years.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, now that the Assistant Minister has indicated that some funds were set aside for the improvement of that road, could he also indicate how much money has been allocated to that road and for how long?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, are you prepared to answer that question?

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, during the last financial year, 2007/2008, the Ministry allocated Kshs1,458,000 from the 20 per cent Road Maintenance Levy Fund for routine maintenance and spot improvement to keep the road in motorable condition. During the year 2008/2009, the Ministry has allocated Kshs1,409,000 for routine maintenance and spot improvement of the road.

I also wish to state that those are figures reflected at the Ministry and if the hon. Member, for any reason, has not been able to see the works, we will send an audit team. I also want to remind hon. Members that they are members of the District Roads Committee (DRC) and so they should help us in ensuring that monies that are sent there are used for the purpose intended for.

The Temporary Deputy Speaker (Prof. Kaloki): I think that is very clear. Are you satisfied?

Mr. Ochieng: Yes, Mr. Temporary Deputy Speaker, Sir.

Question No.519

EXPENDITURE ON AGRICULTURAL
DEVELOPMENT PROJECTS IN MIGORI

Mr. Pesa asked the Minister for Agriculture:-

- (a) what projects the Ministry has in its agricultural development production and food security, undertaken in Migori Constituency in the last four years;
- (b) what the concrete results from (a) above are; and,
- (c) how much money the Ministry spent in the area during the same period and whether he could table the expenditure.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, I would like to apologise for coming late.

However, I beg to reply.

(a) My Ministry has undertaken the following projects in Migori Constituency in the last four years.

(i) The National Agricultural and Livestock Extension Programme (NALEP) in conjunction with SIDA.

(ii) The National Agricultural Input Access Programme (NAIAP)

(iii) Njaa Marufuku Kenya

(iv) Orphaned Crops project

(v) National Agricultural and Livestock Extension Programme (NALEP) in conjunction with the Government of Kenya.

(b) The concrete results from the above are, increased crop production, especially cassava, maize, sorghum, sweet potatoes and vegetables.

(c) My Ministry has spent Kshs16,240,270 in the agricultural activities in Migori Constituency over the last four years. I wish to table concrete output and the budget of Kshs16 million on the Floor of this House so that the hon. Member can go through it and see the concrete results which we have produced in Migori Constituency.

(Mr. Mbiuki laid the document on the Table)

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, while I want to thank the Assistant Minister for giving me that answer, I remember very well that last week, the Minister himself deferred this Question because of the type of answer that he had been given. What the Assistant Minister has read, apart from what he has tabled here, is what I was given last week which the Minister confessed was not appropriate. That is my worry!

Could the Assistant Minister tell us why they had to defer this Question last week yet he has come with the answer I had last week?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, it is the same answer. It is only that there was a confusion at the Ministry in the delivery of the Question and the Minister sought the indulgence of the House so that he could come and give the answer. So, it is the same answer which I have tabled today.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Member, the answer may be the same but are you satisfied with it?

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the answer. Agriculture is very important for this nation. We know that the problem we have today in Kenya is shortage of food. This is because we have relied so much on maize in most parts of the country. I would like the Assistant Minister to tell me and the House what plans he has to diversify crop production in Migori so that crops that are not currently doing well because of diseases can be replaced in Migori, so that we get other types of food whenever we fail to harvest maize.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, what is your final submission on that question?

Mr. Mbiuki: Mr. Temporary Deputy Speaker, Sir, the Ministry of Agriculture has gone out

of its way to concentrate on other crops other than maize. We realised in Migori Constituency that the production of sorghum, beans, cassava, groundnuts, sweet potatoes and kales has gone up. The total output of all those other crops is more than Kshs2.7 billion in the last four years. So, the Ministry of Agriculture through its extension services, has gone out of its way to diversify the production of crops so that we cannot rely on maize only.

Question No.495

MEASURES TO CURB INSECURITY
IN VOI CONSTITUENCY

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

- (a) whether he was aware that there is increased criminal activity within Voi Constituency, especially in Maungu Town and Ndi Trading Centre along Mombasa-Nairobi Highway;
- (b) what steps he has taken to ensure security in the area;
- (c) when he will put up a police station considering that a new division has been created in the area; and,
- (d) whether he could also indicate when he will put up a police post in Kasigau Location.

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

(a) Crime incidence reports recorded from Maungu and Ndi Trading Centre do not indicate a crime upsurge. The few incidents reported have been promptly dealt with.

(b) The police have enhanced patrols at Ndi and Maungu where a patrol base has so far been established. The police efforts are supplemented by Administration Police (AP) and a highway patrol unit with a vehicle registration No.GK A963K, a Nissan x-trail, along Mombasa-Nairobi Highway.

(c) The police are in the process of putting up a police station in the area and as a first step, the Government has identified a piece of land from a willing seller. Negotiation for the transfer of the same is on going.

(d) There are no immediate plans to put up a police post at Kasigau Location because the AP who are stationed in the area are adequately dealing with the crime in that particular area.

Mr. Mwakulegwa: Mr. Temporary Deputy Speaker, Sir, I would like to refute the claim by the Assistant Minister that the crime incidence is low. There are nine murders in one year which translates to a murder every one month and half and there were six robberies last year. That is a very high crime rate for Maungu. Could the Assistant Minister be serious and indicate when he is going to put up a police station in the new Nyangala Division?

(Mr. Ojode moved to the Dispatch Box)

(Mr. Mwadeghu stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! I think Mr. Mwadeghu has a question.

Mr. Mwadeghu: Bw. Naibu Spika wa Muda, naomba Waziri Msaidizi afanue kuwa katika sehemu hiyo iliyotajwa katika Swali hili---

(Mr. Keter stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Keter!

Mr. Mwadeghu: Bw. Naibu Spika wa Muda, naomba Waziri Msaidizi afanue kuwa uingizaji wa mifugo, ambao wameenea kule, pamoja na ngamia, haujachangia kuzorota kwa amani. Hivi sasa watu wanataka kupigana kwa sababu ya hao mifugo na polisi hawana lolote la kufanya.

An hon. Member: Ongea Kiswahili!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will respond to both questions. First, the request by the hon. Member to have a police station at Nyangala Division headquarters can be considered. As you have seen, we have established---

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we are now confusing the House. Is it in order for hon. Members to ask two questions before a reply? What standing order are we following?

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Assistant Minister, could you finish answering?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I agree with the questioner that Nyangala Divisional Headquarters needs a police station, but we have done two things. First, already we have established a police post at Ndi to serve Ndi and Maungu. For the Nyangala Divisional Headquarters where the questioner needs a police station, we are unable to do it now. But if they present a proposal through the security team, then I will factor that case in the next financial year in order for us to create a police division in Nyangala.

With regard to cattle rustling, we are doing very well in avoiding that menace. That is why the patrols have been intensified in those areas. I said here last time that the cattle rustling problem will be a thing of the past if we have our colleagues supporting us in terms of wiping it out because you will find there are those behind it.

Mr. Temporary Deputy Speaker, Sir, with regard to the crime rate, I have the statistics which I have provided to my colleague. You will find that from April, there have never been cases of murder. In January, we had about 58 cases of crime and in December we only witnessed 32 cases. That is a decrease. In fact, the Questioner should thank the Ministry for having reduced this crime rate. We are trying our level best to reduce the figures.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, hon. Mwakulegwa!

Mr. Mwakulegwa: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister wants me to thank him, but I will not do so. This is because the cases he is trying to cite are actually minor crimes. I cited murder and robbery, which have not declined. He has said that there are Administration Police (AP) officers in Kasigau and Voi. There are only two APs and a District Officer who has been sent there, but he has no office and vehicle.

Could the Assistant Minister consider giving the District Officer a vehicle so that he can be able to move around and enhance security in that region?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, it has been said in this House that nearly all of us need vehicles. We are talking of 222 vehicles. There is a deficiency. We are in the process of purchasing some more vehicles than we have already purchased. We have purchased a total of 207 vehicles. As I said earlier, we are now trying to allocate vehicles especially to crime-prone areas. I also did commit that I am going to supply a list to this House, tomorrow afternoon. Those who are not going to benefit from the first allocation should not think that they have been ignored because the first batch has arrived. The second batch is on the high seas and the third one is also coming. You cannot get 207 vehicles at one go.

*Question No.559*DEVELOPMENT PROJECTS INITIATED
BY LODGES/TENTED CAMPS IN SAMBURU

Mr. Letimalo asked the Minister for Tourism:-

- (a) whether he could state the number, names and proprietors of lodges/tented camps in Samburu East District;
- (b) what the current staff establishment in each lodge/tented camp with respect to permanent and casual employment is;
- (c) whether he could provide a breakdown of employees in each of the lodges/tented camps from the district, indicating their names and whether they are permanently or casually employed; and,
- (d) what development projects each of these establishments has initiated to support local communities.

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) There are eight tented camps and lodges in Samburu District and the proprietors are as follows: Larsens Lodges, Patel and Patel; Elephant Bedroom, Popat and Cullen; Sentrim Samburu Lodge, Shah and Shah; Sasaab Lodge, Hoogerworth and Carr-Hartley; Samburu Sopa Lodge, Wissanji and Wissanji; Samburu Game Lodge Tented Camp, Patel and Patel; Elephant Watch, Douglas-Hamilton and Samburu Intrepids, Muhoho Kenyatta.

(b) There are no casual employees currently, as the tourism occupancy rate in Samburu is very low. So, most of the employees are permanent. I want to report as well that due to the fact that we had problems in the first six months of 2008, most of the employees were sent home, but were paid their dues fully. That is very positive from the hotel industry.

(c) The breakdown of employees and their names was difficult to get from the lodges, but I have discussed with the Member of Parliament and agreed that we will make a visit of the area in March and address all those issues of employees.

