

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th May, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DELEGATION FROM TANZANIAN PARLIAMENT IN SPEAKER'S ROW

Mr. Speaker: Hon. Members, I wish to introduce to you and welcome this afternoon a delegation from the Parliament of Tanzania, which is seated at the Speaker's Row. They are:-

Hon. William Shellukindo, MP and Leader of Delegation.

Hon. Estherina Kilasi, MP.

Hon. Philomon Ndesamburo, MP.

Hon. Abdulkarim Shah, MP.

Mr. Raphael Nombo, Director, Commission Secretariat.

Mr. Lukago Madulu, Assistant Director, Commission Secretariat.

Hon. Members, they have been in the country since yesterday on a study visit on how our Parliament works, with special emphasis on the Parliamentary Service Commission (PSC). During their stay, they will interact with some of our Committees, meet with hon. Members and officers of the National Assembly. The delegation leaves the country on Friday, 15th May, 2009. On behalf of the House and on my own behalf, I wish the delegation a happy stay in Kenya.

Thank you.

(Applause)

QUESTIONS BY PRIVATE NOTICE

PROVISION OF AFFORDABLE SEEDS/FERTILIZER TO EASTERN REGION

Dr. Munyaka: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

What urgent steps is the Minister taking to provide affordable seeds and fertilizer to farmers in the lower Eastern region, especially in view of the current prevailing poverty and famine?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, I beg to reply.

My Ministry has undertaken the following measures to provide affordable seeds and fertilizer in the lower Eastern region:-

(i) We have availed a total of 222,338 kilogrammes of subsidized seed maize through the Kenya Seed Company, and 51,125 kilogrammes of assorted seeds to the lower Eastern region.

(ii) Through the National Cereals and Produce Board (NCPB), we have availed 79,640 50-kilogramme bags of assorted fertilizer to the lower Eastern region. The region will get a further 74,000 50-kilogramme bags of assorted fertilizer by the end of May 2009.

Dr. Munyaka: Mr. Speaker, Sir, I want to take this opportunity to thank the Assistant Minister for that answer. However, I want to tell him that the people in the lower Eastern region do not only rely on maize. Considering that, that is a drought-prone area, why can the Ministry not supply beans, cowpeas and pigeon peas seeds, which can mature early?

Mr. Mbiuki: Mr. Speaker, Sir, to the lower Eastern region, we have supplied about 51,000 kilogrammes of assorted seeds; namely, 14,972 kilograms of maize; 12,500 kilogrammes of cowpeas; 2,800 kilogrammes of green grams; 16,343 kilograms of sorghum and 4,510 kilogrammes of finger millet. That illustrates the Government's effort to diversify crop production besides maize in that region.

Mr. Mwangi: Mr. Speaker, Sir, I would like the Assistant Minister to clarify what criteria the Ministry uses to identify areas that receive free fertilizer and seeds. For instance, Kiharu Constituency borders Maragua South, which receives all those facilities and yet, my constituency does not receive any. How does the Ministry decide which areas in the Republic of Kenya deserve to receive free seeds and fertilizer?

Mr. Mbiuki: Mr. Speaker, Sir, we have availed fertilizer to the entire country. We have distributed fertilizer to all the NCPB depots in the entire nation. In our Murang'a Depot in Kiharu Constituency, we have supplied more than 80,000 50-kilogramme bags of fertilizer. When it comes to seeds---

Mr. Mwangi: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading us. We have no depot in Murang'a. I would appreciate if he could construct one in Murang'a. For now, we do not have one.

Mr. Mbiuki: Mr. Speaker, Sir, I would like to clarify that. The depot is in Sagana, which is within the larger Murang'a District.

Mr. Speaker: Please, endeavor to be accurate all the time!

Dr. Eseli: Mr. Speaker, Sir, the decision by the Ministry to provide fertilizer and seeds that are subsidized is a very good one. However, places like Bungoma North, where I come from, have not received those supplies because of logistical problems. The NCPB depot is very far and the people are not able to access the subsidized fertilizer and seeds. Could the Assistant Minister clarify to us whether he has put logistical measures in place to ensure that everybody who should benefit from that fertilizer does so?

