

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th June, 2009

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

KILLING OF HERDSMEN IN ISEMBE NORTH

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

(a) Under what circumstances were the two herdsmen killed and 302 goats stolen in the Ndumuru area of Isembe North District on 24th April, 2009?

(b) When will the police perform post mortem on the bodies of the two victims that have been lying at the Meru District Hospital to enable burial take place?

(c) What action has so far been taken to apprehend the killers and recover the stolen goats?

Mr. Deputy Speaker: Is Mr. M'Mithiaru not here? Then we shall come back to the Question at the end.

SHOOTING OF MR. SAMSON NYANUMBA

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

(a) Under what circumstances was Mr. Samson Mincha Nyanumba shot dead on 22nd May, 2009, the time of the shooting, how many bullets were used and which part of the body was shot?

(b) What is the identity of the person(s) who removed the body to the mortuary, the time of removal, the identity of the person who booked the matter at the Occurrence Book as well as the time of the booking?

(c) What is the status of the investigations into the killing and has any culprit has been arrested for the crime?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair to allow me to answer this Question on Tuesday. I would have responded to it in the afternoon but since the Order Paper is already out, I request that I answer the Question on Tuesday afternoon since tomorrow is the Budget Day. The reason is that we received the Question just yesterday

and there are a number of things which the Questioner wants us to come up with. So, I will appreciate if it can be deferred to Tuesday next week.

Mr. Deputy Speaker: Are you saying that you received the Question yesterday?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is a Question by Private Notice and the next seven days will be on Tuesday next week, so you are in order and it is so directed!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Most obliged, Mr. Deputy Speaker, Sir.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.005

EXTENSION OF LAND LEASE TO MATT INTERNATIONAL COMPANY

Ms. S. Abdalla asked the Minister for Lands:-

(a) whether he could explain to the House the criteria that he uses to allocate land; and,

(b) whether the Government has extended the lease of land to the Matt International Company in Lamu District, and if so, give the justification for the extension.

Mr. Deputy Speaker: The Minister for Lands not here? We shall come back to this Question later.

Question No.079

GAZZETTEMENT OF NEW LAND BOARDS/ TRIBUNALS IN NORTH IMENTI

Mr. Ruteere asked the Minister for Lands:-

(a) whether he could confirm that terms of Land Boards and Land Tribunals in North Imenti Constituency expired a year ago and that a Selection Panel appointed new Land Boards and new Tribunals in July last year;

(b) when the newly appointed members will be gazetted and when the current civic councillors will replace in the Boards those who lost elections; and,

(c) when he will issue title deeds for the Kiirua Nkando adjudication unit North Imenti.

Mr. Deputy Speaker: The Minister for Lands is not here. So, we shall come back to that Question later.

Question No.035

DISCHARGE OF RAW SEWAGE INTO
INDIAN OCEAN BY COAST HOTELS

Mr. Mututho asked the Minister for Environment and Mineral Resources:-

(a) whether he could confirm that luxury tourist hotels at the coast still discharge raw sewage into the Indian Ocean;

(b) when he will ensure that NEMA carries out all the recommendations made regarding disposal of raw sewage into the Indian Ocean and all inland water; and,

(c) how many people NEMA has taken to court over this offence to date.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that luxury hotels at the coast still discharge raw sewage into the Indian Ocean. However, I confirm that the luxury hotels at the coast discharge their raw sewage into septic tanks and effluent treatment plants from which it is discharged into the nearest water body in accordance with Environment Management and Co-ordination Water Quality Regulations of 2006.

(b) My Ministry, through the National Environment Management Authority (NEMA), has already initiated implementation of various regulations in order to safeguard Indian Ocean and all inland waters. These include:-

(i) The Environmental Impact Assessment and Audit Regulations of 2003.

(ii) The Environmental Management and Co-ordination Waste

(iii) Management Regulations of 2006.

(iv) The Environmental Management and Co-ordination Water Quality Regulations of 2006.

All the hotels are obliged to obtain an effluent discharge license accompanied by effluent analytical report for their wastewater discharge into the environment.

(c) NEMA has prosecuted 56 cases countrywide. Out of these, two prosecutions are on hotels. All cases are still pending before courts.

Mr. I. Mututho: Mr. Deputy Speaker, Sir, this is a very basic Question: Is there raw sewage finding its way into the Indian Ocean or not? If so, has anybody been taken to court?

Mr. Kajembe: Mr. Deputy Speaker, Sir, yes, in some areas along the ocean there are sewerage systems but there is no hotel which discharges raw waste into the ocean.

Mr. I. Muoki: Mr. Deputy Speaker, Sir, it is common knowledge that there is a lot of dust in the beach hotels. This dust is brought about by the activities of the beach boys and other people who come to the beach. Is there a policy in place to ensure that these hotels are kept clean, so that our beaches are not affected?

Mr. Kajembe: Mr. Deputy Speaker, Sir, my Ministry has taken measures to ensure that our beaches are kept clean. In fact, our beaches are now very clean and attractive. Many tourists are now visiting our beaches because they are very attractive.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I want to be very specific. The Assistant Minister comes from Mombasa. Therefore, he knows the clubs I am referring to. These are Chimi Club which is known as Mombasa Club and Sailors' Club. Could he confirm or deny that

those two specific clubs discharge their waste into the Indian Ocean? What measures is he talking to ensure that is stopped?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I totally deny that there is any discharge of waste into the Indian Ocean.

We, as a country, are very much concerned about these things. Coast Province receives a good number of foreign and local tourists who swim in the Indian Ocean. We cannot allow our people and tourists to swim in dirty waters.

Ms. S. Abdalla: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to deny the truth? I can prove to him that Peponi Hotel in Lamu discharges waste into the Indian Ocean!

Mr. Deputy Speaker: Hon. Assistant Minister, you must be very particular about the facts you bring to this House!

Mr. Kajembe: Mr. Deputy Speaker, Sir, the National Environment Management Authority (NEMA) has taken action against hotels, or any other premises, that discharge waste into the Indian Ocean. Let me assure this House that if there is any hotel in the Coast Province, which discharges waste into the Indian Ocean, and a report is made to us, the necessary action will be taken. Hon. Members---

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. I heard the Assistant Minister right from the beginning, when he answered the Question, accept that these hotels do not emit any waste into the ocean. However, he has continued to say "maybe" some are doing it. The hon. Member from Lamu has told him that she knows of a specific hotel that does so. Why is he avoiding answering a specific question?

Mr. Kajembe: Mr. Deputy Speaker, Sir, there is no way I could have admitted in my answer that some hotels are discharging waste into the ocean. What the hon. Member is trying to do is to marry my answer with the supplementary questions which I have already answered. But where an hon. Member has established that there is waste being discharged into the ocean, let him report to the District Environmental Officer and the necessary action will be taken. The Hon. Members should also approach me and I promise to take action immediately.

Mr. Bahari: Mr. Deputy Speaker, Sir, did you hear the Assistant Minister say that the hon. Member should report? I thought it was the responsibility of the Ministry to move with speed and diligence to ensure that no raw waste is discharged into the ocean! He wants hon. Members to do the job!

Mr. Deputy Speaker: Hon. Assistant Minister, you are the one who has the institutional machinery to know what is being discharged and not being discharged into the ocean. It is not for you to tell the hon. Members of Parliament to find out who is discharging what and then come and report back to you!

You have to be certain about the veracity of your own statement. Indeed, you are not! The hon. Members maintain that raw wastes is being discharged into the ocean. Are you saying that, that is not true? You know the consequences if the Chair orders the relevant Departmental Committee to carry out investigation? If that becomes true, then the House will censure you!

Mr. Kajembe: Mr. Deputy Speaker, Sir, I want to repeat what I said. The NEMA is trying its best to identify these areas and where there is discharge of waste into the ocean, those concerned will be taken to court. It may be true. Maybe, some hotels are discharging their waste into the Indian Ocean, but NEMA has not identified those areas. That is why I said that, if there are such cases which have not come to the attention of NEMA, those concerned should report the

matter to the nearest District Environment Officer. NEMA is a parastatal. It is doing its job to the satisfaction of the Kenyan people.

Mr. Olago: Mr. Deputy Speaker, Sir, the hon. Assistant Minister is burying his head in the sand. He must know, as a fact, that tourist hotels at the coast do not discharge raw waste during the day. They wait for the night when the tide is high and they discharge hot raw waste. Could he confirm that Serena and White Sands do not do so?

Mr. Kajembe: Mr. Deputy Speaker, Sir, the hon. Member says that discharging of waste into Indian the Ocean is done at night. However, we have not seen it happening.

I will send my officers at night to Serena and White Sands to confirm whether, indeed, they discharge waste into the Indian Ocean.

Mr. Gunda: Mr. Deputy Speaker, Sir, I also want to inform the Assistant Minister that Shimo La Tewa Prison in Coast Province discharges waste into the Indian Ocean. Their action is affecting the residents of Kisauni and Mtwapa. Could NEMA taken action?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I am very pleased to hear these statements. I can assure the hon. Member for Bahari that I will also send my officers there and take the necessary action.

Mr. Mututho: Mr. Deputy Speaker, Sir, would I be in order to ask this House to order an immediate inspection of all those hotels along the inland waterways and Indian Ocean in view of the Assistant Minister's own admission that there is a problem?

Mr. Kajembe: Mr. Deputy Speaker, Sir, the hon. Member is putting words in my mouth! I have not "admitted", but I am saying that where there are such nasty cases, my officers will take action.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. In his answer, the Assistant Minister says that there have been 56 prosecutions. What were you prosecuting, Mr. Assistant Minister, if, indeed, there was no problem?

Mr. Kajembe: Mr. Deputy Speaker, Sir, the hon. Member for Naivasha, in his Question, is talking about sewage discharges into the Indian Ocean. What we have prosecuted – and let me be very specific on this one--- My officers have found two hotels that, after collecting garbage, deposited it in undesignated areas. It is not that the prosecutions were not based on the discharges of sewage into the Indian Ocean, but also the collection of garbage that was deposited in undesignated areas.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. You must have noticed that the Assistant Minister is contradicting himself many, many times in the way he has answered this Question. Matters of environment and pollution are serious and have a direct bearing on the tourism industry in Kenya. Under these circumstances, I humbly request that this issue be referred to the relevant Departmental Committee of Parliament for investigation.

Mr. Deputy Speaker: Order, hon. Members! As much as I appreciate the need for us to take this particular issue very seriously, because of its implications on the health of Kenyans as well as the tourists who come to Kenya and who, indeed, help our economy, Departmental Committees do not have to be directed by the Chair to undertake those kinds of activities or tasks. I think it is incumbent upon them to see the seriousness and deal with these things without getting directions from the Chair!

But, nonetheless, Mr. Assistant Minister, I must also indicate that you have not given an answer adequate enough to rest the fears of Kenyans. Under the circumstances, I think, it is only fair if you undertake, now, to go and carry out a comprehensive investigation through your Ministry's officials and come back and report to the House! Can you give that undertaking now?

Mr. Kajembe: Mr. Deputy Speaker, Sir, from the supplementary questions that I have heard from hon. Members, I undertake to go back to the Ministry with my officers from the National Environment Management Authority (NEMA) and go through every hotel and housing unit along the Indian Ocean and we will come back and table the report.

Mr. Mututho: When?

Hon. Member: Two weeks?

Mr. Kajembe: Mr. Deputy Speaker, Sir, when we talk about two weeks as some people have suggested, you know the Coastal Strip---

Mr. Deputy Speaker: How much time do you need, Mr. Assistant Minister?

Mr. Kajembe: Give us three months, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Three months?

Mr. Kajembe: It is a very long process, Mr. Deputy Speaker, Sir, and I do not want to cheat this House.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order, as the Chair of that Committee, to request the House that I bring the report here within two weeks? I will do the inspection, with my Committee, and bring the report here within two weeks!

(Applause)

Mr. Deputy Speaker: Do you give that undertaking to the House?

Mr. Mututho: I can take---

Mr. Deputy Speaker: Not "I can"! Have you given that undertaking on behalf of your Committee to the House to go and carry out an investigation and report back to the House in two weeks' time?

Mr. Mututho: Yes! I want to give an undertaking that in two weeks' time, I will report back to the House on the status of the sewage disposal along the coast.

(Applause)

Mr. Deputy Speaker: Hon. Chair of the Committee, it is also imperative that you carry the Ministry along with you on that!

Mr. Mututho: I am much obliged. I will carry the Ministry with me and since they seem to be a bit slow, we can work within three weeks.

Mr. Kajembe: On a point of order, Mr. Deputy Speaker, Sir. We cannot be carried by a Parliamentary Departmental Committee! It is for the Ministry to carry that Committee!

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. He does not seem to understand the Standing Orders! The Departmental Committee cannot go to the Ministry! The Departmental Committee summons the Minister!

(Applause)

Maj-Gen. Nkaiserry: On a point of order, Mr. Deputy Speaker, Sir. The Chair has given a ruling that the Ministry should take action on this matter and report back to the House. I do not think the Departmental Committee has any business giving an undertaking after the Chair has given the direction that the Ministry undertakes that action.

Mr. Deputy Speaker: Order, hon. Members! Hon. Mututho, as much as I can see your concern on this, the Question is to the Minister. It is not to the Departmental Committee. Under the circumstances, I think the Chair has indicated what it feels is the way forward on this particular Question. The only thing, hon. Assistant Minister, is that three months is too long a period for people, in the event that it is true that, actually, raw sewage is being pumped into the sea for Kenyans to live with that! Can you give an undertaking of less than that period?

Mr. Kajembe: Mr. Deputy Speaker, Sir, now, this will make it necessary for Ministry and NEMA to work day and night!

Hon. Members: Yes!

(Applause)

Mr. Kajembe: In this case, I give an undertaking that we will do the report and come back to the House within three weeks.

(Applause)

Mr. Deputy Speaker: Indeed! The Chair directs that the Question appears again on the Order Paper three weeks from today, the same day and in the same morning sitting!

Question No.044

DELAY IN APPOINTMENT OF CHAIR FOR
COAST DEVELOPMENT AUTHORITY

Mr. Mwakulegwa asked the Minister for Regional Development Authorities:-

(a) why it has taken more than two years to appoint the Chair of the Coast Development Authority and state when the appointment will be made;

(b) why the Authority is only allocated Kshs45million annually for development while TARDA is allocated more than Kshs100 million; and,

(c) what steps he is taking to provide more funding to the Authority.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Deputy Speaker, Sir, I beg to reply.