(d) Local communities are supported through employment, medical care and provision of food and water during difficult times. I have given the hon. Member the list of all the lodges and what they provide.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for giving that elaborate answer, even though I disagree with part of the information that he has given. My concern is part "C" of my Question, even though the Minister has attempted to answer it. I had wanted to know the breakdown of casual and permanent employees, but he was not been able to do it. I was in the constituency last week and visited, at least, three lodges out of the eight that the Minister has mentioned. I have even talked to the management whether they could absorb all these casuals. Could the Minister confirm or deny that there are casual employees in these lodges? How long does it take for these casuals to be absorbed into permanent employment?

Mr. Balala: Mr. Temporary Deputy Speaker, Sir, it is obvious and natural that you will have casual employees in any sector, but with the trend of tourism that has not recovered fully yet, casual employment is minimum. Therefore, some of the lodges have minimum casual employees. If there is any recruitment of permanent employees, priority is given to the already trained casual employees, and we will encourage that.

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, for every company that starts business in this country and actually around the world, it is a standard policy that they should try their best to make sure the economic situation of the surrounding society is improved so that they have a better life. Does the Ministry have any social-corporate responsibility policy when such business are started in

areas where different communities live?

Mr. Balala: Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for a brilliant idea. As you are aware, the Ministry is now under a lot of transformation and restructuring. We are not only looking into developing and formulating a strategy on good governance and social-corporate responsibility for the tourism sector, but we are also looking at strategies even to address the current financial crisis in the world.

Next week, we are having a meeting to discuss the strategy and how to address and cushion tourism in Kenya, because of the financial crisis in the world. We should have a strategy on environment and conservation of tourism in Kenya. We should also have a strategy on conserving the sea-shore or climate change issues. These are new ideas which are coming to my Ministry. I want to thank the hon. Member and inform him that, yes, we are going to have a strategy and policy on social-corporate responsibility, particularly addressing issues of communities on the ground and involving them as well as employees and their benefits.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, Mr. Letimalo! **Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for personally taking the initiative to visit the constituency so that he will be able to meet the management of these lodges and discuss these issues. He will be able to discuss the development initiatives that they claim they have initiated, which is absolutely untrue.

Mr. Temporary Deputy Speaker, Sir, considering that many employees were sent home to wait and see if the situation would improve, is the Minister in a position to tell us how many employees have been re-instated?

Mr. Balala: Mr. Temporary Deputy Speaker, Sir, first, I want to assure the hon. Member that it is important for us to understand when we have such situation as in Samburu and Isiolo, we do not destroy it by over-crowding in development. We have to have a plan. We are taking the initiative as the Ministry of Tourism to make a development plan for all the conservation areas including Maasai Mara and others.

Mr. Temporary Deputy Speaker, Sir, I would like to assure Mr. Letimalo that despite the decline in tourism, which has not fully recovered, most of the employees' contracts have not been terminated. They were sent home on full salary. The only thing they might be missing is the privilege of being in the lodges. We want to put in place a strategy and a policy to address these issues.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question!

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, let me, first, apologise for coming late.

Question No.607

ELECTRIFICATION OF MUSENGO AND
MUTHALE WATER PROJECTS

Mr. Nyamai asked the Minister for Energy:-

- (a) why he has not supplied transformers and connected electricity to Musengo Water and Sanitation Project and Muthale Girls' Secondary School Water Project, despite transformers having been paid for by the two institutions in May, 2007 and September, 2008, respectively;
- (b) whether he could also explain why he has not supplied electricity to Kwa Vonza, Kwa Mona and Kwa Kyenza markets despite the fact that capital contribution fees and deposits have been paid to Kenya Power and Lighting Company Limited (KPLC); and,
- (c) what steps he is taking to supply transformers and connect electricity in (a) and (b)

above.

The Assistant Minister for Energy (Mr. Keter): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The transformer and power meter to Musengo Water and Sanitation Project will be installed before the end of this month, subject to the confirmation that the internal wiring has been finalised. The transformer for Muthale Girls' Secondary School has been installed and commissioned but the power meter has not been fitted since the internal wiring has not been done with the last inspection on the same carried out by KPLC on 30th January, 2009. However, power will be installed upon the completion of the wiring exercise.

(b) The supply to Kwa Vonza, Kwa Mona and Kwa Kyenza has been done under the Rural Electrification Project (REP) and transformers are now in place. The installation of service lines to the paid up customers will commence later this month.

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, I would request you to order the Assistant Minister to get a proper answer to this Question. He is a good friend of mine. We have discussed and I showed him how his staff has misled him on three grounds.

One, the first project, which is Musengo Water and Sanitation Project, was paid for 21 months ago. All the wiring has been done. Actually, the wiring was completed before they even applied for the transformer. However, nothing has been done to date.

Muthale Girls' Secondary School is one of the best secondary schools in Kitui District and the country. It has been in existence for over 20 years. It has had a transformer and the money from Constituencies Development Fund (CDF) was meant to upgrade it because they had bought a bigger pumping machine. Therefore, wiring is not required--

The Temporary Deputy Speaker (Prof. Kaloki): What is your question?

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, I am requesting the Assistant Minister to come with a better answer for this Question. The answer he has given is so wrong on the three grounds!

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order, Mr. Nyamai! I think the answer was that they will be connected by the end of the month. Is that not sufficient? Mr. Assistant Minister, what is your final submission on that?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I have got what the hon. Member is asking. He is saying that the internal wiring, which I am saying we are waiting for to be done, was done even before the payments in May, 2007 and September, 2008 were made. In view of what he has said and the information I have, I would request that this Question be deferred even to tomorrow afternoon for me to ascertain the truth. We want to give answers which are real. However, if what the hon. Member is saying is true, then somebody must carry the responsibility for giving us wrong information, which we then give hon. Members.

The Temporary Deputy Speaker (Prof. Kaloki): Do you want the Question deferred, Mr. Assistant Minister?

The Assistant Minister for Energy (Mr. Keter): Yes, Mr. Temporary Deputy Speaker, Sir, I, however, think he does not have a problem with part "b" of the answer.

The Temporary Deputy Speaker (Prof. Kaloki): The Question, is, therefore, deferred! Mr. Assistant Minister, you can have more time to prepare and come with a proper answer.

The Assistant Minister for Energy (Mr. Keter): Mr. Temporary Deputy Speaker, Sir, then let me ask for it to come on Tuesday next week.

The Temporary Deputy Speaker (Prof. Kaloki): The Question will be slotted next week!

(Question deferred)

Mr. Wamalwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. There were certain questions that the Assistant Minister could also take and bring answers when he comes. Could we be allowed to ask them so that when he comes he can bring answers to supplementary questions as well?

The Temporary Deputy Speaker (Prof. Kaloki): We have deferred the entire Question. Therefore, if you have any supplementary questions, you can ask them when the Question comes to the Floor of the House! I think the Assistant Minister will be prepared enough to handle the questions.

Next Question!

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, first, I apologise for coming late. I also thank you for accepting my phone call message that I was going to be late.

Question No.509

NON-COMPLETION OF PRISON
OFFICERS' HOUSES BY BIC

Prof. Kamar asked the Vice-President and Minister for Home Affairs:-

(a) whether he could explain why Burrel International Company which was contracted by the Prisons Department on 13th September, 2006, to construct residential blocks for prison officers has failed to complete the project after foundation trenches were excavated and foundation footing partially laid;

(b) what the total amount paid to the contractor was; and,

(c) what measures the Government has put in place to ensure that the houses are completed.

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

(a) The construction of twin two bedroomed, one storey blocks and three two-units two bedroomed bungalows were to be done at Eldoret Prison site. The contract was to run parallel with the Nakuru Prison site in a single contract for 52 weeks from 13th September, 2006, to 13th September, 2007 at a contract sum of Kshs102,285,587.50. The contractor appeared to concentrate more on the Nakuru project as opposed to the works in Eldoret due to logistical challenges of managing several project sites.

(b) The total amount paid to Burrel International Company at Eldoret Prisons site is Kshs4,501,365.70 and the breakdown is as follows:-

Builders work	-	Kshs3,729,947.40
Materials on site	-	Kshs1,271,570.00
Total	-	Kshs5,001,517.40
Less Retention (to be paid at the end of contract)	-	Kshs 500,151.70
Net Paid	-	Kshs4,501,365.70

(c) The following measures have been put in place to ensure the houses are completed:-

(i) The domestic sub-contractor has submitted all his claims to both the Ministry of Public Works and my Ministry.

(ii) My Ministry will facilitate prompt payment of these claims to enable the domestic sub-contractor to get back to site.

(iii) The sub-contractor for Eldoret/Nakuru contract M/s Flemings Management Limited has undertaken to resume work on Monday 2nd February, 2009.

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, I am very surprised by what the Vice-President and Minister for Home Affairs did to this Question. He is the one who requested that it

be deferred. In his own words, and this is in the HANSARD, he said that he was not satisfied with the work done and he believed that there was corruption behind it. Could the Assistant Minister tell us what certificates were used to pay Burrel International Company Kshs3.7 million and yet the building is not in existence? What certificate was used to pay for the materials when we know that there are only three lorries of sand on the ground? The committee of security should testify on this matter. I was in the committee of security when we visited the place. Only trenches have been dug. Is the Minister satisfied that digging trenches is equivalent to building something worth Kshs3.7 million? Is the Ministry colluding with the contractor?

Mrs. Kones: Mr. Temporary Deputy Speaker, Sir, since the hon. Member is not satisfied with the answer, I beg that I be given more time to investigate and bring an appropriate answer next week.

The Temporary Deputy Speaker (Prof. Kaloki): Prof. Kamar, are you satisfied that we defer this Question until next week?

Prof. Kamar: Mr. Temporary Deputy Speaker, Sir, I will not be satisfied because the Vice-President and Minister for Home Affairs was here. It is embarrassing for the Vice-President and Minister for Home Affairs to take off when we are here.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Prof. Kamar! The Assistant Minister has requested additional time so that she can prepare an appropriate answer and bring it here. So, I defer the Question to a later date.

(Question deferred)

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

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ethuro! Mr. Chanzu, you had asked Question No.376. Is the Minister in the Chamber?