Mr. Mbiuki: Mr. Speaker, Sir, I would like to appreciate the sentiments expressed by the hon. Member. The NCPB depots are quite a distance from each other. We have opened selling points in various constituencies and divisions. On top of that, we

have been able to provide transport. We have selling vans in most of those areas, so that the people could benefit from that subsidized fertilizer.

Dr. Eseli: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister misunderstood me. I said that the Ministry has failed to put in place logistical measures. The Assistant Minister is telling us that he has established depots in every division, which is not true. There are logistical problems and I want the Assistant Minister to inform the House how he will sort them out.

Mr. Mbiuki: Mr. Speaker, Sir, I would like to appreciate that NCPB has been facing serious logistical problems. As a result, we have gone to the extent of opening selling and buying points. The NCPB lacks an efficient transport system. At the moment, we have been able to procure vehicles to bring the fertilizer closer to the farmers.

Dr. Munyaka: Mr. Speaker, Sir, considering that the south Eastern region has been hit by drought, famine and poverty; and considering that the residents have been surviving on relief food, does the Government have any plans to supply seeds and fertilizer free of charge in order to mitigate the situation there?

Mr. Mbiuki: Mr. Speaker, Sir, the 51,125 kilogrammes of assorted seedlings that I mentioned are free of charge. On top of that, through our NAYA Programme, we have given gift vouchers to most of the farmers in the lower Eastern region, so that they can benefit from the subsidized seeds.

DEATHS FOLLOWING SECURITY OPERATION IN SAMBURU EAST DISTRICT

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

(a) Could the Minister explain what informed the security operation in Samburu East District in February 2009, and why only members of one community were targeted?

(b) Could he state the number of persons killed in the operation, the circumstances of the deaths and the identities of the victims?

(c) Could he confirm that a chemical was sprayed on herdsmen and explain what chemical it was, as well as the effects on the victims?

(d) Could he further state the damage resulting from the operation and number of livestock confiscated during the operation, the owners thereof and when will he compensate the victims for the losses?

Mr. Speaker: Minister of State for Provincial Administration and Internal Security?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, you may be aware that, that particular Ministry was very badly struck yesterday. The Minister and the Assistant Minister were all involved in an accident. Could I ask that this Question be deferred to tomorrow, with your permission?

Mr. Speaker: Those circumstances seem to speak for themselves. Mr. Letimalo, can we defer this Question to tomorrow? I want your concurrence quickly?

Mr. Letimalo: Mr. Speaker, Sir, I have no objection. I understand the situation.

Mr. Speaker: Thank you. The Question is deferred to tomorrow afternoon.

(Question deferred)

PLIGHT OF FARMERS RESIDING IN MAU
FOREST COMPLEX

Mr. Kiuna: Mr. Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) What steps is the Minister taking to address the plight of farmers whose lives hang in the balance as they await action on the Report of the Task Force on Conservation of the Mau Forest Complex on demarcation of the forest boundaries?

(b) Could he assure the House that destruction of the forest is being checked in the wake of drying rivers and erratic rainfall patterns?

(c) When will the Government table the report on the findings of the Task Force?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, I beg to reply.

(a) The fate of the farmers within the Mau will be determined after the report of the Taskforce on Conservation of the Mau Forest Complex is tabled and discussed by the Cabinet;

(b) The Government is aware that the Mau Forest Complex, which currently covers approximately 332,000 hectares and thus forming the largest closed canopy forest ecosystem of Kenya, is facing serious threat. The destruction of the forest affects the essential environmental services; that include its support to several river systems that emanate from the forest. In order to reverse this trend of destruction, the Government is carrying out the following remedial measures:-

(i) The Government formed the Task Force on Conservation of Mau Forest Complex in July, 2008, with a clear mandate to ensure further destruction of the complex is checked.

(ii) Further, my Ministry, through its relevant institutions, has also prioritized and deployed the required resources to conserve the Mau Forest Complex. Leading in these efforts is the Kenya Forest Service that has deployed 667 forest guards and 76 professional foresters to protect and manage the Mau Forest Complex. Alongside this group, are also 60 rangers from the Kenya Wildlife Service, 40 askaris from Narok County Council and 40 Administration Police officers. Collectively, these teams of enforcement agents have set up an operation command system and are working very hard to curb all destructive activities in the Mau.