(a) His Excellency the President has appointed Mr. Martin Tsuma as the Chair of the Coast Development Authority (CDA).

(b) It is true that the CDA receives Kshs.45million *vis-à-vis* the Tana and Athi Rivers Development Authority (TARDA), which is allocated over Kshs100 million. The disparity is caused by TARDA having more established and ongoing projects, which have also been attracting more funding, through public-private partnership, than the CDA.

(c) In order to ensure that Regional Development Authorities (RDAs) are adequately funded, my Ministry has rationalized the allocations in respect of the RDAs' strategic plans and the ensuing Medium-Term Expenditure Framework (MTEF) budgets. The Ministry has also initiated public-private partnerships between RDAs and prospective donors to attract more funding.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, the Assistant Minister has said that the Chair has been appointed. Unless he was appointed last week or yesterday--- But as of last week, on Monday, there was no Chairman at CDA. Nonetheless, the other question is: What projects are being undertaken by CDA in Voi Constituency and, if there are any, where are they located?

Mr. ole Metito: Mr. Deputy Speaker, Sir, indeed, the hon. Member is right that, for over one and half years, the position of the Chair of CDA has been vacant. But the substantive Chair was appointed on Friday last week. His name is Mr. Tsuma Martin.

Mr. Deputy Speaker, Sir, with regard to the projects that the CDA has done, or is doing in Voi Constituency, they are as follows:-

(1) The CDA has done a water project called Rukunga Rock Harvesting and Piping Water Project in collaboration with the Canadian Government at a cost of Kshs2.9 million.

(2) We are undertaking the Kasgeu Integrated Project that is taking the component of water, health and agriculture in collaboration with Japanese International Co-operation Agency (JICA) at a cost of Kshs10 million. That has to do with rock water harvesting, rehabilitation of Kasgeu Health Centre and training of farmers on modern farming methods.

Thirdly, the Coast Development Authority (CDA) has also rehabilitated a borehole that is on the border between Voi and Wundanyi constituencies. It is called Mulilo Borehole and it benefits people from the two constituencies.

Mr. Mungatana: Mr. Deputy Speaker, Sir, it appears as if the Assistant Minister only moved in and appointed the Chair of CDA after this Question was raised to the Ministry. That is very wrong because the Government should act on its own. However, I would like to state the facts as they are. In 2008, the CDA lost 19 of its employees because of poor remuneration. Those employees left for greener pastures. As we speak today, the ideal staffing level at the CDA is supposed to be 154 employees. Right now they have only 106 employees creating a deficit of at least 48 employees.

Mr. Deputy Speaker, Sir, for the last 12 years, since that Authority was incorporated, there has been no single salary review upwards for the employees. Even the post of the Chairman has been vacant for the last two years. The Ministry only appointed somebody to fill that post after a Question was raised here. When will the Assistant Minister take the CDA seriously? When will he review the salaries of the employees upwards? This is the only Authority that does something within the greater region of Coast Province. Can you imagine that it is now 12 years since the salaries of employees were reviewed? When will the Assistant Minister review the salaries of those employees?

Mr. ole Metito: Mr. Deputy Speaker, Sir, I would like to set the record straight. The Chairman of the CDA was not appointed because of this Question. Indeed, the process of appointing the Chairman has to be thorough. The Minister had to forward three names to the President so that he could pick one. In that regard, Mr. Martin Tsuma, who comes from Mr. Mungatana's constituency, was picked.

It is also true as the hon. Member has put it, that the salaries of the employees of the CDA have not been reviewed for quite some time. However, it is not just the CDA, but all the six regional development authorities. Although the mandate to review staff salaries belongs to the Board, I would like to attribute this to the little funding that the Treasury allocates the regional development authorities and because of that, some authorities have been forced to retrench staff or scale down their salaries. That has made some of those employees seek green pastures elsewhere.

Most of the funding for the regional development authorities comes from donors. They do fundraising by writing proposals. Most of the donor funding is directed to specific projects. They do not include the component of remuneration. However, I appeal to this House to consider allocating more funds to this Ministry, in the forthcoming Budget, so that we can streamline the remuneration of employees of regional development authorities.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. We raised this issue yesterday. We want to discourage this trend whereby Ministers come here to tell us that we should allocate more money to their Ministries! They are the ones who prepare the Budget and we only come here to examine it. With regard to the CDA, and I would like the Assistant Minister to pay attention to this matter, Kshs44.7 million was allocated to the development budget in the 2007/2008 Financial Year. Out of that amount, only Kshs30 million was released for that purpose. Where did the balance of Kshs14.7 million go? We would also like to know what has happened to---

Mr. Deputy Speaker: Order, Mr. Mungatana! How can that be a point of order? You indicated your point of order very well. The Assistant Minister cannot throw the ball back to the House by telling it to allocate his Ministry more money. That is the work of the Executive. Indeed, that is it. The rest of it is a question!

Mr. ole Metito, it is not the responsibility of the House to allocate your Ministry funds. That is the responsibility of the Executive. The House can only examine your allocations. There is a limit as to the extent it can deal with that matter.

Mr. ole Metito: Mr. Deputy Speaker, Sir, I anticipate that, in the near future, this House will be given some teeth, through the Budget Office, to enable it streamline Budget allocations to Ministries.

Mr. Mungatana: Mr. Deputy Speaker, Sir, in the 2007/2008 Financial Year, the Development Budget for the CDA was Kshs44.7 million. Out of this amount, only Kshs30 million was released to the CDA. Could the Assistant Minister tell us what happened to the balance of Kshs14.7 million? Was it a plan to kill the CDA?

Mr. ole Metito: Mr. Deputy Speaker, Sir, you will agree with me that, that is a very different Question from the substantive Question we are handling now. I will bring all that information to the House if the hon. Member raises a Question with my Ministry in connection with that amount of money.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that the question raised by Mr. Mungatana is different? If you look at part "b" of the Question, you will realise that the hon. Member wants to know why the CDA has less funds.

Mr. ole Metito: Mr. Deputy Speaker, Sir, I am ready to answer the Question the way it was put. Why---

Mr. Deputy Speaker: Mr. ole Metito, you are asking for more funding and yet you have not even used the funds that you were allocated in the first place! Why do you ask for more money and yet you cannot even use the money that is already there?

Mr. ole Metito: Mr. Deputy Speaker, Sir, there is no proof that we have not spent the Kshs45 million allocated to the CDA annually. That is why I have told the hon. Member that, given more time, I can prove that we have spent the Kshs45 million which is not even enough.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, now that the Assistant Minister has indicated that they do not have adequate funds to support regional development authorities, could he introduce a regional development fund in order to raise more money to fund these authorities?

Mr. ole Metito: Mr. Deputy Speaker, Sir, that is a good idea because we are open to all manner of ways of out-sourcing money. One of the ways is through the public-private partnership initiative. The other one is through strategic plans that regional development authorities have prepared. A key component in this is coming up with many proposals for donor funding. Many proposals are now being prepared. With regard to the CDA, the JICA has funded programmes in Voi. The Italian Government has funded projects in Malindi worth Kshs240 million. That wide berth of outsourcing is most welcome. We will consider that and, should it be viable, we will request the support of this House to make it realistic.

Question No.059

HELB LOANS FOR SELF-SPONSORED STUDENTS

Dr. Kones asked the Minister for Higher Education, Science and Technology:-

(a) if she could confirm whether self-sponsored (parallel degree) students benefit from the Higher Education Loans Board (HELB) funds like the regular programme students; and,

(b) what plans the Minister has put in place to ensure that all students who attain the minimum entry grade to universities are enrolled without classifying them as “parallel” or “regular”.

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

(a) I confirm that self-sponsored students are eligible to apply for HELB loans like their regular programme counterparts.

(b) The categorization of students in public universities as parallel and regular is not tenable and the Ministry is, therefore, working closely with the universities to ensure that this comes to an end. We are not yet there, however, because of various constraints. One of them is the physical infrastructure. The other one is, of course, the facilities that in order we need to integrate the students.

It is not acceptable that some of the students should be taught separately from the others. This is something that is being addressed very quickly. As far as possible, we hope to resolve it in a short time.

Dr. Kones: Mr. Deputy Speaker, Sir, I want to thank the Minister for that answer. Now that she has admitted that there is no need of categorising students as “regular” and “parallel” because they are all students who have qualified to join university, could she undertake to ensure that when students apply for Higher Education Loans Board (HELB) loans, they only fill one form?

Dr. Kosgei: Mr. Deputy Speaker, Sir, that is, indeed, the right way to go. They will be given one form.

Eng. Gumbo: Mr. Deputy Speaker, Sir, right now, in our country, there is a very worrying trend, where new colleges and campuses of universities that are coming up are actually being headed by people from the regions in which those institutions are located. I happened to be in a senior common room of one of the universities that have been recently created, and the lingua there was, really, worrying. What is the Ministry doing to ensure that our colleges and universities that are coming up are not converted into tribal enclaves?

Dr. Kosgei: Mr. Deputy Speaker, Sir, you will agree with me that, that is completely a different Question. However, I would like assure the hon. Member that the policy of the Ministry is diversity. We have constantly received requests from hon. Members that we appoint regional persons to regional universities. This is something we found in progress. If you look at what has happened over the last year, you will see that we are working very hard to kill that trend. We advertise positions and after university senates and councils agree, names are submitted to the Ministry of Higher Education, Science and Technology. That is the procedure, but there is no policy to have people who speak one language run universities, because that will ruin the universities.

By the way, what the hon. Member has said is not completely far-fetched. It is something that has come to the public light, and we are working hard to kill it. However, we need Members of Parliament to co-operate with us, and not to constantly come and say: "Bring somebody from our region. This is our university."

Thank you, Mr. Deputy Speaker, Sir.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, the Minister had indicated in the past that the HELB would also consider students from outside public universities, particularly those in Dar es Salaam and Kampala. How far has she gone in helping our students outside the country?

Dr. Kosgei: Mr. Deputy Speaker, Sir, when I made that statement, we were in this financial year, which has not come to an end. I made that statement because I expected to look for more funding from the Treasury. We have, indeed, submitted our requirements and wishes, which should enable us to cover students from the region.

Mr. Deputy Speaker: Last question, Dr. Kones!

Dr. Kones: Mr. Deputy Speaker, Sir, over the last few years, fees in the universities have gone up, but the maximum loan given to students has remained constant. What is the Ministry doing to ensure that they adjust upwards the maximum allowable loan to students?

Dr. Kosgei: Mr. Deputy Speaker, Sir, that is a financial question. I have just said that we are applying for more money. The cost of living has gone up. My electricity and water bills have gone up. It is the same for universities. Therefore, if they are asking for more money, it is simply for the purposes of meeting their costs. We, in the Ministry, have submitted a request to the Treasury to give us four times the amount of money that has been given in the past. However, what you ask for and what you get is usually dependent on what the Treasury can afford, and also how much more we want to tax ourselves. If we get more, we will give more. We do not wish to give just a few students all the money and reduce the number of people who get it. So, basically, maybe, we will spread it out a bit, so that everybody feels the pinch rather than take care of just a few students and leave out the other students who are either parallel or outside Kenyan public universities. As you know, in this year, we have already spread it out. We have included students in private universities within our country, who until this year, had been excluded.

Mr. Deputy Speaker: Next Question, Mr. Olago Aluoch!

Question No.030

JUSTIFICATION FOR CAPITAL PUNISHMENT IN PENAL CODE

Mr. Olago asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) whether he could justify the existence of capital punishment in the Penal Code, considering that the same is a direct contradiction of Kenya's position as a signatory to the Rome Statute;

(b) what steps he is taking to reconcile this contradiction by outlawing capital punishment; and,

(c) whether he could provide the total number of death row convicts in Kenya's prisons and how their presence affects the state of discipline.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs

(Mr. Cheptumo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government of Kenya, in spite of this provision of law, does not support the existence of the death sentence in the light of its ratification of international human rights conventions. For this reason, the Government has not sanctioned the infliction of the death sentence since 1986.

(b) The existence of the death sentence in the statute books is a constitutional matter. The Government can only abolish the death sentence with the support of its citizens. It is for this reason that the Government pushed for the abolition of the death sentence during the constitutional review process. The Government will raise this matter for discussion during the ongoing constitutional review process in the hope that the people of Kenya will agree to expressly prohibit capital punishment. Indeed, there were no disagreements over this matter during the 2003-2004 constitutional review process. Therefore, there is an expectation that the current review process will proscribe the death penalty.

(c) The total number of death row convicts in the custody of Kenya Prisons currently is 3,215. The presence of death row convicts affects the state of discipline as follows:-

(1) The prisons law does not permit death row prisoners to be subjected to labour, like other prisoners. That has negative impact on prison discipline and security.

(2) Disciplinary measures applicable to prisoners have little effect on death row prisoners due to the nature of their sentence; for instance, loss of remission as a disciplinary measure does not apply to them; similarly, they cannot participate in the prisoners' earning scheme and other benefits,

(3) They have despaired and, therefore, are capable of contravening prison rules without fear of greater punishment; they can endanger prison officers manning them, and even other prisoners;

Thank you, Mr. Deputy Speaker, Sir.

Mr. Olago: Mr. Deputy Speaker, Sir, this Ministry is headed by a Senior Counsel, and the Assistant Minister is my very good learned friend. I would expect a better answer. If, since 1986, the Government has actively said that it does not support capital punishment, then why wait for the Constitution to be amended? To remove the death sentence does not need an amendment to the Constitution. You only need to introduce a miscellaneous amendments Bill to amend the Penal Code to remove the death sentence. That is all! Why has this not been done?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, it is not just the Ministry that is, perhaps, guilty. All of us are guilty, because the people who are supposed to amend the law are also Members of Parliament. That is why, today, we appreciate the fact that---

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to blame the House when the initiative should come from the Ministry, and not from Members of Parliament?

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

(Mr Cheptumo stood up in his place)

Mr. Deputy Speaker: Mr. Assistant Minister, could you sit down? Another hon. Member is on the Floor!

What is it, Mr. Mungatana?

Mr. Mungatana: Mr. Deputy Speaker, Sir, the Assistant Minister is completely in breach of Standing Order No.75. When a point of order has been allowed, you sit down! You do not stand there!

(Laughter)

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I wanted to say that it is true that the existence of capital punishment in our law books is, really, not justified. It is for us now to rise to the occasion. My Ministry will take up the challenge. We hope that during the constitutional review process that is coming, we will ensure that the death penalty will be prohibited expressly.