Question No.376

REVIVAL OF KISUMU COTTON MILLS

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, you ruled that you were going to---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Chanzu! Is the Minister for Industrialization present? Hon. Chanzu, we have to defer that Question to a later date. Please, be satisfied. Let us give the Minister time.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I just wanted to say that since the Minister is not here--- When I look at the other side of the House, the most senior person present is the Chief Whip. I would like him to make an undertaking on behalf of the Front Bench when the Minister will be here to answer the Question.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Chanzu! We have deferred that Question. The Minister will prepare and bring the right answer.

(Question deferred)

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek your indulgence on three concerns in this House. First, too many Questions are being deferred because Ministers are not here. They also do not give the correct answers, therefore, squandering valuable time of this House. It amounts to taking advantage of Kenyans because we know they are paid a responsibility allowance, unlike the rest of us, in order to sit in this House.

Secondly, there is the question about who should sign the answer to Parliament. Is it the

Assistant Minister or the Minister himself? It is your sole responsibility, as the Chair, to determine and dispose of this matter. It cannot be wished away. Those of us who have been in this House long enough know that an answer signed by an Assistant Minister cannot be entertained. You have seen today when there were two answers - you do not know which one is the right one. It is important that the substantive Minister gives the correct answer. The Assistant Minister is at liberty to answer.

Mr. Thuo: Mr. Temporary Deputy Speaker, Sir, without seeking to suggest that my colleague may have---

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

Mr. Thuo: Mr. Temporary Deputy Speaker, Sir, I think it is not fair to say that Questions have not been answered repeatedly in this House. Today, you are aware that we have a unique problem. We have an important conference, "One Kenya, One Dream - The Kenya we want." His Excellency the Vice-President and Minister for Home Affairs and many Ministers have gone to the conference. We must not underestimate the value of this conference to Kenyans.

Just to remind you of your own ruling, there is no such thing as a substantive Minister and another Minister. There are only Ministers of Government in the House. I am, therefore, convinced that either of them can sign an answer. It is in order.

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Members! Mr. Ethuro, your point of order is, indeed, in order. We really have to keep on reminding the Ministers to take the business of this House seriously. When it is Question Time, it is the responsibility of the Government side to give appropriate answers to Questions that have been raised by hon. Members. I rule that and we will continue to urge the Ministers to be in this Chamber so that they can provide the right answers.

Mr. Thuo, you wanted to ask for a Ministerial Statement. I give you two minutes only.

POINTS OF ORDER

Mr. Thuo: Mr. Temporary Deputy Speaker, Sir, I rise to ask for two Ministerial Statements.

LIQUIDATION OF KIRINYAGA DISTRICT FARMERS COOPERATIVE UNION

The first one is to the Minister for Cooperative Development and Marketing.

I would like him to clarify the situation regarding the liquidity of Kirinyaga District Farmers Co-operative Union. In his Statement, he should address whether or not they are operating and whether members are able to withdraw money. He should tell us what he has done to ensure that farmers' deposits are protected so that they do not suffer loss from what may be deemed as misappropriation of their money.

STATUS OF SUIT AGAINST MR. YAGNESH DEVANI

Secondly, I also seek a Ministerial Statement from the Chief Government legal advisor, the Attorney-General, about the status of the suit against Mr. Yagnesh Devani. He should tell us whether the suit stands, the status of the warrant of arrest and give any other information that he deems relevant to satisfying the public. What action has he taken to ensure that the prosecution against this gentleman and others involved in the Triton saga commences?

MOTIONS

INTRODUCTION OF COUNTER
TRAFFICKING IN PERSONS BILL

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, noting that trafficking in persons has been classified as modern day slavery constituting the third most lucrative transnational organised crime after drugs and arms; noting further that Kenya has been classified as a country of origin, transit and destination for human trafficking due to increasing economic differentiation within and between the countries of the East African region; concerned that there is no comprehensive law or policy addressing the issue of trafficking in persons; this House grants leave to introduce the "Counter Trafficking in Persons Bill" to institute policies to eliminate trafficking in persons especially women and children; establish the necessary institutional mechanisms for protection and support of trafficked persons; provide penalties for its violations, and for connected purposes.

Mr. Temporary Deputy Speaker, Sir, in moving this Motion, I wish to note that trafficking in persons has been deemed as modern day slavery. Trafficking and slavery bear very much similarities. The United Nations defines trafficking in persons as, and I read:-

"The recruitment, transportation, transfer, harbouring or receipt of persons by means of threat, use of force or other forms of coercion of abduction, fraud, deception, abuse of power or a position of vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for purposes of exploitation."

The same definition describes exploitation to include, at a minimum, the exploitation of prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Mr. Temporary Deputy Speaker, Sir, we all know that slavery has actually been outlawed all over the world. If you actually look at the history of slavery and the way trafficking in person is conducted, it is basically slavery back in full force. Whereas trafficking as a concept is deemed as new but, as practice, it is still the same old slave trade back with us. The former Nigerian President Olesegun Obasanjo, at the first Pan African Conference on Trafficking that was held in Nigeria in the year 2000, said the following about trafficking:-

"Child labour and women trafficking are very much akin to the slavery trade era of the 18th and 19th centuries, and we must take the battle with the same doggedness that we took against slave trade."

If you look at the histories of all ancient civilisations, then you find that, at every stage, there has been an element of slavery. Slavery basically exploits the weaknesses and vulnerability, especially of people who are economically poorer. It is recorded in ancient histories of many nations and affected people who are dispossessed or alienated as a consequence of death, war or civil unrest as we saw in Kenya last year, as a consequence of economic circumstances or raids, or what award winning journalist John Pilger refers as the "un-people", which is a massive but quiet, voiceless, under-class people who are largely invisible, forgotten and at almost every catastrophe or war, they are treated as disposable.

Mr. Temporary Deputy Speaker, Sir, I speak to the people who were displaced in the last year's General Election. During such circumstances, we see the poor as an under-class, un-people and disposable. There are many cases that were reported during that time of trafficking, especially of women and children. If you look from about 1440 onwards, European countries took the leading role in slavery. Portugal and Spain imported slaves and established trading posts. Arab and African traders also trafficked Africans to markets in Arabia, Iran and Asia.

Mr. Temporary Deputy Speaker, Sir, we still see the same trends. It is just that the manner and the way it is being done is becoming cleverer. Slavery or trafficking has arisen, as I have indicated, because of the need to exploit the poor and the vulnerable. It almost always involves exploitative labour. If you look at the Roman Empire, slaves were used for the expansion of the empire through to the middle ages, which is from the 15th to 10th centuries, where the concept of staff is first developed. During that time, you would see the church playing a significant role in the society and it influenced public policy and, therefore, determined who was deemed free or a slave. There were favours bestowed to those who were deemed as Christians and were not treated as slaves. If you look at the middle ages, the nation/state played a significant role in the slave trade. They used slaves for the development of their economy.

If you go to the thinkers of the enlightenment period, which is the mid to late 18th Century, they basically broke away from that concept of slave trade and the thinking of the church had started developing the concept of an individual as a human being bestowed with dignity and self determination. Consequently, from 1792 onwards, most European countries started to abolish slave trade. In 1814, Great Britain, at the Conference of Vienna, took the lead to encourage other countries to abolish slave trade. Consequently over the last 600 years, there has been a change in thought of an individual as a slave. We see the concept of human rights being developed and the concept of slavery being shunned upon as violating fundamental human rights and, in particular, the right to life, freedom of movement, liberty and freedom from torture, cruelty, inhuman and degrading punishment or treatment among other forms of violations.

Mr. Temporary Deputy Speaker, Sir, I want to say that, consequently, you see a lot of international treaties that have been signed, developed and ratified by several countries that outlaw slavery or modern day trafficking in persons. On a more positive note, I think the African continent was ahead of most of those nations because, as early as 1222, the first such international document was actually developed in a West African country that outlawed slave trade.

In modern day industrialization, the world has witnessed technological advances, mass markets, birth of corporations, booming international travel opportunities and unprecedented movement of people across borders. All those factors have conspired to create great demands for supply of persons in various countries as commodities.

Mr. Temporary Deputy Speaker, Sir, in developing countries, this demand is for masses of labour to undertake building tasks in fields such as contraction, mining and plantations. In developing economies, the demand exists for those willing to do jobs that the countries' citizens are not willing to do. That is why you see a lot of movements of young Kenyans to the developed countries to do jobs that people in those countries are either unwilling or unable to do on their own. These are the countries that are called the three Ds. These are dirty, dangerous and degrading jobs. As the world changes, criminology has evolved. There have grown intricate trafficking networks to deal with the demand and supplies of persons globally.

Over the last 15 or so years, world attention has been drawn to the increase in trafficking in persons. Consequently, we find that---

QUORUM

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, the hon. Member is moving a very important Motion. Indeed, I remember that about two years ago, the hon. Member had invited the Government and the Members of Parliament for a seminar on trafficking of persons in Mombasa. However, you will realise that the Government side is empty. There is not even one hon. Member. This is an indicative of the callousness in which the Government side treats this issue. This side has less than 20 Members. May I be in order to ask you whether, indeed, there is quorum in the House for the

hon. Member to continue to move this Motion?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, It looks like there is no quorum in the House. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, we now have a quorum. You may proceed, Ms. Odhiambo.

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, trafficking in persons is a complex, multifaceted and dynamic phenomenon that occurs globally, regionally and nationally. It has several dimensions to it. It is an organised criminal activity operated by intricate criminal networks and has many faces, including the organised crime business, immigration, human rights, victim, gender, child rights and justice issues. It is considered one of the largest sources of profits for organised crimes, generating US\$7 to US\$10 billion annually, according to the United Nations (UN) estimates. This figure is said to only rival trade in small arms and drugs.