(iii) The Activities carried out by these enforcement and outreach team stations to protect the Mau include foot and vehicle patrols, weekly aerial surveillance using Kenya Wildlife Service's plane, high resolution satellite imagery and intelligence and investigation capabilities. The actions are aimed at ensuring that all illegal activities in the complex are stopped. To date, 150 tons of timber and 2,459 bags of charcoal have been impounded from poachers in the area.

(c) The report on the findings of the taskforce is pending discussion in the Cabinet, which is expected to make a decision on the way forward.

Mr. Kiuna: Thank you, Mr. Speaker, Sir. I wish to thank the Assistant Minister for answering this Question. However, I am not fully satisfied with his answer regarding when the taskforce's Report would be tabled in this House.

(Loud consultations)

Mr. Baiya: On a point of order, Mr. Speaker, Sir. There are too loud consultations going on!

Mr. Speaker: Order, hon. Members! Could we, please, lower the level of our consultations, so that we hear those Members who are addressing the House?

Mr. Kiuna: Thank you, Mr. Speaker, Sir. I thank my colleague, hon. Baiya, for the intervention. It is true that the House was not listening to what was going on.

As I thank the Assistant Minister for his answer, I think he is misleading the House by saying that the taskforce, which was formed to look into the Mau Forest Complex issue, has not completed its work. It is now over a year since it was formed. People have been waiting anxiously to get the Report, so that they can go back to their business as usual. As I am talking right now, people are eagerly waiting for the outcome of this taskforce. They are unable---

Mr. Speaker: Order, Mr. Kiuna! Could you, please, ask your question?

Mr. Kiuna: Mr. Speaker, Sir, I would like to the Assistant Minister to tell us when the taskforce's recommendations will be released.

Mr. Speaker: Order! Allow the Assistant Minister to answer.

Mr. Nanok: Thank you, Mr. Speaker, Sir. As the hon. Member may be aware, the taskforce for the Mau Forest Complex was constituted on 1st August 2008. Two weeks ago, it has finalized its report and presented it to the Right Hon. Prime Minister. So, we hope very soon, this Report will be tabled in the Cabinet after which it will be brought to this House.

Mr. Bahari: Mr. Speaker, Sir, the issue of water towers is not isolated to Mau Forest Complex. In the case of the Aberdares Forest, we have a similar destruction, which has affected the population downstream in Samburu, Isiolo, Garbatula, Habaswein and all the way to the Indian Ocean. What plans does the Ministry have to protect the lives and property of those people who have the right to live in the lower parts of Uaso Nyiro River?

Mr. Nanok: Mr. Speaker, Sir, it is the responsibility of the Government to make sure that all water towers are conserved, particularly when we know that agriculture, energy and water depends on the conservation of our water towers. So, we have plans to conserve all the water towers, including the ones that have been destroyed. For the case of Aberdares, there is already an electric fence that is near completion. It is 400 kilometers of electric fence around the Aberdares. Many of the other water towers such as Mt. Elgon and Mt. Kenya are also being looked into, so that we can conserve them. We are not focusing on one area alone.

Mr. Baiya: The Assistant Minister's answer suggests that that they have actually formed a taskforce. However, in the meantime, the impact of the destruction has caused enormous damage on the water towers, especially the Mau Forest Complex region. Lake Nakuru is drying up. All the neighboring users of the water towers are drying up. We saw what this Government did in Mt. Kenya. They woke up one day and removed all the

squatters. Could he confirm that the Government will not allow itself to be held hostage by people who have unscrupulously taken up this land and take decisive action to save the environment?

Mr. Nanok: Mr. Speaker, Sir, I do not want to pre-empt the report of a Task Force which I have not seen. I would urge hon. Members to be patient until the Report is tabled in this House so that we can discuss it comprehensively.

Mr. Kiuna: Thank you, Mr. Speaker, Sir. I would request the Ministry to take this issue of the Mau Forest Complex very seriously. Right now, over 20,000 to 30,000 farmers are not working in their shambas. They are waiting for the outcome of the taskforce. Although they want to till their land, they cannot. So, it would be very important for the Assistant Minister to take this question very seriously, so that these people can know the cut-off line. They should either be compensated or they go back to their farms. Right now, there are so many idlers in my constituency. But they cannot do anything---

Mr. Speaker: Order, Mr. Kiuna! It is Question Time! Are you satisfied and have you come to the end of your comment?