Mr. Deputy Speaker: If, indeed, you, as the Government, do not believe in the death penalty and you do not have to have a constitutional amendment to change it, what is it that you want from the House when it is your responsibility initiate the Bill? Ideally, you should be giving an undertaking to the House that you will be initiating the Bill!

Mr. Cheptumo: Mr. Deputy Speaker, Sir, that is the essence of the answer. I am giving an undertaking that we will initiate the Bill.

Mr. Imanyara: Mr. Deputy Speaker, Sir, given that the Government does not support the death sentence, and there are over 3,000 prisoners now on death row who cannot, for example, engage in normal prison work because they are facing death sentence, why has the Government not considered commuting these sentences to lesser sentences? These prisoners can undertake useful work while we wait to amend the law and abolish death penalty. We cannot have a situation of over 3,000 prisoners on death row when the power to commute the sentences lies with the Executive!

Mr. Cheptumo: Mr. Deputy Speaker, Sir, the power to exercise the application of the death sentence rests with the President. That is why I am saying that it is long overdue to have this law in our books. It is for us now not to look back, but to rise to the occasion and expedite the process of constitutional review and change this law. I undertake to do this.

Mr. Olago: Mr. Deputy Speaker, Sir, if it is agreed that inflicting capital punishment is, indeed, degrading and inhuman in accordance with international criminal law, then to keep 3,215 prisoners on death row indefinitely is a crime against them. The State is committing a crime against these people. Up the circumstances, could the Ministry confirm whether these convicts will be released or they will be hanged?

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading this House that the Government does not support the death penalty when, in fact, the Government opposed a Motion in this House to abolish the death penalty?

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): On a point of order, Mr. Deputy Speaker, Sir. That point of order, is coming a little belatedly.

Mr. Deputy Speaker: Order. It is not your prerogative, hon. Assistant Minister. That is the prerogative of the Chair. Read you Standing Orders very well, understand them and apply them. You are not even a first-timer in this House!

Proceed, Mr. Assistant Minister!

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I am unable to respond to that point of order because I am not aware that the Government opposed a Motion in this House to abolish the death penalty in this country.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. That is a matter that can be established from this House's institutional memory. Could the Chair, with respect, defer this matter to this afternoon, so that the institutional memory of Parliament can provide you with the HANSARD report of the day when that Motion was brought to this House and how the Government pushed for it to be defeated? It was, indeed, defeated!

Mr. Cheptumo: Mr. Deputy Speaker, Sir, the decision to order really rests on the Chair. Even if we get to know that the Government opposed that Motion, it is incumbent upon my Ministry to look ahead. At this point in time, what is important are the laws we want to make for our country. Our undertaking as a Ministry is paramount because we want to have this law repealed completely from our statutes. I would just plead that we move forward in anticipating the laws that we want to have.

Mr. Deputy Speaker: Fair enough. The Assistant Minister has given an undertaking on that. We want to appreciate that goodwill.

Next question!

Question No.184

GOVERNMENT POLICY ON RISK
ALLOWANCE FOR CIVIL SERVANTS

Mr. Mwaita asked the Minister of State for Public Service what the Government's policy is, on the payment of risk allowance to civil servants.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Mr. Deputy Speaker, Sir, I beg to reply.

Risk allowance is paid to civil servants who, due to the nature of their duties and occupation, are exposed to high occupational risks and threats to their lives. These threats and risks include exposure to infections, toxic gases, fumes of chemicals and threat to lives while dealing with crime and criminals. This allowance is currently paid to the following cadres in the civil service:

Medical and public health personnel, disciplined services personnel such as police, a Administration Police and Prison Service. However, the Government has noted that the risk allowance currently paid to officers is not commensurate with the gravity of some of the risks which may result to permanent disability, terminal diseases or instant death. In this regard, plans are underway to:

1. Introduce a risk insurance cover for all the members of the disciplined services.
2. Undertake a survey of risk-prone Ministries/Departments with a view to determining risk factors that should be compensated. A committee has been set up to do this and also look into the feasibility of introducing a comprehensive insurance scheme to cover public servants performing jobs with high occupational risks and phase out the risk allowance.

Mr. Mwaita: Mr. Deputy Speaker, Sir, I appreciate the answer given by the Assistant Minister although it is not specific. I have a case in point where a senior chief of Muchongoi Location was killed last November while pursuing cattle rustlers in the company of Administration Police officers who were attached to his office. Could he explain why chiefs are not paid this allowance and yet, they work with Administration Police officers whom he has confirmed are paid this allowance?

Maj. Sugow: Mr. Deputy Speaker, Sir, I appreciate the concern of the hon. Member. However, as I indicated in my answer in the last paragraph, there is a survey going on currently in Ministries and Departments to review other careers or cadres that are also risk-prone so as to bring them into the same scheme.

Mr. Gunda: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they will introduce an insurance scheme to cover risks. He has confirmed that chiefs are in that cadre; where they should be considered to be paid for the risks they undertake. Could he consider paying the chiefs the risk allowance while they await for the implementation of the insurance scheme?

Maj. Sugow: Mr. Deputy Speaker, Sir, the issue of chiefs is related to the Question asked by the Member earlier. Instead of implementing these changes piecemeal, we have formed the committee that is carrying out comprehensive review of all cadres in all Departments and Ministries. After this Report, we can then implement these changes instead of dealing with chiefs specifically.

As for the insurance cover, it is the same committee that is carrying out the study. The moment the recommendations are ready, they will be implemented.

Dr. Eseli: Mr. Deputy Speaker, Sir, the Assistant Minister has said that there is a committee to identify those who qualify for risk insurance. We have had many committees set up by the Government that drag on forever. Could he give us a timeframe within which to expect this committee to end its work?

Maj. Sugow: Mr. Deputy Speaker, Sir, I agree with the hon. Member with regard to the time factor. Before the next Session of Parliament, I assure him that the Report will be ready and it will be brought to this House to ensure that it is implemented.

Mr. Deputy Speaker: Fair enough! Mr. Mwaita, last question!

Mr. Mwaita: Mr. Deputy Speaker, Sir, you have heard what the Assistant Minister has said about the chiefs. He has said that they need to be looked after. As we wait for this Report, could the Assistant Minister consider issuing an Executive Order to pay the chiefs?

Maj. Sugow: Mr. Deputy Speaker, Sir, I think I had earlier indicated that there are many other careers that have the same kind of risks as well. We cannot be ordering or giving instructions on a case by case basis. We actually need to review terms of all the civil servants under the same kind of environment. It would, therefore, not be very fair to handle one particular career. I request that our chiefs be patient and, once the Report is ready, they will be considered.

Mr. Deputy Speaker: Next Question by Mr. Erastus Mureithi!

Question No.172

REHABILITATION OF DAMS IN OL KALOU

Mr. Mureithi asked the Minister for Water and Irrigation: -

(a) whether she could confirm the number and location of respective dams in Ol Kalou which were built by the colonial era farmers indicating if they are still operational or not; and,

(b) the steps the Government is taking to de-silt and rehabilitate the dams to provide water for use in irrigation, domestic use and hydro-electricity generation.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The dams that were constructed by colonial-era farmers in Ol Kalou are 85. The location of the dams is tabulated in Table 1 of the supplementary information, which I made sure the hon. Member had the advantage of looking at. The dams are operational. However, the water storage capacity of the dams has greatly reduced over the years due to silting caused mainly by destruction of their catchment areas arising from human activities.

(b) My Ministry has and will continue to undertake de-silting of dams throughout the country aimed at restoring their original storage capacity to ensure water availability for domestic, livestock and irrigation use. In the coming financial year, one dam will be rehabilitated in each district of Ol Kalou Constituency namely; Nyandarua Central, Nyandarua West and Milangine. An additional three dams will also be rehabilitated in the constituency by the National Water Conservation and Pipeline Corporation next financial year. My Ministry takes this opportunity to request the support of this House in educating the public to stop catchment destruction to ensure survival of our dams.

Mr. Mureithi: Mr. Deputy Speaker, Sir, whereas I appreciate the answer by the Assistant Minister and the prior information given to me, I would like to know what happened to the report of the two engineers who were sent by the Minister to the constituency in order to assess the dams in that area. Could the Assistant Minister increase the number of dams to be rehabilitated? At the rate of six dams per year, it will take another 15 years to rehabilitate all the dams. How is the Assistant Minister going to make sure that all the 85 dams will be rehabilitated for the production of food and clean water?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the engineers recommended that we rehabilitate these dams at a cost of Kshs315 million. You will accept that the Ministry cannot, therefore, do this in one financial year. However, as we adjust our budget, we want to assure the hon. Member that we will de-silt more than six dams per year.

Mr. Deputy Speaker, Sir, I would like to plead with Members of Parliament that, instead of them buying graders for their constituencies, we need excavators more than graders. Could Members consider this, in their budgets, to buy bulldozers, which cost about Kshs10 million? These bulldozers can be used to de-silt the dams. The Ministry cannot permanently do that for them!

Secondly, Members of Parliament should take the responsibility to educate their people. As long as they continue to interfere with the forest cover, this problem will be there permanently and it cannot just be solved by the Ministry but the will of the communities and other local leaders.

Mr. Abdirahaman: Mr. Deputy Speaker, Sir, shifting responsibility to Members of Parliament is not a solution to the water problems in this country. We have been experiencing problems with the Ministry of Water and Irrigation in terms of coordination between the parent Ministry, the National Water Corporation and the Service Boards. In terms of planning, we have a problem because information is not generated from the ground. It is more or less top-down.

Could the Assistant Minister assure us that from now on, they will be able to collect information from the district water offices and services boards and not from the headquarters?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is not about shifting blame. It is about consensus and good working relationship with Members of Parliament. That is why we are even willing to call for a *Kamukunji* so that we can look at how we can complement each other. It is very important to do so.

About the confusion, I want to assure this House that for the last one year, we have worked overnight. That is why you can see there is a lot of activity taking place. In the last ten years, there were no Questions being raised in this House because there were no activities in the Ministry of Water and Irrigation. Today, you can see Members are very ready to ask Questions related to water. Members are also ready to support the Ministry. Even the Government itself is committed to financing the Ministry of Water and Irrigation. Therefore, we expect changes. These changes cannot be achieved by the Ministry alone but with the support of this House.

Mr. Mwangi: Mr. Deputy Speaker, Sir, I would want to commend the Assistant Minister for the efforts he has made. However, in my own constituency, we have a dam that was built about five years ago but is now dry. It does not only require de-silting but also rehabilitation. What action will the Assistant Minister take to ensure that the dam is rehabilitated and put to proper use?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, you cannot take a patient from the ICU Department and start giving him ugali the following day. This Ministry has not been funded for a long time and, therefore, most of these dams failed. We require to rehabilitate them.

Mr. Mwangi: Mr. Deputy Speaker, Sir, is the Assistant Minister admitting that the dams are in an ICU situation?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we were in an ICU situation. I thought I said that. However, we have come out of that situation. I have indicated that a few years ago, the Ministry was under funded. We did not have donors willing to fund the Ministry. Today, things have changed because of the able leadership and donors are willing to fund us. The Government has put in money. We are working over-night to ensure that these things change. I only require that hon. Members be patient with us.

Mr. Mureithi: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister for the answers he has given. Considering that the Ministry was given Kshs2 billion to construct new dams, what policies do they have in place, in terms of maintaining the old ones? If that is how the process is being run, the new dams will come and go like the old dams. What policies do they have in place to make sure that the new dams do not fall into the same fate that the old ones have fallen into?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we will hold workshops and seminars and we will also be asking Members to team up with us so that we can educate our people, just the way the Kenya Power and Lighting Company did on customer awareness. We would like to sensitize our people on the importance of these dams and how to maintain them. For example, I challenge hon. Members to go back to their constituencies and report back to us on how many dams are provided with water troughs and how many of those dams have watering points. Those are the major reasons why these dams are being silted. If you look in your own constituencies, you will see that farmers are farming near the dams and at the same level that the water should be. What do you expect when the rains come? Even wind itself will blow the soil back to the dam. Therefore, let us take our own responsibility and the Ministry will also take its own responsibility. The issue here is working together and educating our people.

Question No.177

IMPROVEMENT OF ADB-FUNDED ROAD PROJECTS IN SABOTI

Mr. Wamalwa asked the Minister for Roads what steps he is taking to improve the ADB-funded road projects on Maili Saba-Nzoia Water Supply (E328) and Kiminini-Kinyoro (E281) roads that have been done shoddily due to lack of proper supervision.

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

The Maili Saba-Nzoia Water Supply Road (E328) was improved under the Roads 2000 Programme, jointly funded by the Government of Kenya and the ADB. The project implementation under the programme makes use of labour-based method where applicable in order to create jobs for the youth. Since gravelling was done using manual labor, the resulting riding surface was not even. However, increased use of the road by vehicle traffic is expected to enhance compaction and improve the road surface. Nevertheless, our technical officers are monitoring the situation in order to make necessary intervention as the situation may demand.

The Kiminini-Kinyoro Road (E281) underwent routine maintenance during the financial year 2007/2008 with funds from the Roads Maintenance Levy Fund. The works included bush clearing, grading and culvert cleaning and gravel patching. An additional sum of Kshs1.1 million has been availed through the District Roads Committee during this financial year for routine maintenance in order to ensure that the road remains motorable. The said works are expected to be executed within this month; June, 2009.

Mr. Wamalwa: Thank you, Mr. Deputy Speaker, Sir. Although the Roads 2000 Programme has improved our road network, there is a problem with our supervision. Who between GoK and ADB is responsible for the supervision to ensure that the works are properly done? That was the problem with this road.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, under the Roads 2000 Programme, we have different consultants. In this particular case, we had Deep Africa Consulting Engineers who were procured by the Government of Kenya to supervise the works.

Mr. Deputy Speaker: Do you have more questions or you are satisfied?

Mr. Wamalwa: Mr. Deputy Speaker, Sir, what is the Government doing to ensure that those contractors who do a shoddy job are blacklisted or appropriate action is taken against them? This is one such road where a shoddy job was done.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is unfortunate that the road was done to standards that do not meet the expectations of the Member and the general public. However, we are doing everything possible by using private consultants. Previously, when we were using some of the Government consultants, the reports they gave were particularly not impressive. So, we have resorted to using private consultants to ensure that we get supervision or monitoring that will make sure that the money is used well. Given that part of the money is from the ADB and some from other donors, then it is necessary that we do that. Nevertheless, any contractor found to have been in breach of the contract, appropriate action will be taken against them given that Roads 2000 Programme will use labour intensive techniques and we have a special certificate for that. Not all the contractors can do the Roads 2000 works.