Some of the organised groups that are involved in trafficking in persons, include the Chinese, Asians, Mexican, Central American, Russian and the former Soviet Union gangs. Some of them are known as the *mafia*, the Russian Gangs, the Vietnamese Tribes and the Japanese Yakuza, among others. Due to the complex nature of this crime, there is varying information as to the complexity and prevalence of trafficking in persons, with certain estimates putting it at 600 to 12.3 million annually. The United States (US) Department of State reports that between 600 to 700 men and women are trafficked annually. The United Nations Development Programme puts the figure of persons trafficked across international borders annually to between 700,000 to 2 million and 4 million, if one includes domestic trafficking. It is estimated that a total of 12.3 million persons are enslaved in forced labour, bondage and child labour.

Mr. Temporary Deputy Speaker, Sir, if you look at the regional dimension, you will find that Kenya has been classified as a hub for trafficking in persons. It is both a country of origin, transit and destination. Kenya supplies trafficked persons to Europe and other African countries. It also receives trafficked persons from Asia and other countries. We also have dimensions of internal trafficking within the country. What differs is the form of the extent in trafficking if you look at the disparities within the African region. It is estimated that 54 countries within Africa are involved in trafficking, in persons. Because of time, I will not enumerate all of them.

Mr. Temporary Deputy Speaker, Sir, we have heard about many cases of this kind being reported. For example, the famous case of Anna O'Brien which was reported in the year 2002. She is a Kenyan from Kiambu who was getting women from Kenya and taking them to the United Kingdom (UK). She would confiscate their passports and use them for the purpose of sexual exploitation.

The organization I worked for, in the past, did a comprehensive research following a case we had dealt with that was suspected to be related to trafficking of persons. The case involved a Dutch national who had set up a school in Kenya that was called *Spring Chicken*. He got children of between three to 18 years and gave them what was purportedly free education. However, in fact, following a tip-off, we discovered that 72 of these girls were suspected to have been sexually abused because he had a list against which he had marked if one was a virgin or not. Unfortunately, as a consequence of poor investigation of the police, this man went scot-free and the last we heard of him was that he had opened another school in western Kenya where he, probably, continued with those activities undisturbed.

Personally, I have done research and travelled to many countries such as Ethiopia and Lebanon where I have met people from Africa who have been victims of trafficking. I have been informed of

Kenyan men who are stuck in Lebanon and are unable to come back home because their travel documents were confiscated. We do not have a proper legal framework to outlaw human trafficking. When these people come back to the country, we treat them as criminals as opposed to victims. We have had cases of Bangladesh and other nationals who have been found in this country and arraigned in court for human trafficking.

We are all very familiar with the "miracle baby" saga of the famous Bishop Deya. Following this case and others, the Scotland Yard commissioned a report which showed that several African children are trafficked to the UK. It is, indeed, suspected that Kenyan children are among those who are trafficked to the UK.

I urge the House to support this Motion. It has a victim and gender dimension. The persons in this country who are susceptible to this are the younger people who go for the "better life syndrome."

With those few remarks, I beg to move. **The Temporary Deputy Speaker** (Prof. Kaloki): Who is seconding this Motion?

(Mr. Wamalwa stood up in his place)

Hon. Wamalwa, please, proceed!

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this important Motion. As my learned friend, Ms. Millie Odhiambo, has said, human trafficking is, indeed, modern-day slavery. In the 18th and 19th centuries, slave traders came to the Continent of Africa in slave ships. They came and entered the hinterland and hunted down Africans. They took them in chains. They took them in yoke and transported them across the Atlantic Ocean to go and serve a life of slavery on the cotton farms and other areas where they were used. In the 21st century, you will not see these slave traders in the dreaded slave ships that docked in Mombasa and other ports in Africa that hunted down Africans and took them away in chains. They come in different forms. Indeed, they persuade and manipulate our weak legal systems and take away Kenyans and other Africans to far away land into lives of slavery. There are many reasons why these Africans are trafficked. Previously, it was purely for labour, to serve on the cotton farms, as I have said. However, today, these trafficking is being done for many other reasons apart from labour. It is being done for prostitutional purposes where young women are taken to far away land to serve as prostitutes and to serve in the sex industries across Europe, America and other lands far from here.

We also have trafficking in the forms of illegal adoption. Owing to our weak systems, we do not have a law that deals with this menace. We do not have a law that deals with the vice. Instead, we have references in the Penal Code and in the Children Act. However, you will find that the same Act allows for adoption of children by foreigners. We have had foreigners who have come to this country and abused our weak legal structures and, legally, taken away our children from this country. When the children arrive wherever they are going, the other side of the Atlantic Ocean, this country never knows what happens to them. However, the foreigners do not come here with chains. They do not force their way in here. They come here because of lack of legal structures to address this vice.

We have a world that is short of organs. We have people who have stayed on waiting lists for donation of organs out there. These people have found a lucrative trade of buying organs and trafficking people to and provide organs for people out there. Indeed, it is very lucrative, but a very inhuman trade. However, the reality is that it is happening. Yet, we have not squarely addressed this problem.

Mr. Temporary Deputy Speaker, Sir, there are many other issues which have been attracting human trafficking where people have been used to go and bring housing benefits to those who have trafficked them to certain destinations. These people are held and their travel documents withheld at the mercy of those who have trafficked them. When you look at this country, you will see the

traffickers do not come for 72-year olds. Those are of no use to them. The traffickers target the young and the youth of this nation. Kenya, at 45, is a youthful nation. You will find that 70 per cent of our population comprises of the youth, between the ages of 16 to 30. That is the target group of the traffickers. These are the people who come and lure our youth and traffic them to far away land. Why has these been so? Why is this group the prime target? Look at our situation, the unemployment in this country is high. Looking at the Waki Report, we have over 2 million youth in this country who are unemployed, are hopeless and are able to be used in violence. They resort to crime and are part of gangs such as *Mungiki*, *Kamjesh* and Sabaot Land Defence Force (SLDF) among others. These are the targets. Those young people are driven by poverty. Some of them have been tarmacking for years and they are told that there are jobs in Lebanon, Dubai and so on. That racket has resulted in very young people leaving this country under very mysterious and dubious circumstances and, when they reach there, they are turned into slaves. The poverty that has become a way of life in this country is another cause that has promoted trafficking in human beings. We would like, as matter of urgency, to ensure that a country like Kenya, which has been defined by my learned friend as being not only a country of origin - meaning that it is where they come to source - but a country of destination and transit is not promoting human trafficking. Therefore, it plays a big role as a transit point, as a destination and an origin point for traffickers. When you look at our laws, we do have a vacuum in that aspect. We must fill that vacuum. This Motion is very important because it seeks to address that problem squarely. We might under-estimate the magnitude of that trade. But going by stories like that of Bishop Deya in the United Kingdom (UK) and his "miracle babies" saga, it turned out that women were told that they would get pregnant and give birth in two months. Somehow, mysteriously, the babies appeared. That means that, somehow, those babies had been trafficked. That had been used as a pomp in churches. They were displayed to those who were vulnerable enough to believe and follow the miracle issue. To date, we have not heard of any action that has been taken against Bishop Deya and his group which was arrested. What happened to those babies? There are many more miracles that are going to happen of that nature, unless we have a law to address that menace and prevent people from playing games with the lives of innocent children in this nation.

Just to demonstrate the magnitude of that vice, we heard of a Kenyan lady in the UK who was running a den of prostitutes. Unfortunately, they were all young Kenyan women. They were trafficked from Kenya by a Kenyan living in London and serving in the sex industry in the UK. Just going by those two examples, we do believe that, unless something is done--- Those are the only few that the Scotland Yard and the Metropolitan Police were able to pick. There are many more that are unknown. Therefore, as a matter of urgency, we need to move with speed and put in place legal structures. We should establish a police unit that will address that issue. We do appreciate that in 2000, there was a police trafficking check unit that was put in place. As that threat appeared to become real and the international organisations started questioning Kenya's commitment to the rate of the human trafficking, we put together a police unit to address it. But without a proper legal structure; a law that will set up a legal framework for the police to be effective; without a budgetary allocation to empower the operations of such a unit, it will not be able to achieve much.

I do congratulate Ms. Odhiambo for bringing this Motion. I urge all hon. Members to support it, so that we can quickly bring the Bill and pass the law that will deal with trafficking of human beings as an Act of Parliament.

Mr. Temporary Deputy Speaker, Sir, you will realise that the world has become a global village. In the 21st Century, crimes are emerging that our previous Parliaments could not address. Cyber crimes and human trafficking have emerged. It is the duty of the Ten Parliament, through this Motion and Bill, to pass a law to deal with that menace once and for all.

With those few remarks, I beg to second.

(Question proposed)

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I stand to contribute to this Motion. The Motion is talking about human trafficking. It is a great shock and a great concern for this country to hear that Kenya is in the world map because of human trafficking. I want to try and address the cause of this modern slavery. Although we call it human trafficking, it is very clear that Kenyans have been turned into slaves of circumstances. That has been caused by the leadership of this country. For the last 45 years that Kenya has been independent, it has not been easy to find a young girl who is a christian and who has gone to school, accepting to be a slave and allowing herself to be taken out of this country. They are taken to the United Kingdom and other places outside this country and become slaves. When they go to those countries, they are locked in cages and treated like animals. They undergo sexual harassment and other unexpected and unexplainable things. The cause and bottom-line of that is poverty. In this country, it is true - and it is not even a secret - that we have got a high class of 300 people who share 70 per cent of the national Budget. Nobody cares about the rest of Kenyans. They are left to languish in poverty and struggle to find their way out. Even today, after the incidents of 2007 elections, those unconcerned Kenyans, who are supposed to be leaders, were forced to form a Government of 42 Ministers in a poor country like Kenya.

Mr. Temporary Deputy Speaker, Sir, when you take the chunk of money that is paid to them from a poor country like Kenya which is also meant to service their activities and needs, you will realise that the 42 Ministers with the exception of the Assistant Ministers, take close to 25 per cent of our national Budget and yet Kenyans are suffering outside there without jobs. When you look at the number of Assistant Ministers we have and then you go to the Civil Service where we have Permanent Secretaries and then consider what they earn and what is left in the general Budget, there is no chance for the common *mwananchi* to survive in this country. So, all this is based on poverty. It is poverty which causes human trafficking.

Mr. Temporary Deputy Speaker, Sir, it is my sincere call to us leaders to stand and be counted. We have to stand and accept the problems and the suffering of Kenyans which we have caused in this country. Today, the country is in a total disaster in terms of hunger and we read yesterday in the newspapers and it was also announced in the media, that the Government is spending Kshs700 million to buy BP Shell House in order to create an office for the Prime Minister. Citizens are being taken out there as slaves, others are dying in the villages without food, others are not going to school because we do not have enough schools and yet the same Government is spending Kshs700 million to purchase the building in order to make life comfortable for the Prime Minister and the staff in that office. Kenyans are suffering a lot. I do not think that as a Government we are planning.

Mr. Temporary Deputy Speaker, Sir, it is time that leaders realised that Kenyans are clever. They have opened their eyes and can see what is happening in their country. I want to call upon the Minister for Finance to cancel the purchase of that building and get that money back. If it is not going to be used to buy food for Kenyans, then it should be used to drill water and give it to Kenyans so that they can grow enough food.

Time is coming when *wananchi*, while passing outside this compound, will not withstand seeing 220 limousines of Members of Parliament parked here when 38 million Kenyans are walking, leave alone riding bicycles. Time has come when Kenyans outside this compound are concerned about the people they elected to this House to represent them well.

Mr. Temporary Deputy Speaker, Sir, it is a shame. All children are the same whether they are of a rich, educated, uneducated or a poor person and we want all of them to be given full services as citizens of this country. The money we raise in this country is enough if it is utilised properly. Even if we have human trafficking, the rate will not be where it is today because we will have worked and distributed the resources of this country equally and given to them who deserve. By doing that, we will

have good primary schools where our children will be educated properly. The same will happen to secondary schools.

Mr. Temporary Deputy Speaker, Sir, the other day there was the teachers strike. Today, the Government said that they will have to stand by the decision that those who went on strike should not be paid. That is creating more poverty in this country. Those who demonstrated or went on strike, did that to demand for their rights. They did that as Kenyans with all the constitutional rights vested on them and they should not be punished. They should be paid so that they can eliminate that poverty and so that we do not have young girls walking to the hotels and pubs, being paid peanuts and eventually being taken out of this country only to become slaves of sexual harassment and other unbelievable and unexplainable issues.

Mr. Temporary Deputy Speaker, Sir, if the leadership of this country is weak, then such things cannot fail to happen. Where leadership is strong such things cannot happen at the level that is being witnessed in this country. We need to come out and be ready to be counted. We need to pay taxes! When we talk about poverty and human trafficking, this country does not sell oil. This country sells absolutely nothing to generate its national Budget resource. It is through taxation - we Members of Parliament are the first ones to say that the law does not allow us to pay and yet we want to complain about human trafficking.

Mr. Temporary Deputy Speaker, Sir, someone wants to feed well. If that person expects to eat well, then the food must be available. We cannot talk about eliminating poverty if we are not ready to find ways and means of raising funds.

With those few remarks, I wish to support.

The Assistant Minister for Youth Affairs Sports (Mr. Kabando wa Kabando): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this timely Motion by hon. Millie Odhiambo, my comrade. Noting that the Counter Trafficking in Persons Bill is calling for institution of policies that will ensure that we eliminate this vice which is very serious globally, particularly among women and children, we should put in place mechanisms, programmes and systems that minimise or eliminate this crime.

This is a Motion that we should support unreservedly noting that there are very many issues that lead to this. I see this as a Motion that should trigger actions in the respective Government departments through legislation and implementation of the existing law. This is because there is a law in place that criminalises abuse of human beings both in the context of trafficking and other forms of exploitation.

Mr. Temporary Deputy Speaker, Sir, in that regard, I will start contributing by noting that the existing economic situation is the greatest contributor to individuals being vulnerable and, therefore, available to be recruited for trafficking. Therefore, the main issue that can block any opportunity by local and international criminals to engage in human trafficking, is to entrench economic programmes that will capacitate our people. That way, the weakness of the systems will be blocked by the people themselves not willing or attracted by the fortune that is out there.

When our young people are being recruited through labour agencies in the city and in particular the Eastern and Central African region to go to Europe, Arabic countries or even America to do jobs that they did not anticipate, like prostitution and other forms of social abuse, it is because we are weak. One area that I note that needs to be strengthened even as we deal with this---

Mr. Kazungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to speak from the Opposition side of the House?

The Temporary Deputy Speaker (Prof. Kaloki): It is all right. He can address the House from any side. The Speaker has already ruled on that.

Please, proceed!

The Assistant Minister for Sports and Youth Affairs (Mr. Kabando wa Kabando): Thank

you, Mr. Temporary Deputy Speaker, Sir, for your timely protection from that undue interruption.

One area is to ensure that the measures they are putting in place to harvest the young people who have completed their primary and secondary school education so that they engage in productive economic activities will help in facilitating their connection with the formal sector. That will enable them not to be attracted.

Another way is through the empowerment of women through the women enterprise scheme. These are issues that we need to deal with, even as we bring legislative agenda that will ensure that there is criminalization. Even within the existing legal framework, there is criminalization of illicit business being triggered through this very timely Motion to note the critical and sensitive stage we are in, yet we are focusing on the year 2030. Today, we are receiving a programme of the Kenya we want. There are things that we know we want. We have detailed comprehensive research details that sets the agenda for Kenya towards 2030. We need a trigger that will ensure that we wake up to implement.

Thirdly, we need to give capacity to our Judiciary. You hear of individuals who have trafficked persons from Asia to Kenya to come and work within our industries and, therefore, take up jobs that are meant for our locals. Rarely do you hear those cases going successfully within our Judiciary. The focus is towards a comprehensive constitutional review and legislation and statutes that will ensure that the capacity of our institutions is enhanced and that accountability and transparency in legal redress where matters concerning abuse are concerned are done well, is very important.

Mr. Temporary Deputy Speaker, Sir, the other point is on immigration. If there is a docket whose mandate can minimise and whose role can minimise trafficking of persons, it is the docket of immigration. Even within the existing law, there are things that need to be done and accountability observed. Even as we speak about national and international law and the trafficking of persons beyond our borders, do we know that many children in our coffee, tea and sisal plantations continue to work in the third and fourth generation after their great grandparents were recruited in the colonial times, yet this continues in our domestic arena? Again, implementation and observance of the existing law is very important.

Do we know that children who are supposed to be in school continue to work in our homes? These children are employed by individuals who are in productive economic engagement within the city of Nairobi but they are accepting children under the age of 18 years to work within their homes as domestic servants. That is a form of human exploitation. It is a form of trafficking because we have agencies within our towns and cities that are recruiting children who have passed through Standard Eight and can benefit from the constituency bursary schemes to join Form I or youth polytechnics whose tuition will be free in the first quarter of this year.

Mr. Temporary Deputy Speaker, Sir, the trafficking of children locally and internationally needs to be terminated by, first and foremost, taking responsibility as leaders and investors to refuse to be part of the bondage initiated in colonial times and perpetuated during Independence and in the 21st Century and we are doing nothing about it.

Finally, there is the issue of poverty and economic partnership agreements that we have entered with Europe that disallow developing nations from exporting finished products to the European market. I remember last year I was part of the delegation to the European Union ACP Assembly. These are matters that we submitted and which this House has the onus and responsibility to implement.

With those remarks, I beg to support.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion which I believe is timely and important. I think we are all aware about the vulnerable groups that we have in this country. This Motion is about vulnerable groups. It is about children, women and vulnerable men. As you can see, our Front Bench is not in the House and yet we are discussing a topic on the Kenya we want. That is why nobody is here today and it appears like we are not interested in this Motion.

This Motion is about the Kenya we want.

It is rather about the Kenya that we do not want; a Kenya in which vulnerable groups are exploited. Trafficking is about taking advantage of those who are not able to take care of themselves. It is about poverty. It is about the life that certain members of our society have. We have got desperate people in this country. We have got people who are ready to do anything to get something in their mouths. This Motion is about that group of people who are willing to sell their organs to get food in their mouths. There are young girls who should be in school who are willing to sell their bodies or do anything to get food.

Mr. Temporary Deputy Speaker, Sir, as other hon. Members have said, this Motion is about poverty and the divide in our country between the haves and have-nots. This Bill is about those that do not have. It is about the exploitation of members of our society who are unable to look after themselves. I strongly urge that we do something about the economic empowerment of the less fortunate members of our society.

Mr. Temporary Deputy Speaker, Sir, therefore, I strongly urge that we do something about the economic empowerment of the less fortunate members of our society, who are a vulnerable lot among us, so that we can curb this serious problem of child trafficking. We know, as we have been told, that people have exploited this lot among our society. We have heard about Bishop Deya, who became a household name. During the time when child trafficking was going on, I was in the United Kingdom. He used to move from one state to another in a chopper. He is a celebrity. What has he made his name from? Trafficking children from our country. He is supposedly a miracle worker. What has he done? There is no miracle he has performed. It is all about trafficking children from this country.

Therefore, I want to strongly support this Motion. I want to thank the hon. Member who has brought this Motion to this House. I want to support it in the strongest terms possible, so that we can take care of the needy in our country. We all struggle, to push each other aside, so that a few of us can get rich, while the majority of the people in this country wallow in poverty. They are ready to do anything just to get out of their situation. That is why they get into the business of child trafficking.

Mr. Temporary Deputy Speaker, Sir, we want to formulate laws in this House, which will be able to support these groups. We want to tighten the laws that govern migration from this country. We want to tighten the laws, so that we can know what goes on in the tourism industry in this country. Who are the people running the show? What kind of things do they use to attract customers to their facilities? We are aware of what goes on. We have been told that one of the attractions is exploitation of young girls. So, here we are, today, with a Motion which can assist us to curb some of the illicit activities going in our tourism industry.

There are other hon. Members who want to contribute to this Motion. So, I strongly want to support this Motion.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Yakub: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion brought by Ms. Odhiambo.