Question No.228

REPAIR OF NYERI-NYAHURURU ROAD

Mr. Warugongo asked the Minister for Roads:-

(a) What plans he has to repair the Nyeri-Nyahururu Road considering that its bad state is contributing to cases of highway robberies, carjacking and general insecurity; and,

(b) If he could as, a stop gap measure, provide emergency funds for filling of the pot holes.

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

(a) My Ministry has already contracted out works for repair and resurfacing of the Nyeri-Nyahururu Road (B5). The project will take 24 months and it is expected to be completed in April 2011.

(b) The contractor is on the ground and will carry out the potholes sealing as part of the emergency measures. The contract sum of Kshs1.3 billion has already been awarded to G. Isaiah's (?) and Company (Kenya) Limited. The scope of the works include partial reconstruction of about 5 kilometers that is completely worn out, repair of bends and shoulders, drainage works, regulating patched areas AC/ Abstract Concrete, double seal surface dressing and maintenance of passage of traffic through the works.

Mr. Warugongo: Thank you, Mr. Deputy Speaker, Sir. The answer the Assistant Minister has given is quite satisfactory. However, I would like him to clarify when the contractor will be on the ground because I was there yesterday and I did not see any contractor.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, we have given the contractor the order to commence and there are preparatory works required, including making sure that the quarry is there and mobilizing the equipment. I think that is the stage we are in right now. I am confident, and I want to assure the hon. Member that in the next three or four weeks, the contractor will be on site and work will have commenced.

Mr. Deputy Speaker: Are you satisfied, Mr. Warugongo?

Mr. Warugongo: Mr. Deputy Speaker, Sir, I have got one more question.

Mr. Deputy Speaker: Proceed!

Mr. Warugongo: Mr. Deputy Speaker, Sir, could the Assistant Minister consider engaging a contractor who will occasionally check our roads because it has been a practice that roads are repaired when they are already completely impassible? Could he do that?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is important that we keep monitoring our roads so that we do not incur so much expenses in reconstructing them as it is the case with the Nyeri-Nyahururu Road. However, due to financial constraints, we cannot always do that. However, my Ministry is in the process of ensuring that through the newly created Boards of the Kenya National Highways Authority and the Rural Roads Authority, these roads are clearly demarcated and responsibilities are allocated to those specific authorities for maintenance. However, with regard to this road, the massive deterioration has come about because of the heavy trucks on their way to Mombasa which use that particular road to avoid the way bridge in Gilgil. As a Ministry, we will ensure that we put the necessary measures including a mobile way bridge to make sure that the trucks do not use that road and, therefore, lead to the damage we have seen on the road.

Mr. Deputy Speaker: Hon. Members, today being a Private Members' Day, Question No.223 by hon. Lessonet is deferred to Tuesday, next week. We will take one Question by Private Notice.

Indeed, hon. Lessonet, before I defer your Question, let me see if the Question by Private Notice can be answered. We want to start the Private Members' Motions at exactly 10.30 a.m.

Let us move on to Mr. M'Mithiaru's Question by Private Notice!

QUESTION BY PRIVATE NOTICE

KILLING OF HERDSMEN IN ISEMBE NORTH

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

(a) Under which circumstances were two herdsmen killed and 302 goats stolen in the Ndumuru area of Isembe North District on 24th April, 2009?

(b) When will the police perform postmortem on the bodies of the two victims, which have been lying at the Meru District Hospital to enable burial take place?

(c) What action has so far been taken to apprehend the killers and recover the stolen goats?

Mr. Deputy Speaker: Order! Mr. M'Mithiaru, you came late and under the circumstances, you deserve to apologise to the House!

Mr. M'Mithiaru: Mr. Deputy Speaker, Sir, I apologise that I did not ask this Question on time.

Mr. Deputy Speaker: Order Mr. M'Mithiaru! You apologise because you were not here when your Question was called out!

Mr. M'Mithiaru: Mr. Deputy Speaker, Sir, I apologise for coming late.

Mr. Deputy Speaker: Proceed, Mr. Assistant Minister!

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

(a) The two herdsmen met their death at the hands of bandits who attacked them while grazing their goats within Ndumuru area of Isembe North. The same cattle rustlers also stole 302 goats belonging to the slain men. The incident was reported to the police who pursued the bandits towards Kulamawe in Garbatula District where they disappeared. Investigations are on-going, vide Police Case File No.473/106/09 and Police Inquest No.3/09 has also been opened.

(b) The Medical Officer of Health (MOH), Meru District Hospital, is ready to perform the postmortem free of charge immediately the relatives of the deceased avail themselves.

(c) The police intercepted the bandits at Kulamawe area of Garbatula District and recovered 160 goats after an exchange of fire with them bandits. The goats were handed over to the owners, namely, Ibrahim Maore and Michubu Robert on 5th May, 2009. Local leaders of Kulamawe undertook to ensure that the remaining goats were recovered and distributed to the owners. On 20th May, the local leaders handed over a further 54 goats to the police who in turn handed them over to the owners. However, the police are following crucial leads with a view of arresting and prosecuting the bandits.

Mr. M'Mithiaru: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the honest answer that he has given. This is a weighty matter, where goats were stolen and herdsmen killed. When the herdsmen made a distress call, there was no immediate response. One of the reasons for the slow response was that the policemen in that police post were engaged in charcoal

burning. So, when the herders went to report the incident, the policemen were not at the post. Secondly, there is no vehicle at the police post. So, a lot of time was wasted before chasing the bandits who stole the animals and killed the herdsman.

Could the Assistant Minister tell this House the action he will take against police officers who abdicate their duties to go and engage in commercial activities? When will he also provide a vehicle to Lare Police Station?

Mr. Ojode: Mr. Deputy Speaker, Sir, I am not aware of my officers engaging in commercial activities. However, the Police Standing Order is very clear. It is illegal to engage in any commercial activities while on duty. The law will catch up with those officers.

On the issue of providing a vehicle to Lare Police Station, the Officer Commanding Police Division (OCPD) has a vehicle which he uses to patrol the area. I urge the hon. Member to, at least, have a joint meeting with the security personnel in order for them to patrol the areas he thinks are insecure.

Mr. Deputy Speaker: Ask the last question, Mr. M'Mithiaru!

Mr. M'Mithiaru: Mr. Deputy Speaker, Sir, again, I thank the Assistant Minister for the job well done. First, I thank him for assuring the House that the postmortem will be done free of charge. This was the agony of the family that had visited the hospital and police station on various occasions but was told to pay before the postmortem could be done. I think the family can go to the hospital so that the postmortem can be done now that it will be free.

Mr. Deputy Speaker, Sir, in criminal cases like this one, where people have been killed and it becomes a police case, who is responsible for the payment of the postmortem fee? Secondly, some goats have been recovered and there are links to who actually stole them. Since the suspects are walking free, what will the Assistant Minister do to ensure that they are apprehended?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have ordered that the postmortem be done free of charge once the relatives avail themselves.

On the goats which have been recovered, we are waiting for the owners to identify them. We have ordered the chief to give back the goats which the police have so far recovered to the owners. I do not think there should be any problem with that. The chief acknowledged that he will hand over this week, the goats that have already been recovered. I also urge my colleague to present himself when the goats will be handed over to the rightful owners.

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

Mr. Deputy Speaker: Order! This is a Private Members' Day! There is need for us to observe time.

Ms. S. Abdalla, could you ask your Question? It has been deferred a number of times before.

ORAL ANSWER TO QUESTION

Question No.005

EXTENSION OF LAND LEASE TO
MATT INTERNATIONAL COMPANY

Ms. S. Abdalla asked the Minister for Lands:-

(a) if he could explain to the House the criteria he uses to allocate land; and,

(b) whether the Government has extended the lease of land to the Matt International Company in Lamu District, and if so, give justification for the extension.

The Minister for Lands (Mr. Orengo): Mr. Deputy Speaker, Sir, I apologise for coming late. I also apologise to the hon. Member because this Question has been deferred a number of times.

I beg to reply.

Whenever land in urban centres is required for allocation, the policy is to have it planned and advertised, so that Kenyans can apply through the respective district plots allocation committees. These committees are chaired by the District Commissioners and the Provincial Commissioners where applicable. Local authorities and the Ministry of Lands are also represented in these committees.

In case of projects, the district development committees have to give approval before land for a particular project is allocated. This is meant to ensure ownership by the beneficiaries of the projects and to reduce conflicts that may arise during the projects implementation.

The Ministry also makes land available to Kenyans through regularisation of informal settlements, where the beneficiaries are identified and the land planned, to facilitate documentation through issuance of letters of allotment and titles. The Ministry is also charged with the responsibility of the settlement of poor landless Kenyans through establishment, of settlement schemes. Whenever such schemes are established the district supplement plot allocation committee sits to allocate the land before the list is forwarded to the Ministry headquarters for issuance of letters of offer.

What I have said is clearly covered under Section 12 of the Government Lands Act, that makes these provisions. However, I wish to add that not everything has been done in the past on the basis of the letter and spirit of the Government Lands Act.

(b) The issue of lease extension to Matt International does not arise because in the first place, no lease has been issued in the first place

Ms. S. Abdalla: Mr. Deputy Speaker, Sir, land issues, particularly in Lamu, are very crucial. The particular land that we are talking about is a water catchment area for livestock. There are small tribes living there of about 600 families. That allotment letter was issued in December when offices were closed for public holidays.

Could the Minister tell us whether he intends to revoke that allotment letter or issuing a title deed to Matt International? That is because Matt International are not farmers. They are known as brokers.

Mr. Orengo: Mr. Deputy Speaker, Sir, with regard to Lamu and sections of Tana River, I am doing better than that. I have stopped all land transactions, particularly in Lamu. As you know, the whole of Lamu is Government land. But there are people who have taken advantage of Government land in Lamu and they have been giving out that land in the past to individuals who use it for speculation. I have a big exercise going on in Lamu to identify villages and set aside areas that will go to the local communities.

I am interrogating all the land allocations that have been made in Lamu District because it is my view that most of those allocations are unjustified. Finally, there is this unique factor in Lamu that, whereas in every part of the Republic, land which is not Government land is either trust land or has been adjudicated to ensure that members of the local communities get title

deeds, that is not the case in Lamu. I am trying to make sure that most of that land goes back to the local communities.

Mr. Mungatana: Mr. Deputy Speaker, Sir, Garsen happens to border with Lamu on one side. The issues that hon. S. Abdalla has raised affect my constituents directly. First, I am happy that the Minister has stopped all land allocations in Lamu. But I would like him to give us an undertaking about Matt International, that he will consult with the area leadership including hon. S. Abdalla, hon. A. C. Mohamed, hon. Twaha and myself, who border that land, before any allocation is done. Secondly, when the Minister last toured the area, he promised that he would go to the lower Tana Delta in Garsen Constituency. In Kipini Settlement, there has been a lot of—

Mr. Deputy Speaker: Hon. Mungatana, ask a question, please!

Mr. Mungatana: Mr. Deputy Speaker, Sir, in Kipini Settlement Scheme, there are many squatters because the title deeds for the land on which they are living in have been given to the wrong people. When will the Minister correct that matter? People are being declared squatters on their land, which has been given, particularly, to land officers who are no longer working in the Ministry.

Mr. Orenge: Mr. Deputy Speaker, Sir, I responded to that question, although not so directly. It is a shame that in some areas in the Coast and other parts of the Republic, including Lamu and sections of Tana River, the local people are basically squatters. People from other parts of Kenya and, in fact, even foreigners have got title deeds in some of those parts of the country. You can rest assured that I am not going to allow titles to be issued to Matt International until there are sufficient consultations with the local leadership. That is one of the reasons why I went to Lamu to confirm whether or not, there were sufficient consultations with the local leadership.

Also, this is not a matter which is merely in the province of my Ministry. There are other stakeholders, particularly in the Government, which involve the Ministry of Agriculture, National Environmental Management Authority (NEMA) and the local authorities. We are also concerned about land use. We do not give land anyhowly. We give land only where those allocations are justified.

Finally, I wish to tell hon. Mungatana that I intend to tour that region at the end of this month. Most of that tour will be in Tana River.

Ms. S. Abdalla: Mr. Deputy Speaker, Sir, there is a lot of interest in this Question and I beg you to give it more time. It is a very crucial issue.

Mr. Deputy Speaker: Order, hon. S. Abdalla! It is understandable that there is a lot of interest, but the Minister has actually got more interest than everybody else. He has given a very firm undertaking that he is going to protect the peoples' interests. So, can you ask one last question, so that we can go to the next Order!

Ms. S. Abdalla: Mr. Deputy Speaker, Sir, I first want to thank the Minister for the action he has taken to stop the allotment. When will the Minister advertise the application and will the due process be followed from the District Development Committee (DDC) and the county council? At the moment, there is a lot of corruption. I believe the Minister will be the first person to keep corruption out of land matters in Lamu.

Mr. Orenge: Mr. Deputy Speaker, Sir, in fact, according to my records, the DDC, the local leadership and the county council had given approval for the allocation of that land. When I was in Lamu, most of the councilors were demanding that I should give out that land to Matt International. So, I would beg this House that, at an appropriate time, I want to bring firm

legislation that is going to make the process of land allocation more accountable, so that there are clear procedures. As we speak now, there are no clear procedures for alienation of Government land. There are only two people in the Republic who have the powers to alienate Government land; namely, the President and the Commissioner of Lands. I must say that under the Presidency of President Mwai Kibaki, I have not seen the kind of allocations that were done directly from that Office, as was the practice in the past.

In fact, regarding the allocation of land to Matt International, the President had nothing to do with it. But it was a conspiracy between the local leadership and some people who saw that, that was a sweetheart deal for them. However, the answer is having a process of land allocation that is accountable; that, this House can interrogate the same way that this House has made it difficult to give out forest land. Any excision of forest land must be tabled in the House. In a similar version, I would want to see some legislation that requires us, in regard to urban land of certain acreage, to place on record in this House, not for debate, but to bring it to the notice of the House that we intend to make certain allocations, so that the process is accountable.

Mr. Deputy Speaker: Order, hon. Members! Question No.079 is deferred to next week. Minister for Lands, please make sure that either you or your Assistant Minister is available to answer it.

Question No.079

GAZZETTEMENT OF NEW LANDS BOARDS/
TRIBUNALS IN NORTH IMENTI

Mr. Ruteere: On a point of order, Mr. Deputy Speaker, Sir. Next week I will be away on Parliamentary business.