I wish to support the sentiments of my colleagues who said that one of the main reasons for child trafficking that has thrived in this country is poverty. According to the statistics given, rich countries have a very minimal number of child trafficking cases, while poor countries have a high number of such cases.

Mr. Temporary Deputy Speaker, Sir, there are three issues which contribute to the level of poverty in this country. One of them is lack of education. The second one is corruption in this country. The third one is marginalisation of certain regions. On the issue of lack of education, in spite the efforts that the Government has been making in the last four years, namely, introduction of free education in public schools, we have come to realise, especially in the Coast Province, that this policy has failed.

When pupils sit for their primary school national examination, a very big number of them, aged

between 11 years and 12 years, do not get the opportunity to proceed to secondary school. When you have a large number of young dropouts who do not have any future in their education, they become a very soft target for trafficking in persons.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of corruption, in the last one year alone, the Government lost billions of shillings through corruption. Whenever the Government comes up with various commissions, *wananchi*, who are the tax payers, and who meet the expenses of such commissions, do not get the final reports. Those reports are never published. We have had that experience in the last three or four commissions of inquiry that were formed by this Government. The final reports were not even brought to this House.

On the issue of marginalisation, certain regions - I will mention my region of Coast Province - have been marginalised in the areas of infrastructure, education, healthcare and job opportunities. That is why Coast Province is one area which has the highest number of cases of trafficking in persons than any other region in Kenya. We all know that trafficking in persons is normally done because of three reasons: The first one is sexual labour. The second one is domestic labour. The third one is commercial labour.

Mr. Temporary Deputy Speaker, Sir, in Kenya, we also have internal cases of trafficking in persons. Unfortunately, in this country, we have an estimate of 200,000 street children, a large number of whom are engaged in illegal activities. Women have been trafficked to Europe and the Middle East countries. We have also been informed that Kenya is one of a transit point of human traffic. There are reports that women from Eastern Europe and Asia are trafficked through Kenya enroute to western countries.

This Motion has come at the right time, and I hope that hon. Members from both sides will support it. Right now, in Africa, we have a very serious problem. Governments in Africa have failed in bringing human traffickers to justice. In our country, the Government must be very strict. The Government should act against corruption amongst the police and immigration officers. The Government should also prosecute human traffickers vigorously.

Mr. Temporary Deputy Speaker, Sir, I have personally lodged a case with the Ministry of Foreign Affairs regarding three Kenya ladies, who are in one of the Middle East countries. They have been denied their labour rights. They wish to come back to Kenya, but they cannot. I hope that the Ministry will take this case very seriously with a view to defending and protecting the rights of Kenyans who are in the Middle East.

The crime of human trafficking at the Coast Province is being perpetrated, especially in the hotels, and we should be very careful. Poor parents in the villages are also cheated that their children are being taken to certain European countries to be educated when the truth is that they are being taken to those foreign countries for purposes of child labour, sexual labour and economic labour. I think it is the right time that the Immigration Department, which is a very important element in this, to be very, very serious! They should take their jobs very, very seriously and make sure that all Kenyans who are going out of this country must have proper documents showing where they are going. This Government has to know everything about Kenyans who leave this country; it has to know their destination, why they are going there, where they are going to stay and who has made it possible for them to go there, especially to western and middle eastern countries.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I hope that my fellow colleagues will support this Motion.

I beg to support.

(Applause)

Mr. Kambi: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii kuunga mkono

Hoja hii ambayo iko mbele ya Bunge hii.

Bw. Naibu Spika wa Muda, naanza kwa kumshukuru Bi. Odhiambo kwa kuleta Hoja hii. Kwa kweli, Hoja hii ingeletwa zamani. Saa hii, tungekuwa na sheria ambayo ingehakikisha kuwa hatuna shida kama hii.

Bw. Naibu Spika wa Muda, utumwa ulianza katika karne za zamani sana, na haswa, sisi watu wa Pwani tumekua tukitumiwa sana. Tumechukuliwa tukawa watumwa. Hata ukienda nchi ya Marekani leo, utakuta wale watu ambao wako zile maili kumi ya mwambao wa Pwani, ndio walichukuliwa zaidi. Ndiyo maana tukawa na soko la utumwa huko Mombasa. Soko lingine lilikuwa Unguja kule Tanzania.

Bw. Naibu Spika wa Muda, utumwa ulianza kwa sababu wazungu walikuwa wanataka watu wa kufanya kazi katika mashamba yao ya kahawa na pamba. Hata vile vile, ukiangalia nchi ya Marekani, wale ambao wamejenga nchi hiyo ni Waafrika. Walikua wamechukuliwa kama watumwa!

Bw. Naibu Spika wa Muda, ningependa Bunge hili--- Sisi kama viongozi, tunasema tunalaumu Serikali. Lakini ningependa kusema kwamba tulaumiwe sisi kwa kutoweka sheria ambazo zinakataza utumwa! Kwa sababu, tunasema ni Serikali. Lakini Serikali ni nani? Si Serikali ni sisi? Basi, Bunge hili lipitishie Hoja hii ili tuwe na sheria kabambe ambayo itafanya kazi ya utumwa kuwa ngumu!

(Applause)

Bw. Naibu Spika wa Muda, utumwa, vile vile, unaletwa na kukosa elimu. Sisi tulipigania Uhuru ili tupate elimu, tuondoe upumbavu na umasikini. Hivi vitu, hata leo, bado viko. Ndio maana utumwa unaendelea! Ile kasi ya utumwa ambayo inaendelea katika nchi hii, ikiwa kama sisi viongozi hatutaamka na tuseme: "Kwaheri utumwa", basi tutapiga kelele hapa, tutalaumiana, tutafanya nini, lakini inatakikana sisi kama viongozi tuweke sheria ya kusema kwamba hakuna mtoto yeyote ambaye hajafika umri wa kufanya kazi ataruhusiwa kuajiriwa mahali popote. Lazima tuwe na sheria kama hiyo!

Bw. Naibu Spika wa Muda, lazima tuwe na sheria inayosema kwamba, ikiwa ni upande wa nafasi za ajira, basi nafasi zile haziweki ukabila. Yaani, lazima tuangalie wewe unatoka wapi. ujira uwe ni mtu yeyote ambaye amefika umri wa kuajiriwa, aajiriwe! Tukifanya hivyo, tutakuwa tunaanza kusema: "Kwaheri utumwa!"

Bw. Naibu Spika wa Muda, ukiangalia zile sheria za uhamiaji, ziko ambazo bado hazijakuwa kamili kiasi ya kusema kwamba mtu akitoka Uchina na kuja hapa, anaingia nchini. Hata ile viza yake atapata katika uwanja wa ndege. Vile vile, inatakikana sisi Wabunge tutunge sheria za uhamiaji na tuzibadilishe ili iwe vigumu kwa mtu yeyote kutoka nchi nyingine kuingia hapa. Lazima apitie kwa mitihani na akipita mitihani hiyo, basi awe anaweza kupatiwa hiyo viza ili kuingia katika nchi hii yetu ya Kenya.

(Loud consultations)

Bw. Naibu Spika wa Muda, naomba unilinde! Mjadala huu ni muhimu sana na viongozi wengine wanaongea hapa!

Bw. Naibu Spika wa Muda, tatizo ambalo tumekuwa nalo sisi Wakenya hasa, tumekuwa tukisikia kuwa kuna mtu anaitwa Deya. Alikuwa anachukua vijana halafu tunaambiwa: "Oh! Watazaliwa watoto ambao wana siku mbili!" Hao ni wale watoto wetu. Walikuwa watu wanazunguka, wanawapa watoto wetu peremende, halafu wanawachuku na kusema wamewazaa! Kama kuna miujiza ya kuzaa watoto kwa siku mbili, basi hii nchi yetu ingekuwa imejaa!

Bw. Naibu Spika wa Muda, nataka, vile vile, tuwe na sheria kuyahusu makanisa. Watu wa makanisa walikuwa wa kwanza kufanya biashara hii ya utumwa! Ikiwa wewe uko na kanisa, jambo la

watoto wadogo kuchukuliwa baada ya kupewa peremende na kupotea, tunataka tuwe na sheria ili jambo hilo lisifanyike tena!

Bw. Naibu Spika wa Muda, nchi yeyote haiwezi kuendelea ikiwa kiwango chake cha elimu hakijafikia kile cha Bara Ulaya. Tunataka, vile vile, kutunga sheria ya kufanya elimu ya upili na ile ya vyuo vikuu iwe ya bure, kama vile tulifanya kuhusiana elimu ya shule za msingi. Tukifanya hivyo, watoto wetu ambao hawajiwezi wataenda huko kusoma!

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

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

Bw. Naibu Spika wa Muda, marehemu Mwalimu Nyerere alisema: "Upumbavu unazaliwa nao, lakini ujinga ndio unaenda shule kutoa".

(Laughter)

Ikiwa hatutasoma, basi hili tatizo la utumwa litakuwa leo na litaendelea hata kesho kutwa!

(Applause)

Bw. Naibu Spika wa Muda, uchumi wetu unafanya vizuri. Lakini kitu hiki kinachoitwa--- Tunakiitaje kwa kiswahili kwa sababu nimekisahau, Bw. Naibu Spika wa Muda? *Corruption!*

The Temporary Deputy Speaker (Mr. Mwathi): Ufisadi.

Mr. Kambi: Ufisadi, Bw. Naibu Spika wa Muda, umejikita katika mizizi ya nchi yetu! Wale ambao wana uwezo ni wachache kuliko wale ambao hawana. Naliomba Bunge hili liweke sheria ambayo itahakikisha kuwa raslimali ya nchi yetu inagawanywa sawa sawa kila mahali. Tukifanya hivyo, tutaiwezesha nchi hii iende mbele.

Bw. Naibu Spika wa Muda, kwa hayo machache, naunga Hoja hii mkono na namshukuru yule aliyeuleta.

Asante, Bw. Naibu Spika wa Muda.

(Applause)

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir, for being very gender sensitive and giving me the opportunity to support this Motion. I want to congratulate Ms. Odhiambo for bringing this Motion.