Mr. Deputy Speaker: Okay, let it come on Tuesday the week after. Question No.223 by Mr. Lessonet is also deferred to Wednesday next week.

(Question deferred)

Question No.223

UNDERSTAFFING IN MAJI MAZURI
SCHOOLS IN KOIBATEK

(Question deferred)

POINTS OF ORDER

ALLOCATION OF FIRE STATION PLOTS
TO PRIVATE DEVELOPERS

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir. I did seek a Ministerial Statement with regard to fire stations land which has been grabbed in Nairobi. The Ministerial Statement has not been issued by the Minister as directed by the Speaker last Wednesday.

Mr. Deputy Speaker: Mr. Mbugua, I understand that you talked about this matter with the Minister and the he promised to issue it next week. Is that a fact?

Mr. Mbugua: So, it is directed that the Minister is going to issue the Ministerial Statement next week on Wednesday.

EXISTENCE OF AN ILLEGAL GANG IN NJIRU

Mr. Waititu: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. What are the circumstances that led to the confrontation between Administration Police and a youth group at Njiru area of Embakasi Constituency yesterday as was covered in the news yesterday evening? Also a month ago, there was the same confrontation. Is the Minister aware that the youth group is one of the illegal organized gangs operating in Embakasi and Nairobi as a whole? Is the Minister also aware that the same illegal organized gang, in January, at the same land which is privately owned by Mr. Wamugure, killed a Maasai watchman in broad daylight and no one has ever been arrested for the offence?

Is the Minister further aware that the same organized group was arrested during the post-election violence with petrol bombs in Nairobi City and the case ended mysteriously in court? What are the names of powerful police officers and high ranking politicians in this Government who are protecting this illegal organized gang considering that the Minister has promised to eliminate all organized gangs? When will police officers clear the organized gang from the illegal quarries which are operated on privately owned land and which have been invaded by force by this same organized gang?

Mr. Deputy Speaker: Are you seeking a Ministerial Statement or are you seeking clarifications? You have to be very careful between asking a Question, which you can raise by Private Notice if it is of urgency, or when you are seeking a Ministerial Statement and within it, you seek parts a, b, c and d in terms of clarifications. I want to believe that you are seeking clarification on those issues.

Mr. Waititu: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Assistant Minister, could you give an undertaking on that; when can you issue the Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will be able to issue the Ministerial Statement on Thursday next week.

Mr. Deputy Speaker: It is so ordered!
Next Order!

MOTION

APPOINTMENT OF VENUES FOR PARLIAMENTARY SESSIONS ON ROTATIONAL BASIS

Mr. Affey: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that Section 58(1) of the Constitution of Kenya provides that each session of Parliament shall be held at such place within Kenya and shall

commence at such time as the President may appoint; considering the growing public urge and the need to take Parliament to the people; cognizant of the fact that parliamentarians represent the aspirations of the entire country; conscious of the need for Members to have a first-hand account of the regional development challenges and problems that local people are faced with on a daily basis, this House urges the President to appoint venues for sessions on rotational basis.

Mr. Deputy Speaker, Sir, this Motion is informed by very many factors. First of all, is the fact that this Motion is legal and correct as stated in our Constitution. Parliament, as we know and as I have said in this Motion, represents the aspirations of the country. Pursuant to Section 30 of the Constitution, Parliament of Kenya consists of the President and the National Assembly. Pursuant to Section 31 of the Constitution, National Assembly consists of elected and nominated Members who are currently 210 and 12, respectfully. Every five years, the people of Kenya are confronted by a general election and they elect Members of Parliament to this House in order to represent their aspirations, the fears and the hopes that this country has. Nobody is trained to be a Member of Parliament. All of us come from different backgrounds, seek for elections, and come to this House in order to represent our people. For that matter, when Members of Parliament are sworn in, there has never been any session given to them apart from giving sessions that allow them to understand the Standing Orders.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kamar) took the Chair]*

Madam Temporary Deputy Speaker, there are no sessions that are organized by Parliament or the Executive to allow hon. Members to go around the country. Therefore, it means that for the five years that you are elected or nominated in this House, you are confined to represent the interests and aspirations of the people who elected you or the party that nominated you. Therefore, can we qualify to call ourselves national leaders of this country when we do not know the country itself? When you are elected to represent your constituency, you come to this House and you are confined to that constituency. You speak about a particular road only in your constituency. Nobody in this House, even the Minister answering the Question, has an appreciation of that road. Therefore, it is difficult for somebody to claim that he is a national leader politically by virtue of being a Member of this House, when you do not know anywhere in this country apart from the constituency you represent.

This Motion is motivated by the fact that for any of us to stand before the country or go outside to represent it--- I know hon. Members go outside to represent this country in different forums, to claim to know the country you must have a first account of the challenges of this country. This country does not only consist of the capital city. Kenya is large with eight provinces and 210 constituencies. The baseline for you to assume the leadership of this country is to understand the country first. You must know its geography, challenges and disparities in the development that this country has been undergoing since Independence.

Madam Temporary Deputy Speaker, the Constitution allows the President to appoint a venue outside Nairobi I wish to urge the House to accept this Motion, so that, in future, by resolution of the House and by Constitution, the President can identify a venue outside Nairobi, in order for us to go outside and meet the people. Since Independence, this Parliament has had its

functions in Nairobi. I am not a first time Member of Parliament. I was in the Eighth Parliament and I happen to be in this Parliament. For the period I have been in this Parliament, we have been talking about problems and challenges raised by the individual Members of Parliament. In most cases, their colleagues in this House do not appreciate those problems.

Madam Temporary Deputy Speaker, as we all know, this country is highly politically polarised. It is highly polarized, given the events of the last elections. We have polarised this country and we continue to polarise it. Which other organ of Government other than Parliament and parliamentarians has the unique responsibility to reconcile this country? How can you reconcile, if you do not understand the challenges of your neighbour? How do you reconcile if you do not understand how people in North Eastern Province live and the circumstances in which they live? How do you reconcile this country, if you do not understand the circumstances of the people in Coast Province, Eastern Province or any other province in this country, if by virtue of being a Member of this House, you qualify to become a national leader?

Madam Temporary Deputy Speaker, this Parliament has gone under substantial reforms. We thank the Speaker and parliamentarians for opening up Parliament to the country and public. We now have live proceedings of debate in this House. This is an event we did not have in the past parliaments. We now have the advantage of having approved the new Standing Orders which are reform oriented in many ways. Therefore, we, as national leaders, need to think outside the box. The baseline is that you must know your country. You must know the country called Kenya because you do not represent only one constituency. You represent the entire country by virtue of having achieved membership of this National Assembly.

We have, indeed, moved outside Nairobi. We have been to the Coast Province which has become a very common destination for parliamentarians. Any time we want to travel out of Nairobi, the only place we think of is Mombasa. Perhaps, Mombasa has the necessary facilities, so to speak.

In the traditional setting, this House can be translated to mean a council of elders for this country. It is a reflection of what the traditional societies will do in order to discuss and determine how to behave in certain ways or relate to each other. There is nothing wrong if, for instance, we have a sitting in North Eastern Province. We can have a sitting of parliament in Wajir to understand the culture of the people, delicacies and how they live. Thirdly, we can appreciate the challenges they face on daily basis. One of the things you would encounter, if we had a sitting in Wajir, is what the people of Wajir go through on daily basis which has come to this Floor many times. This is the use of bucket latrines to discharge human waste. Members will have a wonderful experience of what people there go through on daily basis. The sewer system is bad. Therefore, when we ask a parliamentary question in regard to a situation like that, the Minister and the Permanent Secretary have never been there. They have no idea. So, the Minister relies on information from his field officers and no action is taken. How then do you create a united country and expect people to feel that they are part and parcel of the political, social economic development of the country?

Madam Temporary Deputy Speaker, if we go out of Nairobi and have sittings in Western, Coast, Eastern, North Eastern and Rift Valley provinces, I feel that we will enhance national unity of this country. We will be enhancing unity of this country, because everybody will appreciate the challenges and unique circumstances of those regions. When Members bring Motions before this House regarding situations such as in coffee and tea sectors, you will find that the quorum in this House reduces to the number of MPs elected from that area. Everybody

else, walks out. You ask them why that. They tell you: "*Haya ni mambo ya kahawa na sukari*". It does not affect us.

Madam Temporary Deputy Speaker, the other day, we had a Motion regarding the Migingo Island affair; a matter that was so passionate. It was a matter that the country was gripped with and was really interested to know the thinking of Parliament, but the quorum was lacking. Very few Members of Parliament were able to contribute because we were not able to co-ordinate and connect the challenges that we have. By so doing, this will even reduce the quorum problem. If we went to Wajir, what else will Members of Parliament do in Wajir apart from discussing matters of Parliament? But here, you see the number as we are now, offices are close by. People attend to their private businesses. But if we go outside Nairobi, I have a very strong belief that even the quorum issue will never be a problem. The House will always be full.

Madam Temporary Deputy Speaker, we need to empower parliamentary contributions of Members by giving them facts and associating them with first hand problems on the ground. We need to empower our own contributions. As we all know, tomorrow is the Budget day. The Deputy Prime Minister and Minister for Finance will come here and give us three hours of speech. However, we do not understand the challenges that this country is facing, region by region. Therefore, we will not be in a position to interrogate that Budget in a manner that will be meaningful to the country.

We must get out of this business of routine. Since this Parliament was designed, times have changed. It is nearly 40 years down the road when this Parliament was designed. We still do not want to get out and take Parliament to the rightful owners who are the people of this country. If you listen to FM Stations, this Parliament has been categorised. It is called club 222. There is a belief of them against us; the Members of Parliament against the rest of the country.

Madam Temporary Deputy Speaker, in order to stop that dangerous propaganda, I think we need to get out to the country and take Parliament to the people. Yes, Nairobi is the Capital City. I am not asking for the relocation of Parliament. I am only asking for our sessions to be done in Kajiado. What is wrong if we go to Kajiado and interact with the local community? The local Member of Parliament (MP) will receive us very well and we will all be there. That is part of Kenya. Why must it be in Nairobi all the time for five years?

Madam Temporary Deputy Speaker, similar situations have happened in Libya, where Parliament moves to the regions. There must be some wisdom in that. Closer home in Tanzania, Parliament was moved from Dar es Salaam to Dodoma – a complete relocation of Parliament. We are not suggesting that radical movement. We are only saying that in order to inform hon. Members, make them more national and appreciate the challenges of the country, let us move out to the provinces. Let us interact with our people more closely so that we can demystify the institution of Parliament. Let us make it more friendly to the people and make it more realistic to achieve its objectives.

Madam Temporary Deputy Speaker, if we have to move to the North or to the Rift Valley for a session, what do we need? We need the Speaker or Madam Temporary Deputy Speaker. We need the MPs, of course, because this country belongs to all of us. We need to go, live, sit, discuss and appreciate what the local communities, including the local MP, are experiencing. That is because he brings here the problems of his constituency and nobody seems to connect with them because they have never been there! They either sympathise with you or they walk away as you contribute. We need the Speaker. We need the HANSARD, of course, in order to

record the deliberations of that session, which is not difficult to carry. We need the mace which, even me, I can carry it alone. One person can carry the mace.

(Applause)

We need the clock. There is nothing more than that we need! The rest of it is to seek for comfort. Why do you seek for comfort when the majority of the people in this country are not comfortable? Who are you, one hon. Member, to seek five star hotels when your own constituents do not have a possibility to get those things that you aspire for? We need to be humble. That is the only way we can unite the country! Arrogance and thinking big will not help us. The country belongs to all of us; the country has unique challenges; the country is crying for leadership and reconciliation; the House is polarized; you bring a matter regarding a region and nobody seems to understand. There is no budget factored in.

Madam Temporary Deputy Speaker, what happens during elections? We all go back to our tribal cocoons in order to seek leadership again. After that, five years down the road, we then go back to the same cycle! Can we not be the Parliament that has reformed this country? Can we not be the Parliament that has brought a new constitutional order that we have been yearning for, for many years?

Madam Temporary Deputy Speaker, I think this is achievable because it is given in our laws. The Constitution is very clear under Section 58(1). We have it here! Why can we not ask the President: "Mr. President, please, the next session of Parliament, we want to have a session in Wajir or Mandera or Ijara or Garissa?" We can even begin with the provincial headquarters. We can even begin with the Committees of Parliament! Why must a Committee of Parliament, when just writing its report, fly to Mombasa and then go to the Indian Ocean there and look for comfort? There are many places in Coast Province, if you must go there. Why can they not go to Garsen, hon. Mungatana's Constituency, and appreciate the problems there?

(Applause)

Why must you go to five star hotels? We must change our priorities. I think that our priorities are wrong. I think that we, as Parliament, must show leadership. The only leadership we can show is to go and take Parliament to its owners! The owners are not in Nairobi. They are in the countryside. They are all over the country. They want us; they want to feel us and they want us to interact with them. It is not too hard to do that.

With those few remarks, Madam Temporary Deputy Speaker, I beg to move and request hon. Wamalwa to second the Motion.

Mr. Wamalwa: Thank you very much, Madam Temporary Deputy Speaker. I rise to second this very important Motion and congratulate my friend, hon. Affey, for coming up with an idea that would look very novel and, perhaps, an idea whose time has come.

Madam Temporary Deputy Speaker, I think it was the Irish writer, John Bernard Shaw who once said:-

"Some people see things happen and ask 'how come', but I dream of things that never were and ask 'why not'?"

Indeed, what hon. Affey is asking for is that, in view of the fact that our Constitution, under Section 58, provides for the powers of the President to actually decide or choose the place or time where Parliament can sit, it is perfectly lawful that if the President chose today that

Parliament should sit in Mombasa or Wajir, it can be done. Therefore, we are asking whether this Parliament could sit in Wajir, Moyale or in Kitale? Why not? Indeed, this is a Motion that we need to support.

Madam Temporary Deputy Speaker, there are things that have happened that have looked impossible initially. When we spoke about free primary education, some people thought that it was impossible. When we spoke about free secondary education, it looked like a strange idea! But it is now happening and it is achievable! When we spoke about live coverage of the proceedings of this House, there are those who thought that it was not possible. But it is now happening!

Madam Temporary Deputy Speaker, when we speak about rotational sittings of Parliament, it is achievable and it can happen. As we speak, the sights and sounds of this House and what is happening this moment are being instantly witnessed by millions of Kenyans! Indeed, we have taken Parliament to the people in the villages across Kenya and they are following the proceedings in this House.

But, Madam Temporary Deputy Speaker, I think the time has come when we should now take Parliamentarians to Kenyans and to the villages so that they can see and experience, first hand, the problems, lives, diversities and cultures of the Kenyan people! Indeed, if we were to do this, we would be able to connect even more with what is really happening out there.

Madam Temporary Deputy Speaker, I had the privilege of travelling with hon. Affey to Moyale, and I must confess that I was one of those Kenyans who had never been to Moyale. What I saw there, indeed, I agreed with him that, for any Kenyan who has never been to Moyale, you might not really connect with the problems of the people of Moyale. I saw the water problems that the people of Moyale experience. From Moyale, we travelled to Sololo, which is 240 kilometers away and I was surprised to know that, as you go towards that part of Kenya, the road only ends in Isiolo. After Isiolo, you would not believe that you are in Kenya! It is no wonder that when our brothers who live there come to Nairobi, they say that they have come to Kenya!

(Applause)

Madam Temporary Deputy Speaker, we need to go out there; we need to know how our fellow Kenyans live in the North and we will connect! I did witness a water hole where there were hundreds of camels. In my entire life, I had never seen so many camels all competing for water at one water point as we drove to Sololo! If hon. Mahamud spoke here today of the problems of his people, particularly pertaining to water, I would be able to relate and connect with it because I saw it first hand! It is something that others also need to experience.

Madam Temporary Deputy Speaker, when we come to this House, we have no orientation to know the entire country. This is the case and yet we come from different parts of the country and different backgrounds. You will be surprised to learn that many hon. Members and other people in this country had never heard of Mgingo Island until we were told that the Ugandan flag was flying there. You will be surprised that many of us have never heard of an island called "Funzi Island" out there in the Indian Ocean. When you join college, there is a week of orientation. You are given time to go around the university and orientate yourself with it. We have not had that privilege in this House. If we went round this country and had sittings in all the provinces, we would be better equipped and prepared to deliver to all Kenyans when we come back to Nairobi. Indeed, it is not strange to ask this Parliament to go round this country

and have rotational sittings. As a lawyer, I know that the courts are already doing it. There have been cases where the Court of Appeal has moved to Kisumu, Nakuru, Mombasa and other regions. Parliament should work the way the Judiciary works. Parliament can move around the country to address the many problems that affect Kenyans.

On the national unity that Mr. Affey has spoken about, if we moved together as Kenyans, indeed, it will be one way of bringing our people together. If we hear about the problem of cattle rustling and other problems affecting some parts of this country, we will not say that the Misingo issue is a Luo problem or the cattle rustling that is going on is a Turkana problem. We will say this is a Kenyan problem. We are national leaders who represent a country called "Kenya". We will not be limited to our respective constituencies if this is done.

This morning, I heard Mr. Ojode speak about a place called "Kulamawe" I have never heard of this place. I am told that this is a place in Garbatulla District. This is a place where Kenyans were killed. When you talk of "Kulamawe", one would think it is a place, where people eat stones. This is because you have no connection with the place except for Mr. M'Mithiaru who raised the issue in this House. As an hon. Member who comes from a place where we grow maize, I would think that our brothers up there maybe, eat stones. However, if we visit Garbatulla one day, sit there and interact with the people and see first-hand problems of the people of Garbatulla, we will connect with them. It is very important that we must, as a matter of urgency, put into practice.

Indeed, the problem of this nation has been about the inequitable distribution of our resources. If we went out, we would, in distributing our resources, know that, indeed, there are Kenyans who have been left behind in development. They have been forgotten and made to feel like second class citizens for many years. These areas need more resources than those that have enjoyed these resources in the past. We would, in serving this nation and our constituencies, be more sensitive and support policies that are more equitable and which will look at the historical injustices that have been there. If this is done, we will also be in a position to see how best to address these problems so that any Kenyan, whether he lives in Kulamawe, Garbatulla, Kakuma or Kitale, can feel that he or she is a citizen of Kenya and is entitled to the national cake that should be equitably distributed.

Madam Temporary Deputy Speaker, this is a matter many of my colleagues would like to contribute to. However, I would like to conclude by saying that if we were to go round, we would discover that there is a beautiful Kenya out there that we have never seen. Recently, I went to a place called Siro in Prof. Sambili's constituency. It is deep in the heart of Tugenland. I was surprised to see the beauty of that valley. I was surprised to see the trees. I was with Eng. Rege and I once told him that if he thought where he came from, Kendu Bay which is on the shores of Lake Victoria is beautiful, then it is because he had never been to Siro. I told myself that if I thought Kitale and Mt. Elgon were beautiful, then it is because I had never been to Siro. It is a beautiful place. They are not only the beaches in Mombasa and the lakes that are beautiful; there is a beautiful Kenya that is beyond our imagination. As hon. Members, we need to see and appreciate the beauty of this country and our people and also connect with their problems so that we can effectively represent them in this House and anywhere it may sit.

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

(Question proposed)

The Assistant Minister of State for Defence (Maj-Gen. Nkaisery): Thank you, Madam Temporary Deputy Speaker. With due respect to my brother and colleague who has moved this Motion, I stand to oppose it. I oppose this Motion because moving Parliament from one location to another does not add any value to the development of this country. Parliament is not a *matatu* or a bus to move from one location to another. It is a static institution and laws are made in this august House which affects the development of this country. Even the developed countries like the USA and the UK do not move their Parliaments from one location to another.

The Speaker of this Parliament has made tremendous improvement on how Kenyans can benefit from the contributions in this House. This Parliament is now covered live. Individuals in Mandera or Lokichoggio with a television set can watch and follow the deliberations of this House. So, you do not need to move this House from one location to the other. Can you imagine the financial implication if Parliament was moved from one location to the other? Just imagine taking the sittings of Parliament, for example, to Moyale. Imagine moving 222 Members of Parliament and the staff to a new location. What about the security? So, my colleagues here – people who want to move Parliament so that they can be seen in their own locations – have not looked at the financial implication.

Madam Temporary Deputy Speaker, we are in the process of crafting a new Constitution. We are talking about devolution of power in the new Constitution.

Madam Temporary Deputy Speaker, we are going to have regional assemblies, where regional development will be discussed. I expected that the Mover would have waited for that opportunity for Members of Parliament to go and address the issue in those regional assemblies. This House could make some provision in its budgetary commitments, so that hon. Members can be made to move around and know this country. I agree with my brother, Mr. Wamalwa, that people need to know this country.

I would even recommend that in future, as a pre-university course, our children should undergo a military training course of two years, as is the case in other countries, so that they can know the country; they should know exactly where Kulamawe is. You do not have to come there as a Member of Parliament and want to be told where Kulamawe is. You can go there. You do not have to go there and sit, because Parliament is not a council of elders for it to go to Kajiado, sit under a tree and deliberate livestock issues.

Madam Temporary Deputy Speaker, can you imagine taking Members of Parliament to Kajiado to sit under a tree, like a council of elders? I am talking about the financial implications of this proposal. We shall need to put into a bus 222 Members of Parliament and the officers who would support them. We have to reason. Reasoning is the most important thing. If you want to do proper planning, you must reason and have facts. You cannot just go and sit in Garsen just because somebody wants to eat crocodile meat, or because you want to see how one can slaughter a crocodile, or because somebody else wants to go to Kisumu's most beautiful place called Sio Port, or see how Migingo Island is. You can go there and see those places. You do not have to move Parliament to that place.

With those remarks, I beg to oppose the Motion.

Mr. Olago: Madam Temporary Deputy Speaker, I stand here to support the Motion with all my heart.

I wish to say that in implementing this Motion, Parliament will not be asked to amend any law at all. The law is there as it is. I wish to support the Mover of the Motion, Mr. Affey, totally, together with the Seconder, Mr. Wamalwa. Section 58 of the Constitution sets out what Parliament and the National Assembly are. The supreme law of the land is the Constitution.

Section 58 says that the President will define the place where Parliament will sit. I wish to make it clear that the building in which we are is Parliament Building, but the people who sit in this building are Members of the National Assembly.

Madam Temporary Deputy Speaker, being a Member of the National Assembly means that you are not in this House to represent only the constituency that elected you or the party that nominated you. You are here to represent Kenya as a nation. It is, therefore, important to understand those two distinctions. Rotational sitting of Parliament is not something that we eschew as Kenyans. Already, we subscribe to the doctrine of separation of powers. The Executive in this country does not only sit in Nairobi. They have provincial heads, where you have Provincial Commissioners (PCs) representing the President, together with all other civil servants.

The other Arm of the Government is the Judiciary. The supreme court in the Judiciary is the Court of Appeal, which sits in Nairobi as the central registry, but it has regular sittings in Kisumu, Nakuru, Nyeri, Eldoret and Mombasa. That is the national arrangement of the Court of Appeal. It pains me to mention this to my very good friend, Maj-Gen. Nkaisserry. Clearly, he has not been informed sufficiently. Maybe, he has been too much in the military. If not, he would have known that that the European Union Parliament in Brussels, Belgium, where I was recently, has rotational sittings outside Brussels.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): On a point of order, Madam Temporary Deputy Speaker. I think it is the hon. Member who is not fully informed. The European Union Parliament sits in European countries, but national Parliaments do not move from one location to another. Is he in order to mislead the House?

Mr. Olago: Madam Temporary Deputy Speaker, I do not see the point of order in what the hon. Member has said, but all the same, I was saying that the European Union Parliament sits outside Brussels regularly. As summer is setting in, in Europe now, Members of the European Parliament are packing their trunks and getting their staff ready to move out of Brussels. What is the policy behind that move? It is to enable the Members of Parliament to understand Europe properly.

If I leave Europe alone, let us go across the border to Arusha. The East African Legislative Assembly (EALA) has weekly sittings in Nairobi, Kampala, Burundi and Rwanda. Why do they do that? It is for the Members of Parliament of the EALA to fully understand East Africa. If you look at the galleries now, you will see school children. Indeed, I believe very strongly that as Parliament, we should encourage school children to visit Parliament and observe proceedings.

Madam Temporary Deputy Speaker, how much would it cost to get 50 school children from Kisumu to come to Nairobi to witness Parliamentary proceedings? They should be able to witness our proceedings where they are. We do not have to start with countrywide sittings. We can simply start with eight sittings, at every provincial headquarters, for a start. We have historical disparities and inequities in this country. We cannot understand those issues fully merely by driving to those places. We need to sit there as Members of Parliament, and understand firsthand what goes on there, so that when we talk about sugar, we do not assume that it is a Nyanza and Western Provinces issue; and when we talk about pastoralists, you do not assume that it is a northern Kenya issue; we need to understand Kenya as a whole.

Madam Temporary Deputy Speaker, you will remember that when this Parliament started, the Speaker undertook to reform it. So far, within a very short time, indeed, a lot has been done in reforming how we conduct business but, again, you heard Maj-Gen. Nkaisserry say

that now Kenyans can see live proceedings all over the country. How many Kenyans have television and radio sets in their homes? If all the people in Maj-Gen. Nkaiserry's constituency have television and radio sets, then he is a very lucky man.

What we are asking for is not for financial, or other gains. We are saying, let us agree as Parliament, and tell the President that we would wish to go out to Kenyans. How that will be done, is an issue of logistics, and logistics can be worked out later on, not necessarily now. For now, let us agree in principle on what we need to do.

Madam Temporary Deputy Speaker, the time has come for Members of Parliament to take the lead in making Kenyans be really "Kenya centric". We must think as Kenyans and we must take the lead.

The issue of Member of Parliament being referred to by other members of society as Club 222 can only stop if we are able to interact at the very personal level with Kenyans out there.

With all my heart, I support this Motion, Madam Temporary Deputy Speaker.

Mr. M'Mithiaru: Thank you, Madam Temporary Deputy Speaker. I stand to support this Motion.

When we talk about Parliament we are not referring to the building; we are referring to hon. Members who represent Kenyans. Sometimes, in Parliament, we stay in our own cocoons. We always carry old skins which we should be able to shed now. We must embrace change. Change has already started. A year ago the parliamentary proceedings were not live. Now they are. The reason for this is for Parliament to open up, so that Kenyans can know exactly what business is discussed in Parliament because many did not know.

Part of that opening up can be demonstrated if Parliament could have sittings within our regions. If we do so, we will be telling Kenyans that these are their MPs and this is what Parliament stands for. People will then come to appreciate more what Parliament really does.

Madam Temporary Deputy Speaker, I have had a chance of touring quite a bit of Kenya because of the job I used to do. I discovered how beautiful our country is. I can even take my family to the Rift Valley, Western Kenya, Coast provinces, among other places, because I already know those parts of the country have got these beautiful sites for people to see.

Many of us may not have had that opportunity. We even graduated from schools which were located in our communities, came to Nairobi to attend university, did some jobs and then came to Parliament. We have to open up so that we know our country. This will ensure that when issues are brought before the House, we know exactly what kind of inequalities we have in the country. I heard Mr. Wamalwa say how he has visited Moyale; I have not been there! We have heard of some beautiful hills in Marsabit. We have heard that there have been plane crashes there.

Madam Temporary Deputy Speaker, it is time that parliamentarians knew their country so that even when they are making their contributions, they will know exactly what they are talking about. When they are told about the skewed development in certain areas, they will understand exactly what we are talking about.

We know our country has got limited resources which must be properly harnessed. It is only we, Members of Parliament, who can articulate this more. There are areas where there is abject poverty. This must be eradicated. When we support budgetary allocations for a certain area and we know the poverty levels there, then we support them.

Members of Parliament should know what kind of development is taking place in our country. We will also be able to take on the Government, so that they will be able to achieve

their commitment on poverty eradication and other commitments in terms of the millennium development goals.

Madam Temporary Deputy Speaker, without taking a lot of time, I want to say that Kenyans expect a lot from their MPs. They know that when we sit in Nairobi, it is like Nairobi is another place altogether.

I will not cite the examples that my colleagues have cited. Even the President who is empowered by the Constitution to cite where else Parliament can sit, we can see by example. We have also state lodges all over the republic. That means that we are actually not confined to be in Nairobi also as MPs. That way we will be promoting domestic tourism.

Madam Temporary Deputy Speaker, I support the Motion.

Mrs. Noor: Thank you, Madam Temporary Deputy Speaker. I wish to support this Motion for three reasons. One, is because the Constitution allows us to have mobile Parliaments. Coming from a mobile society, I support this Motion.

Secondly, I want to support the Motion because this is one way of us reaching out and understanding our nation. Thirdly, already our country is in reform mood. Due to that, we must transform the way we deal with our society. We must reach out and go out there in order to make sensible and meaningful changes in our country.