When we talk of Kenya, our borders are very porous and anybody can get into this country at any one time. Unfortunately, we do not have laws that are punitive enough to punish anybody who just meanders around our borders and eventually lands in our country. When I was the Minister for Immigration and Registration of Persons, I had the hands-on experience of meeting people who come to this country to take up the places that Kenyans could take up. As a country, we are also responsible. We find that many Kenyans would want to get cheap labour from Somalia and so they collude with our officers. They get the identity waiting cards in the name that they are Kenyans still waiting for the real identity cards (IDs) to be ready.

Mr. Temporary Deputy Speaker, Sir, through the Ministry of State for Immigration and Registration of Persons, we need to pass these laws so that anybody coming to Kenya should have an

identification from their country and nothing like a waiting card. We should know who are Kenyans. The time that we take to give people IDs in this country has left a very big opportunity for other people to use waiting cards. We should fast-track the issuance of IDs. I would like to suggest that when a child is born, they are given an identity number so that by the time they are 18 years old, they simply just go and pick their IDs. By the time they are through with Form IV, there should also be a Passport waiting for them. It is the delays in the issuance of IDs that make many people to come into this country.

Another form of slavery, of course, affects women. No wonder most of the trafficked people in this country are women, especially when it comes to labour; house girls or people who are misused by tourists at the coast. It is because, as a country, we are still so patriarchal that at any one time, we do not look at our children as such. We look at them as property when they are girls and when they are boys, we look at them as our owners. If we can improve education of the girl-child, women will be empowered in this nation and so they will survive economically. Right now, the standard of education in our country, especially for women, is quite low. That means that before we talk about this law, we have to know where to start. Even if the law will be there, what measures are we taking to ensure that trafficking will not be there. It is about empowerment of the girl-child who eventually become a woman.

Mr. Temporary Deputy Speaker, Sir, I have also had another experience of people who are sneaked in by people who are not even Kenyans, looking for cheap labour, especially investors. They go to their countries of origin and sneak people in through the Port of Mombasa. I am sure sometime back, you heard of a story where many people were found crumpled in a house and they came from a foreign country. But what happens as a nation? We do not have a law that punishes the person who facilitated those people to come to Kenya. What do we do eventually is just to look for a deportation order and there they go. Why can we not hold them in our prisons for sometime, then eventually people will fear that if they come to Kenya, first of all, they will suffer in prison before they are released? We should punish people who just come here, even if they are lured with employment by the people who brought them here.

Another form of slavery which I really want to appeal against, is early marriage. It is a form of slavery! I hope that the mover of this Motion will also take into consideration early marriage where when elderly men know that their women are old and cannot till their land - this is a fact, especially along the coastal region - they marry young girls to go and work on their farms. This is a form of slavery for the women of this country. They can only be freed if there are laws to ensure that there will be no early marriage in this country. It is there in the Children's Act but nothing happens.

Mr. Temporary Deputy Speaker, Sir, finally, the Judiciary in this country is not patriotic. Despite people being arrested in this country, you find somebody in the Judiciary defending a person who has committed a wrong against his own country. Why, for once, can the Judiciary not be patriotic and say no? When it comes to that, in spite, of the money they are going to be paid, they should say: "No, this is our country and we do not do that here!"

With those few remarks, I beg to support.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I would like to start by thanking the mover of this Motion, because it is a very important contribution to the society. I think it is also important that we note that, in spite of the importance of this Motion, unless something is controversial to this country, it attracts very little attention, even very little coverage. I do not think there is any coverage going on now because there is nothing controversial on the Floor of the House. This is a culture that we need to change because if there is a way of helping this country grow, it is through this form of legislation, not the very controversial positions that we have decided to be taking every time we have an issue in this House.

Having said that, it is also important to note that the Mover says that this is the third most

lucrative form of business that is going on and the international community has recognised the same. It is a pity for us that up to now, we still do not have a legal framework that can deal with this. We have been classified as a source, a country where trafficking goes through and also a destination. In other words, we qualify in the three categories as being a source, transit and a destination; a very dubious distinction. It is important that we put our heads together, support this Motion so that we have a legislative arrangement that would help our people not to be exploited.

Mr. Temporary Deputy Speaker, Sir, one cannot fail to ask what it is that the Ministries have achieved since 1963 or 1964 when we got Independence. Why is it that we have had these Ministries, yet the issues we are talking about now are not any new? They are issues that have been talked about before, yet we have not had initiative from the Government to bring this kind of a legislative agenda on the Floor of the House. But that being as it is, it is important to note that even we, as politicians, have a lot of work to do because a lot of the trafficking business would only be best done in countries that are not stable. It is done where we have instability. As we speak here, one of the best places, perhaps - I say this with a lot of caution and respect - is the internally displaced people (IDP) camps. We have created a very vulnerable group for this kind of business in this country. That vulnerable group was created by us, politicians, who are here.

(Applause)

It is important that we become very careful about the things that we do because we expose our own people to these kind of things that we are now talking about. It is also important that we think of the many educational institutions in this country. I recall in Limuru Constituency when the issue of IDPs was beginning in this country, we had an issue of kids who could not be accounted for. There was a claim that they were taken away by principals from some specific schools who wanted to help them. It is important that we have a proper vetting system of those who come forward to help the very vulnerable in our society because if we do not have that vetting process, we are encouraging trafficking within our borders.

Mr. Temporary Deputy Speaker, Sir, we also have schools within the slum areas. We have people who have come forward to help the orphans. They are the people who are not quite able to make decisions as to what is right or wrong; where it is that they should go or not because they are really in need of help. The genuineness of those who come to help is what we have to make sure that it is looked at continuously because that is where we are getting it wrong.

We even have situations of very bright children in our country who need to get proper education. I want to thank the private academies which have offered to help these young people go through schools, so that they can excel at the end of the period. But it is also important that we check against some of those who actually take these children on, so that they can attract funding. It is not because they wanted to help them from the beginning, but they bring them together so that they can attract funding. So, in essence, they use the vulnerable children to attract business and, certainly, some form of profit.

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

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

Mr. Temporary Deputy Speaker, Sir, I think it is important that we pay attention to the education system in this country. We had the teachers' strike and we supported the idea that they

needed to be paid. It is important that we also call upon the teachers to put more time in the public schools, so that those who go to those public schools - and at times they are among the lowest in our society - also get the best education that can be available in this country, so that, again, we do not create a pool of vulnerable people who can always be taken on board in terms of trafficking.

Mr. Temporary Deputy Speaker, Sir, I want to give other hon. Members an opportunity to contribute to this Motion. But I think it is important to thank the Mover for this opportunity. The issue of religious churches has also been mentioned. The licensing of churches or religious groupings also needs to be checked because some of them have been used as routes for trafficking. It is also important that even as we discuss issues of corruption in the country, we should know that continued corruption practices that have even, perhaps, found their way on the Floor of the House, help to create an environment that becomes very easy for traffickers to thrive.

With those few remarks, I beg to support the Motion.

The Assistant Minister for Youth and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, reading the mood of the House and the fact that everyone is supporting the Motion, I would kindly ask that the Mover be called upon to reply.

The Temporary Deputy Speaker (Prof. Kaloki): I am trying to see whether there are any more hon. Members who are willing to contribute before I call upon the Mover to reply.

Hon. Mututho!

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to avoid repetition of what everybody else has said, by drawing your attention to stories that have appeared in the media, attributed to the place where I come from, called Naivasha. These stories came as "vampire." It is true that one of the bodies that was found--- I want to sincerely thank Ms. Odhiambo for bringing up this matter which seeks to bring a law that is punitive enough for people to avoid this kind of thing. If you look at that body which has not been identified until now, it is of a very young lady aged, maybe, 20 years. Everybody agrees that this could be somebody very pretty from somewhere who was well taken care of.

This incident was repeated again on 31st, just about five days ago. A body of a very young pretty girl was picked on the 20th of January along the Nakuru Highway without the head and hands. Of course, other organs were missing. There was no blood at the scene of recovery. So, there are people who have gone that far; that they are now in search of organs. They are picking our daughters, sisters and very simple ladies and trafficking them in the country. They then export those organs. It is real! I want to be quoted on this. This happened on 31st January, 2009. It is not about the last Parliament, but now. Standing up here, all of us are joining together and lumping this together with the abolition of Section 2 which allowed people to stay in custody without any bond if you are arrested under this Act. It would result in one being imprisoned for life. It is happening. It is there and no further proof is required.

Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion wholeheartedly and believe that within a couple of days, forget about all these *Katiba maneno*---

I am sorry, Mr. Temporary Deputy Speaker, Sir. forgetting about all these *Katiba* things we are being forced to do urgently, we need to address urgently, the issue of these people who are dying. Many human beings are going to die tonight while being trafficked. There are many people suffering because there is no law. This is a supermarket for human organs.

I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Yes, hon. Member!

Mrs. Chepchumba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I am Mrs. Chepchumba, the Member of Parliament for Eldoret South Constituency.

Mr. Temporary Deputy Speaker, Sir, I would like to thank Ms. Odhiambo for bringing this timely Motion to this House. This is a Motion touching on life. It touches on our children, women and

vulnerable men.

Mr. Temporary Deputy Speaker, Sir, why do we have human trafficking? The major reason for this is poverty. Kenyans vote in leaders because they want to move from poverty to better lives. I, however, feel the leadership has failed the voters who bring them to this august House. We have women who have no food on the table. We have children who want to go to school but they cannot go because their parents cannot afford it.

Mr. Temporary Deputy Speaker, Sir, our leaders should look after those who brought them to this august House and try to change their situation. Why do we have human trafficking and yet we have the police, immigration officers and relevant authorities? I think that corruption is the root cause of human trafficking. Why should the police fail Kenyans yet they know they are the ones supposed to enforce laws? Why do we have immigration officers taking bribes to allow this to go on? The system has failed.

Mr. Temporary Deputy Speaker, Sir, Kenyans are watching us and they know all this. In the Kenya we want, we do not need human trafficking. Let us be serious and focus our attention on the people who brought us here. These are the vulnerable groups, especially the children. Why should children be trafficked, yet we have chiefs?