For anybody to understand our country and to positively contribute to the development of our country, he must, first of all, understand the diversity, challenges and problems that are facing that particular region. For us to understand, we must go out, sit and eat with our people.

I want to strongly disagree with my friend, Maj.Gen. Nkaiserry, when he tells us that when we go and sit under trees, we become a council of elders sitting under trees. How superior are we from the council of elders? The council of elders are the people we respect. They are our elders. They are people who have elected us and brought us to this House. We must appreciate their capacity because they are the ones who have taught us what we are doing. Being Members of this House, we must respect our councils of elders.

Madam Temporary Deputy Speaker, for us to positively and passionately contribute, we must understand that there are many challenges facing our country. When MPs bring Questions to this House, there are some who do not even understand them. They ask the technocrats, PCs and everybody at the grassroots level to inform them. I want to share with you that six years ago I was disseminating Millennium Development Goals (MDG). I went to a DC and told him that I was inviting him to open for us a workshop. He told me: "Madam, I do not even understand MDGs". So, those are the people who are informing our leaders here.

We need to get first hand information. We understand our regions. That is why I am supporting this Motion, so that we can go and understand those challenges. When we come back here, we will be able to contribute very effectively to any issue that comes on board.

We should not look at ourselves as Kenyans coming from different regions, but as Kenyans. When Americans are contributing to their development, they consider themselves, first, as Americans. When a person in America stands up he says: "We Americans". When I stand up, people look at me and say: "Tell me, are you a Somali." I am not a Somali. I am a Kenyan. Everybody must appreciate that.

Madam Temporary Deputy Speaker, a few days ago we, as MPs, were taking tea. I was shocked and surprised when one MP from this House asked me: "Madam Sophia, when you go to Moyale, do you pass through Ijara?" That is the geographical knowledge of MPs in this House. If we do not know where Ijara and Moyale are, it is the right time for all of us to go and learn the geography of our country.

Our country is very rich with traditions, governance structured systems and other mechanism to address development programmes. Given the chance, all the MPs of this House will appreciate the talents we have at the grassroots level. They will be able to borrow and enrich their understanding of our people. They will not refer to their fellow Kenyans as "so and so".

We will not be referring to people in the Western world and saying: "So and so did this and that at that time". When we appreciate the talent that we have on the ground, we will borrow the best practices so that we can implement them. That is why I want us to go out there, sit with the people and understand them.

Madam Temporary Deputy Speaker, I want to conclude by saying that we have already started major reforms in this country. We have rolled out plans on constitutional reforms and institutional reforms. Already the mood is set. I am, therefore, pleading with hon. Members of this House to appreciate change. Let us ask for change. The world is going that direction. Change is good. Let us change everything.

I beg to support.

Ms. Odhiambo: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I wish to support this Motion.

In supporting this Motion, I would want to add my voice to those Members who have said that, as Members, we must familiarize and acquaint ourselves with the realities of this country.

Madam Temporary Deputy Speaker, there is a lot of inequality in this country. Fortunately, my background in the civil society enabled me to see quite a bit of this country. I am therefore, able to know that certain myths that we have--- For instance, for most people when you talk of Central or Eastern provinces, they believe all the areas are fertile and everybody does well. I had the privilege of travelling to a place like Tharaka and if you blind-folded me and took me there, then opened my eyes, I would think I am in my own village. This is because these two places face the same challenges and problems. They have bad roads, bad terrain, poor rainfall and all that.

One other reason that we need to familiarize ourselves with the country is many of us do not know most parts of this country. Despite the fact that I have travelled well in this country, when I came to this Parliament, I still had the opportunity to travel to areas that I had not been able to. The Liaison Committee had a sitting in one of the Northern Kenya towns. That was my first time to go there. I am, therefore, able to appreciate the challenges. There is lack of water and the level of drought and poverty in those areas is high. When somebody brings an issue from that area, I am able not just to speak from book knowledge but with empathy because I have first-hand knowledge.

Madam Temporary Deputy Speaker, even recently when we visited Mbooni, we were told that it was only two hours drive away. Yes, it was two hours of pure torture because of poor roads. If we did not have the opportunity to go there, we would never have known what challenges that area faces. Even within Nyanza Province where I come from, I recently had the opportunity to travel to one of the homecoming parties in Nyatike Constituency. I was informed that there is a place called *Wuoth Ogik*. This means the journey is over. It is called so because it is so far and the roads are so far, such that when you reach there, the journey must truly be over. We must be able to go from where the journey begins, if at all it begins anywhere, to where it ends.

I would also want to support this Motion because it will help demystify leadership. One of the reasons that I am saying it---

*(Mr. Olago crossed the Floor
without bowing to the Chair)*

The Assistant Minister, Ministry of State for Defence (Gen. Nkaisserry): On a point of order, Madam Temporary Deputy Speaker. Did you see Mr. Olago crossing the Floor to this side without bowing?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Olago, can you do the necessary?

Mr. Olago: Madam Temporary Deputy, Sir, I did not cross the Floor. I was whispering to Mr. Nyamweya from this side.

Mr. Nyamweya: Do you want to use me as an excuse?

The Temporary Deputy Speaker (Prof. Kamar): Mr. Olago, you did it! I saw you. Can you go back, bow and cross the Floor?

*(Mr. Olago went to the bar
and bowed to the Chair)*

(Applause)

Ms. Odhiambo, please, continue!

Ms. Odhiambo: Madam Temporary Deputy Speaker, I am glad to note that Gen. Nkaisserry is back in the House.

One of the reasons I am supporting this Motion is we need to demystify leadership. Gen. Nkaisserry said that Parliament is not a *matatu* that moves from place to place. This is a misunderstanding of the concept of leadership. Leadership must be a *matatu*. It cannot be anything other than a *matatu*. It has to be a *matatu* because it must be accessible to all; both the poor and the rich. It must reach every corner of this country and that is why leadership is a *matatu*.

Madam Temporary Deputy Speaker, I would like to support this Motion because, for instance, in Mr. Ojode's constituency when you say *sirikal*, they think that is Mr. Ojode. That is his common nickname in his constituency. When we demystify leadership, people in his constituency would be able to be alive to issues such as what Parliament does.

The other reason I support this Motion is that it leads to empowerment of women. Today, I can see very many young girls who have had the opportunity to sit at the Speaker's Gallery. The girls from my village in Suba would not be able to have the opportunity to be here. This also includes those from Migingo Island. However, if we take Parliament down there, the women will be able to see that there are women who can sit in the Speaker's Chair and handle that role very ably. They can also see there are women who can speak to the public like Ms. Millie Odhiambo Mabona.

I also want to support this Motion because it will lead to de-ethnicization of politics. This country has been so ethnicised. We must see this country with different lenses. I should be able to go to a place where people do not know what a Suba or a Luo looks like and be able to appreciate what our challenges and problems are.

Finally, even as we talk of this rotation, it is affordable if we limit the number of times and areas to, maybe, provinces. On a lighter note, at least we would have a different point of

order. In some areas the point of order would be that there is a lion roaring and we may need to take off.

With those few remarks, I beg to support.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, I stand to support this Motion.

I have several reasons for supporting this Motion. This is the National Assembly of the Republic of Kenya. Section 58(1) of the Constitution gives leeway and powers to the President of this country--- Once the Constitution gives us that provision, I think we must do justice to Kenyans.

Madam Temporary Deputy Speaker, I want to take Members back to the so-called constitutional dispensation order that we are talking about. We are talking about devolved resources and equity. Why can we not devolve politics? Why can we not devolve the sittings of Parliament to the regions? Why do we want to give it a white collar tag? Why can we not have the people of Garsen who elected Mr. Mungatana get the opportunity to see 222 Members of Parliament and yourself?

Madam Temporary Deputy Speaker, I want to say, very clearly, that the Speaker of the National Assembly and even the previous Speakers have never gone to my Constituency, Dujis, which is only four hours drive from here. I want to put it in the HANSARD that even our Temporary Deputy Speaker today, Prof. Kamar, has never been to Garissa or any other part of northern Kenya. We want to give her that opportunity so that hon. Letimalo, who is the Member for Samburu East---

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): On a point of order, Madam Temporary Deputy Speaker. Is it in order for the Member to, with a lot of authority, declare that you have not been to any part of northern Kenya?

The Temporary Deputy Speaker (Prof. Kamar): We forgive him for his ignorance.

The Assistant Minister for Livestock Development (Mr. Duale): Madam Temporary Deputy Speaker, when I stand in this House, I always check my facts and I am speaking with authority.

Coming back to what I was saying, hon. Letimalo comes from Samburu East. Hon. Dr. Kuti, who is my Minister comes, from Isiolo North. In the last one month, the people of Samburu East have undergone agony due to insecurity. Hon. Members were seeing this on television. However, I can assure you that 80 per cent of Members of this House do not know where Wamba, Archers Post and Merile River is, among other places. I want to say, very clearly, that seeing is better than hearing. We want hon. Members of this august House, who are national leaders, to know every part of this country. I want to give an example. If a Member of this House was appointed the Minister for Health, it would be very difficult for him to know where a health centre in Ijara, Bomet or a school in Garsen is.

On that basis, if what hon. Wamalwa said, if the Executive have their people on the ground, like the DCs and Ministry of Livestock officers--- I remember yesterday I was answering a Question on behalf of the Ministry of Livestock Development. This was about Narok South, a place called Mararianta, Aitong Division in Narok South. I want to say that I have never been to Mararianta or Mara Division as an Assistant Minister. It is high time that we took the leadership of this country throughout the nation.

Secondly, we are talking about reconciliation and national healing. We are talking about building one nation. Just like my good friend, hon. Mungatana's party has been talking about one nation, one people, this should not be rhetoric. This cannot be one nation if you do not know

where Chalbi Desert is. You cannot support national cohesion and reconciliation when you do not know where the Migingo Island is. Is it Migingo or Mijinjo? The island has gone down in history books. Although Members have debated issues to do with this Island, I can assure you that 80 per cent of these Members do not know the way to Migingo. I would need to look for hon. Mbadi to give me the map.

Thirdly, we need to learn about our landscape. We need to appreciate the problems that Kenyans are facing. We are talking about people and livestock dying in the north, in the pastoral areas. We need to quantify that. I want to say that if the Ministers do not go to see these areas--- I am one of the proponents of the parliamentary system of Government because we only see the CEOs, the Prime Minister and others going to Garsen, Dujis and North Horr, to look for votes. However, once they are in power, even for the area Member of Parliament to see the President, it would take him six months.

We want to give an opportunity to the people of this country so that they can see this National Assembly where they are. I want to support the media in this country and the Speaker of Parliament for bringing reforms. Today, Kenyans, those who can afford, and those who can read newspapers and those who can watch television, can see their hon. Members on television. However, how many parts of this country have television transmission? How much of this country is covered by KBC? How many parts of this country do we have newspapers? I want to say it very clearly that the Members of this House, when they see hon. Duale saying that he comes from Garissa, they think I come from somewhere near Ethiopia. I want to say that Garissa is closer than Eldoret North. It is closer than Kisumu Rural. The moment they see my texture, they look at me as a person from the north and say that this person comes from the second Kenya. They say he comes from the forgotten land where opportunities are not there. How do the people of northern Kenya appreciate the Kenya National Assembly because we are 13 hon. Members from the region? Parliament today should go and sit in Garissa. How do you want the people of Bura or Garsen to appreciate that the Kenya National Assembly is going to sit in Mombasa?

Parliamentary Committees have never been to Garissa for the last 45 years that the Kenya National Assembly has been in place. The first Parliamentary Committee that stepped in Dujis last year is the Departmental Committee on Health---. It is not even the august House that has been there. For the first time, the Liaison Committee, representing all the Chairs of the Parliamentary Committees in 45 years, was in Garissa last year. This is unacceptable and ridiculous. You cannot claim to be part of this country and part of this National Assembly and of the 10th Parliament if you can say that you do not know where Wajir bor and Kula Mawe is. I am sure that there is one similar Kula Mawe where Mr. Wamalwa comes from that I do not know. There must be one similar to that Kula Mawe from where my sister, Ms. Odhiambo comes from. That is, maybe, the Kula Mawe that should be replaced by the Migingo Island. We are talking about a country that claims to be united and saying that in the new presidential dispensation, we want Kenya to be one. Those of us from the north want to appreciate our brothers from the Rift Valley and the cultural, religious and economic diversities of this country.

When we talk about tourism, we must appreciate that there is a potential in the north, in the livestock sector. When we talk about the sugar cane farmers, we want people to appreciate that in Lake Turkana we can do fishing. We do not want our young children in our Kenyan schools to view their colleagues from the other parts of the country as people who have been forgotten.

With those few remarks, I support the Motion.

Mr. Mbadi: Thank you, Madam Temporary Deputy Speaker. With all due respect to the Mover of the Motion, who is a very good friend of mine, I was almost tempted to support this Motion, but because of my conscience, I cannot support it. I have to oppose it.

Madam Temporary Deputy Speaker, many good points have been advanced in support of this Motion, including the fact that we want to take Parliament to the people. Many of us have talked about getting Members of Parliament to know the geography of this country and appreciate the cultural diversity. However, I would like us to be a bit realistic. If you look at the current Parliament, you will realise that we have problems when all the 222 hon. Members attend. We are always squeezed and Parliament needs to be expanded. To say the least, if we have eight regions, for example, how will we have eight Parliaments built and funded by taxpayers' money in order to realise the intention of this Motion? The Motion could be good, but the timing is wrong. Our country faces many problems at the moment. We cannot even finance the Budget.

Ms. Odhiambo: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to mislead the House that Parliament is a physical building when it is actually the people and a National Assembly that can sit under a tree?

Mr. Mbadi: Madam Temporary Deputy Speaker, I thought the National Assembly is not physical but Parliament is. However, my point is that you do not expect Parliament to sit under a tree. You may easily say so, but parliamentary records are needed. We need the HANSARD and an organised system. I have heard hon. Members talk about councils of elders. If you want to be in a council of elders, you can go home and become one. However, we are elected by people to represent them as Members of the National Assembly. I believe that if we have---

Ms. Chepchumba: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to mislead this House that we require the HANSARD? If the HANSARD is not there, we can do handwriting.

Mr. Mbadi: Madam Temporary Deputy Speaker, if the hon. Member was patient enough to critically think about the usefulness of the HANSARD, she will realise that there are issues that can become contentious in future. We are legislating and we want to have authority. So, the HANSARD is very necessary. Handwritten reports can be challenged, but the HANSARD is verbatim and you cannot challenge it. That was the reason why I was talking about the HANSARD being critical in carrying out our duties.

Madam Temporary Deputy Speaker, let me proceed a little further. Our system is a representative system of legislation. Members of this House come from different constituencies. The reason we are elected is to come and represent our regions and articulate the issues that affect them. I do not expect to carry a whole Parliament to Gwasi, to appreciate the needs of the people of Gwasi. If Members want to be domestic tourists, they are paid salary and, therefore, let them move around the country and see its physical features. I strongly oppose the idea of asking Kenyans to finance hon. Members to go and tour Migingo Island. I think we have a salary and we can visit Migingo Island. The boat ride is very cheap. If you do not know where to get a boat, you can contact me. I can get you a boat at a very cheap rate and I know you can afford it. However, I will not support a situation where we will posture as going to Parliament, only to tour regions in this country.

Madam Temporary Deputy Speaker, we have various Parliamentary Committees because we appreciate the fact that Parliament cannot transact all the business. These Committees are at liberty to visit the various regions of this country and investigate issues that affect them. Even our going to Mombasa is always a problem. The public is not comfortable with a few Members

of Parliament going to Mombasa to write reports or attend seminars. How will they take it now if we start moving around provinces and spend a lot of money under the pretext that we want to take Parliament to the people?

One of the hon. Members talked about some people not owning television sets and radios. How do you expect the people from Gwasi to afford travelling to Kisumu to watch me debate, if they cannot even buy a radio? So, let us have a national Parliament in Nairobi and devolve Government in order to have regional governments in the regions.

Madam Temporary Deputy Speaker, there was a point that was raised about the Court of Appeal. I understand why the Court of Appeal rotates because it cuts the costs for the people who attend the court proceedings. That is actually the essence; that they go to those regions, so that those who have court cases in those regions do not have to travel to Nairobi. However, Parliament can sit in Nairobi. Since people are watching us live, why can we not continue with this system and see how it is working before we even think of spending more money to put up regional Parliament buildings, because I am very sure that hon. Members will not sit under trees?

Madam Temporary Deputy Speaker, finally, even the regional governments we are talking about cannot visit everybody. This is because I do not see us having parliamentary sessions in the 210 constituencies. It will just be chaos. Even if we have them, there are still sections of those constituencies which cannot be accessed. For example, in order for me to move to every corner of my constituency, I need one year, because of the geography of that region. There is no single day that all Kenyans will access or see Members of Parliament. Let us have a new Constitution, which will come up with a devolved system of Government. We will also have regional parliaments in the new Constitution, but the national Parliament should remain one. It should sit and articulate national issues from Nairobi.

Madam Temporary Deputy Speaker, with those very many remarks, I oppose the Motion.

Dr. Laboso: Thank you, Madam Temporary Deputy Speaker, for giving me this chance. I strongly support this Motion.

I want to thank my colleague for giving us interesting points which are basically about finances. However, the bottom line is that we are here to represent Kenya. As parliamentarians, we want to be seen in this august House to be representing the needs of the entire country. It is a fact that most of us do not know this country. When Members from certain regions make contributions in this House, we cannot appreciate exactly what it is that they are saying because we do not know the challenges, problems or opportunities there might be in those regions. In terms of financial implications, I am sure we can start at a low level, as has already been agreed up on. When we hold regional sessions, they are purely to address the issues of that particular region. I think it will not cost a lot, given the fact that we have all agreed that we can even hold those sessions under trees. The bottom line is that we want to understand our country and have tangible information when we pass legislation.

Madam Temporary Deputy Speaker, there is cultural diversity in this country. It is a multi-lingual and multi-cultural society. Many of us who are here do not know what this exactly means. We are hidden in our little cocoons and only understand what is about us. We have stereotypes about other people. We do not really know who they are or understand how they live. We do not understand what informs their actions and the things that they do. We will not achieve national unity and cohesion unless we appreciate what each of us goes through in his or her area. If we understand our cultures, language and what informs our actions, I believe we will achieve a lot.

Madam Temporary Deputy Speaker, with those few remarks, I strongly support this Motion and thank the Mover for bringing it.

The Temporary Deputy Speaker (Prof. Kamar): It is now time for the Government Responder to respond.

Yes, Mr. Assistant Minister!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Thank you, Madam Temporary Deputy Speaker. Before I give the Government response, let me allocate five minutes to my friend.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, I thank the Government responder for giving me five minutes of his time to contribute to this Motion.

I want to begin by saying that this is a great idea, but its time has not come. For sure, very good points have been made as to why we need to go around the country. Issues related to national unity have been mentioned. We need to see the rest of the country so that we can appreciate who we are. There are also issues about our poverty and understanding what happens elsewhere; for example, people not knowing where Kulamawe or Migingo Island are located. I also agree that the Kenyan public and hon. Members of Parliament need to go around the country.

Madam Temporary Deputy Speaker, I also empathize with those who have spoken about the logistics involved and the issues about time; one time you are behaving like a nomadic Parliamentarian. Today you are headed this way and then the next week, you are going somewhere else. We must not think about just the money, but also the time and the logistics involved in organizing all that. Let us also not forget that even when we go to a Session of Parliament in Eldoret, Kisumu, Mombasa and other places, the point has already been made and the public is complaining a great deal. How will we go to spend money out there? Just imagine, if we have to have so many trips across the country with all the support that you need to make that possible as a Parliament, including the HANSARD and so on, I think we are only opening ourselves to more criticisms from the public at a time when the country is really bleeding.

Madam Temporary Deputy Speaker, yes, it is important for us to tour, but do we want Parliament to finance our touring? I think it is very unfortunate that Members of Parliament have the courage to say that they have only known 80 per cent of the country since they became MPs. I think it is shameful! What was preventing us from touring the country? Then, what kind of example are we to the rest of the public, if we do not encourage domestic tourism, even to those who do not become Members of Parliament? I think this is a statement on Kenya, in general, and it is an appreciation of how much more we need to do to appreciate this great country. It does not require only 210 Members of Parliament, whom Kenyans perceive to be privileged, to be the ones who have the opportunity to benefit from that.

We can involve this idea, and that is why I am saying it is a great idea, and, maybe, begin to think about issues related to whether we have a few alternative centres to begin with, like a few provincial capitals. But we also need to remember that even that does not necessarily take care of the majority of the people, who will still be out there in remote outposts in the country. Meanwhile, what are some of the possibilities? If the problem of Members of Parliament is that they do not know the rest of the country, what would prevent us from having an orientation session when we come to Parliament? Why can we not have one week, not just talking about the Standing Orders, but just being told about this country; the geography, history, politics, people and the different problems that people are facing as a way of getting us to begin to appreciate the

kind of country that we are to become Members of Parliament for? What would prevent us from having exchange programmes where Members of Parliament will be required to spend three months during the recess in Tigania West Constituency, for example, and have Mr. Affey spend some time in Meru and learn about the Meru people? Hon. Wamalwa could spend some time in some place in Garissa for three months? Exchanges are also possible. That is done in schools, universities and it is one way of also getting Members to be more nationalistic in terms of having the opportunity while they are here, to spend some time in different parts of the country.

What is to prevent us from ensuring that we have lectures and readings? We have a library, but sometimes, most of the people you see using our library are even wazees like hon. ole Ntimama and you get very impressed. If we really wanted to learn about this country, there are enough facilities. We have a visible library with books and the internet. It is not for lack of opportunities for us to know about this country. Money has been spent and that is why we are now going to have Research Assistants and we have all these facilities. So, let us take advantage. Why can we not, in the meanwhile---

Mr. M'Mithiaru: On a point of order, Madam Temporary Deputy Speaker. If this is the response from the Government, the hon. Member has got the import of the Motion wrong. The issue was not to have---

The Temporary Deputy Speaker (Prof. Kamar): You are out of order, hon. M'Mithiaru! He is not responding. He has been given a few minutes to contribute.

M'Mithiaru: Madam Temporary Deputy Speaker, still, it is a point of order. The import of the Motion was not to encourage tourism for Members of Parliament. It is an occasional sitting outside Parliament Buildings.

The Temporary Deputy Speaker (Prof. Kamar): It is true. That is now a point of order.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Madam Temporary Deputy Speaker, well, he made the point. It is not a point of order, but he made it. It is too late to challenge it. The point I was making is that we have spoken a great deal. The reason why I was talking about tourism is that we make it look like we have to go across the country and have time for Parliament to see the country. Even talking about tourism, remember, when we go to Coast Province and other places, we are accused of being tourists. So, we cannot bury our heads in the sand and pretend that there are no people who will see it.

Meanwhile, what about having our Committees also going around the country? They should have their sittings in parts of this country and bring ideas that are different from what we just get from Nairobi. In other words, there are many possibilities. But we can also be more radical in our approach. We can insist that to be a Member of Parliament, you must have certain basic qualifications and some of those basic qualifications require you to know a lot about the geography of this country. You can be tested. You must know about the geography of this country. Why become a Member of Parliament if you do not know the country? You must know the history of this country. You must appreciate the politics of this country from the historical and ideological perspectives. If necessary, instead of having meaningless tests on Kiswahili and English, why do we not test people on serious content, so that when you become a Member of Parliament, it is already clear that you understand the country in terms of its traditions, customs, geography and history? That is critically important.

Madam Temporary Deputy Speaker, to conclude in the limited time that I was given by my colleague, national unity has little to do with people not knowing about this country. The most divisive elements in this country are politicians who have been around for 30 to 40 years and they have been to every corner of this country. They know. It is not that they do not know. It

is just that they are the type of people who want to divide the country. That is a matter of attitude. It has nothing to do with travelling. So, we have to get our people to begin to change how they think. If you want to know about the country, you will know about it. We must not give the excuse that national unity has anything to do with ignorance about this country. Some of these people even have taught across the country. So, let us deal with that and when people refuse and see issues of sugar as only Western Kenya issues or Migingo as a Luo issue and not a Kenyan issue, it is because those people are not nationalists. It is not because they do not know. It is not because they do not know that they are Members of a National Assembly and that they belong to one country called Kenya. It is just because they are divisive. What is required, therefore, is to begin to think about how to deal with those kinds of characters to ensure that they do not enter Parliament in the first place.

With those remarks, I oppose the Motion.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Thank you, Madam Temporary Deputy Speaker, I wanted to donate some two minutes to my colleague, but I do not have time. Please, you can understand my situation.

I stand to oppose the Motion. I have listened very carefully to the Mover of the Motion, the Seconder and also to the Members' contributions. The Motion is, indeed, within the law. Section 58 of our Constitution is very express and clear, that the Head of State or the President can exercise that power to determine any place in Kenya where Parliament can sit. To that extent, the Motion is within the law. However, this House must not act in vain. Whatever Motions we debate and pass must be able to give results. The Mover is requesting the House to pass this Motion to urge the President to exercise the provisions of Section 58 of the Constitution. Even if we were to pass this Motion today and we urge the President to exercise his powers under Section 58 of the Constitution, how practical is it, given our current situation? I am saying that it is not possible for the Head of State to exercise his powers under Section 58 of the Constitution.

The reasons advanced by the Mover and, indeed, by the Members who have contributed, are for us to pass this Motion, so that Parliament can move from one station to another across the country. In so doing, you enhance unity and cohesion. Unity and cohesion is about perceptions and attitudes. The hon. Members need not move this House to another station for them to exercise the will to promote unity in our country. In fact, it is only fair that even at this time when we are agitating for reforms---

The Temporary Deputy Speaker (Prof. Kamar): Mr. Assistant Minister, please wind up!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Madam Temporary Deputy Speaker, Sir, we should proceed and promote unity in our country.

With those few remarks, I want to oppose this Motion.

Mr. Affey: Madam Temporary Deputy Speaker, I wish to take this opportunity to thank all those hon. Members who have supported this Motion and understood the spirit behind it. I also thank those who have opposed the Motion. The spirit of this Motion is not to relocate Parliament. It has never occurred to me that we need to move the entire Parliament from where it is currently domiciled to a place outside Nairobi. The spirit is, given that the Constitution allows-- and there must have been a reason why Section 58(1) was put in the Constitution. The Constitution allows the President to designate a region outside Nairobi to discuss the affairs of this country.

The National Assembly represents the aspirations of Kenya. As it is today, the country is polarized and we are the ones responsible for that polarization as Parliamentarians or political leaders. Therefore, there is a disconnect between us and the people who elected us. To reconnect us, we urge the President to do what is good for the country.

Madam Temporary Deputy Speaker, hon. Members have spoken about the finances. Yes, there is an implication but how much will it require? Will the amount be mind-boggling? How much does it require to have a sitting in Eldoret or Mombasa? In any case, many times we have booked the whole House in Mombasa except the Mace. The HANSARD has been moved there, the Speaker has been there and all of us have been there. So, I am saying that this is good for the country, national unity, healing and the future of this country.

With those few remarks, I beg to move.

(Question put and agreed to)

ENHANCEMENT OF BUDGETARY
ALLOCATIONS TO PUBLIC SCHOOLS

Mr. Kaino: Madam Temporary Deputy Speaker, I beg to move:-

THAT, aware that children attending private academies in the country have continuously taken up most of the opportunities in prestigious national learning institutions and secured the most marketable courses in the universities as a result of high quality education facilities; concerned that public schools lack requisite facilities and manpower to guarantee quality education; appreciating the need to improve education for children from poor backgrounds in order to achieve equity; this House urges the government to increase budgetary allocation to public primary and secondary schools for enhanced quality of education.

Madam Temporary Deputy Speaker, in my preamble, I wish to state that during the struggle for Independence, when this country shook off the dust of colonialization and we were born to freedom, the three areas that this country was concerned with was to fight poverty, ignorance and eradicate diseases. However, 46 years after Independence, we are seeing a serious line drawn, dividing the country into two. There are many academies mushrooming in every town or village in this country. The founders of these academies are patriotic Kenyans. The children who are schooling in those academies are the children of the rich. These schools have very good teachers, earning very good salaries. They are well equipped schools. Most of their pupils find places in our national schools, leaving the children of the poor to remain in poor schools. When the Kenya Certificate of Primary Education (KCPE) results are announced, pupils from academies take most places in prestigious secondary schools such as Nairobi School, Starehe Boys and others. There are very few pupils, if any, who join national secondary schools from public schools.

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kamar): Hon. Kaino, you will have 15 minutes when we resume the Motion next week.

Hon. Members, it is now time for interruption of business. The House, therefore, stands adjourned until this afternoon, 10th June, 2009 at 2.30 p.m.

The House rose at 12.30 p.m.