Mr. Temporary Deputy Speaker, Sir, I want to echo what the First Lady said. She said that if women were in leadership, things could be better in this country.

(Applause)

I feel she knows this and she is going to take us to the Kenya we want. We want a Kenya where there is no human trafficking. We want a Kenya where issues affecting people are articulated. Corruption should not be there today, if we have the right kind of leadership.

Mr. Temporary Deputy Speaker, Sir, chiefs should be accountable. Let the chiefs know how many people are in their areas of jurisdiction. If there is a person missing, they are the right people to raise the alarm. This could be one way of curbing human trafficking.

With those few remarks, I would like to thank Ms. Odhiambo for bringing this Motion to the House. It is timely and I am also timely by being a Member of Parliament at this time to pass a legislation that stops human trafficking in Kenya.

The Temporary Deputy Speaker (Prof. Kaloki): Yes, hon. Member!

Ms. Noor: Mr. Temporary Deputy Speaker, Sir, I am Ms. Sophia Abdi Noor for your future reference.

Thank you for giving me this chance. This is an important and critical Motion for a person to contribute to. I believe that women are critical as far as this Motion is concerned because they are the ones who give birth to children and care for them. What we are discussing today is child trafficking. We know that child trafficking is modern day slavery. It is creeping into our society through the backdoor. We do not want slavery to come back to our country.

Trafficking occurs both nationally and internationally. At the national level, it takes place within the boundaries of a country. I would like to give a case scenario. Where I was working before, one day, we found two young girls who were in the company of some elderly men. The men were not known in the particular village where I was working. We went to rescue the girls. We asked them to tell us what was happening and where they were being taken. The situation was not normal. The two young girls cried and screamed. They refused to leave us. We took the girls to the Children's Department in Garissa District - they are my witnesses because the whole thing is on record there. It is now five years since we put the young girls in a home. They do not know where the parents are. They told us that they are from Turkana. We tried to get in touch with the parents in Turkana District, but all in vain. The two girls are victims of child trafficking. They were being taken somewhere else

beyond our borders, but lucky enough, we intervened. That is a clear case that there is child trafficking in our society.

The society has broken all the norms, cultures and traditions that we used to have. How do we put in place a system, policy, structure and law that will protect these young innocent women and children? There are many reasons that have made child trafficking thrive. Prostitution is one of them because people are getting money from it today. People are very clever nowadays and they want to join any kind of business. We do not want a Kenya where children are trafficked or where people gain money through dirty means. We say no to child trafficking. The other reason for child trafficking is labour.

Mr. Temporary Deputy Speaker, Sir, human trafficking takes place when there is conflict. That is the time when people are vulnerable. During times of disaster or conflict, people have no source of income and poverty levels are high. Right now, many Kenyans are faced with starvation and many of them are taken advantage of. However, we have a Government that took oath to protect the citizens of this country. The Government of Kenya should ensure that every Kenyan is protected, respected and appreciated.

I would like to conclude by saying that our forefathers had a great dream for this country. They had a very beautiful dream, but if they woke up from their graves today, they will be shocked at what we have been doing. Corruption is rife and scandals are so many. I want to urge Kenyan women not to be party to these things. We have been asking for equal representation in all decision-making fora. However, we do not want 50 per cent representation in corruption. That is the Kenya we are looking for.

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

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, this is a very important Motion. I just want to register my appreciation to Ms. Odhiambo for the manner in which she has moved this Motion.

Mr. Temporary Deputy Speaker, Sir, trafficking in persons is a real problem in this country. This country has been declared as a country in East Africa where trafficking in persons is very common. Our airports, sea ports and other points of entry have been used by criminals to traffic young Kenyans and non-Kenyans alike. Because of our geographic location, the countries around us are engulfed by chaos and instability. Many people in our neighbouring countries have found ways into our airports and have been trafficked to other countries. This proposed law, once implemented, will act as a deterrent. But even now, we have laws. The problem is not the laws that we have. It is the determination by the Government to implement them to the letter. Therefore, as we do this, I would like to request the arms of the Government that are in-charge, particularly the police and the Immigration Department, to take this matter much more seriously than they have done before.

Mr. Temporary Deputy Speaker, Sir, the media has often been used to advertise prostitution. We see in our local media that you can go to certain parts of this City and exclusive places for Asian ladies. You can go and see Asian ladies who were trafficked into the country. They are there being displayed naked. You can get exclusive Luo ladies, exclusive Somali ladies and exclusive "this or that ladies." That is a serious crime. They use our local media to advertise. Therefore, I think that we need to have laws that are wholesome and able to control that particular menace.

With those few remarks, I beg to support this Motion.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, before the Mover replies, may I call upon the Minister from the Government side to respond.

An. Hon. Member: The Government is not there!

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, I know that this Motion has been directed to the Ministry of Justice, National Cohesion and Constitutional Affairs. But I want to state that this Motion affects all the Ministries in this Government.

I am from the Ministry of Education and highly commend the Mover, Ms. Odhiambo, for finding it fit to bring this Motion. I humbly submit that the Government shares the sentiments of the Mover.

Mr. Temporary Deputy Speaker, Sir, there are many things that ought to be done as a matter of urgency, to save the most vulnerable persons - children and women - from the activity of human trafficking. I think in all honesty, it is very late. We have missed the boat in many instances. What happened in Molo the other day affected mainly children and women. You look at this situation and ask yourself: Where have we gone wrong? We need to wake up and make strong laws. We need to have many more laws that will continue to subject our people, particularly the most vulnerable groups.

Mr. Temporary Deputy Speaker, Sir, I say so, because if we have not liberalised the distribution of fuel in the manner that we have, probably, what happened in Molo would have been prevented. We have allowed children to distribute fuel. We have allowed fuel to be sold at any corner in the streets in the pretext that we are liberalising distribution. Actually, we have trapped our children and women folk in some trade that exposes them to a lot of danger.

Similarly, the issue of human trafficking is basically encouraged by corruption. Police officers do not do their work. They are bribed as trafficked persons are transported in vehicles. The Provincial Administration, in some cases, has been involved. In my own district, I have had cases where people moving from Ethiopia---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! Are you supporting the Motion?

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Motion fully.

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, first of all, I just want to express my heartfelt thanks to all the Members for supporting this Motion. I hold it very dear to my heart. As hon. Mbau has said, I have actually been working on this issue for a long time, both with the Government and the Civil Society. I have even worked with hon. Kilimo when she was in the Ministry of State for Immigration and Registration of Persons and several Members in the last Parliament. I have dealt with live cases of human trafficking. I think it is necessary for us to pass a law on this.

As I conclude, I just want to say that about four years ago, I was travelling to the United States. I had a 24-hour break in the United Kingdom (UK). A friend of mine who was staying in the UK asked me to go and stay at her friend's place for the 24 hours because her place was very far. At the friend's place, was a 20-year old girl from Kenya. To cut a long story short, a few months later, I got information that the 20-year old girl had mysteriously vanished. She is not the only Kenyan who has vanished out of this country. Unfortunately, we do not have strong laws on counter-trafficking. This girl's case, Christine, was suspected to be a case of human trafficking because she vanished, she has never accessed her accounts, nobody has ever seen her and she had no problem in her personal life. That is usually the kind of profile of a person who is trafficked.

I legally dealt with a case of a woman and a man who were both HIV negative, but had lost their child to HIV/AIDS scourge. It was suspected that the child was either infected or stolen from the Pumwani Maternity Hospital. We pushed the Government then to initiate investigations into the possibility of the child having been stolen. At the institution where I worked before, we have come across several cases of child stealing. I want to thank the Members for supporting me.

With those few remarks, I beg to move.

(Question put and agreed to)

CHANGE OF EMPLOYMENT POLICIES
IN ARID/SEMI ARID AREAS

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, aware that the recruitment of public servants, including in particular the lower cadre does not take account for the unique disadvantageous circumstances of the residents of northern Kenya and other arid lands; further aware that inappropriate development and conservationist policies have aggravated the violation of their economic, social and, cultural rights; cognizant that to redress negative effects of actual past and current discrimination, affirmative action should be adopted; this House resolves that the Government reviews its employment policies to provide for equity in order to accord the residents of arid and semi-arid areas the opportunity to secure employment and that Government Departments allow the residents of these areas to access employment upon attainment of a form four certificate in the case of clerks and primary education in the case of chiefs and drivers.

I move this Motion bearing in mind that this country has very unique circumstances. This country is not equal in terms of resources. The last one year, since the formation of the Grand Coalition Government, many Ministries of the current Government advertised for jobs, particularly in the areas I have focused on, in the public service. These Ministries advertised these jobs asking Kenyans who qualified to apply for them. Today, we are speaking about the Kenya we want. As I talk now, there is a forum going on, about the Kenya we want. This House must lead the way in the Kenya we want. What kind of a country do we want Kenya to be? Do we want a country that is unequal? Do you want a country that is discriminative in its policies? Do we want a country of people who complain all the time about marginalization and hostility? Do we want a country that is fair and just to every Kenyan taxpayer?

We have a problem whereby a big chunk of this country or 80 per cent of the Kenyan land mass, is inhabited by people from northern Kenya and other arid lands. Only 20 per cent of it is inhabited by the rest of the Kenyan society. However, we must have parity. There must be equity in the opportunities that this country provides for all Kenyans regardless of where they come from. This country has based the entry into the Civil Service, purely, on academic qualifications. That should be the case. However, there is no desire by the Government to address equal education opportunities for all members of the Kenyan society. Since there is no desire by the Government to improve education facilities in the arid and semi-arid areas, the children from those areas do not achieve, in large numbers, the grades that the Civil Service demands. There is, therefore, lopsided employment in the country. How then can we think about having one Kenya and a united prosperous country when we practice discrimination in our employment, when people from some parts of this country cannot manage to join the Civil Service?

A few years ago---

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now 12.30 p.m.

Hon. Affey, you will have 15 minutes to conclude your contribution in the next sitting.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m