Mr. Kiuna: As I conclude, I would request---

Mr. Speaker: Order, Mr. Kiuna! It is Question Time. Apparently, you do not have a question to ask. So, we will move on to the next Question, Dr. Otichilo.

ORAL ANSWERS TO QUESTIONS

Question No.009

MEASURES TO ENSURE EMUHAYA DISTRICT BENEFITS FROM LVEMP

Dr. Otichilo asked the Minister for Regional Development Authorities:-

- (a) what measures he is taking to ensure that Emuhaya District benefits from the second phase of the Lake Victoria Environmental Management Programme which was approved by the World Bank; and,
- (b) what the Ministry's plans are to promote fish farming and horticultural programmes in the district.

Mr. Speaker: Where is the Minister for Regional Development Authorities? Is there any Minister who can hold brief for the Minister for Regional Development Authorities?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I request that the Question be deferred. It is obvious the Minister is not here. I do not want to take his brief on the reasons why he is not here. I request that you defer the Question to Thursday afternoon.

Mr. Speaker: Order, hon. Members! This Question is deferred to tomorrow morning. The Minister should be advised by the Minister for Lands to ensure that he comes with an explanation to the House as to why he was not here this afternoon to answer the Question. I think the Minister is out of order and without an explanation, he can be dealt with in accordance with the provisions of the new Standing Orders.

(Question deferred)

Mr. Ochieng: Mr. Speaker, Sir, before I ask my Question, I would like to state that I have not been supplied with the written answer.

Question No.021

IMPROVEMENT OF CONDITIONS IN
KATITO/SONDU MARKETS

Mr. Ochieng asked the Deputy Prime Minister and Minister for Local Government: -

(a) what plans he has to provide clean water, toilet facilities and generally improve the conditions of Katito and Sondu markets considering that the markets lack those facilities and become muddy during rainy seasons; and,

(b) when the Ministry plans to construct a market at Kolweny Shopping Center along Kisumu-Kendu Bay Road.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I got information from the Office of the Deputy Prime Minister and Minister for Local Government that he is in Kericho. He was supposed to be here a little bit earlier. In fact, we were supposed to attend the Parliamentary Select Committee meeting this morning. He had asked me to request that the matter be deferred if he does not make it to this House in time this afternoon.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. This Government has over 40 Ministers who are paid by taxpayers. They are casually taking the business of this House as if it is a joke. They have not supplied any written answer for Ordinary Questions. This is not the first hon. Member to complain that he has not received a written answer. An Ordinary Question is not the same as a Private Member's Question. So, I am surprised. They are just here. What is happening with this Government? Are they tired? If they are tired, they should tell us so that we take over. We are here. We are waiting!

(Applause)

Mr. Speaker: Order, hon. Members! The Minister will respond to that point of order.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, certainly, we are not yet tired. I want to inform the hon. Member that there was a bit of restructuring of Government last week. The Assistant Minister in that Ministry was promoted to the Ministry of Nairobi Metropolitan Development. So, the Minister's hands are a little bit tied. When the time comes, we will answer that Question if given time. As to whether or not we are being paid to work, that I admit, we are being paid, including Mr. Mungatana. He is doing a good job.

Thank you.

Dr. Eseli: On a point of order, Mr. Speaker, Sir. Now that we do not have a Leader of Government Business, in what capacity is Mr. Orengo answering those queries?

(Laughter)

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, Dr. Eseli is a doctor. However, he does not read the Constitution that he carries when he is being sworn in as a Member of Parliament. Under the doctrine of collective responsibility, which is provided for under Section 16 of the Constitution, I am, in fact, within my right to speak for and on behalf of the Government. Probably he does not believe me but I am part of it.

Mr. Speaker: Order, hon. Members! That response makes good sense in ordinary jurisprudence as well as the politics of the day. That Question is, therefore, deferred to tomorrow afternoon.

(Question deferred)

Mr. Orengo, please, note that as things stand now, a Minister is out of order if he does not answer a Question put to him. He must come with a rationale explanation as why he was not here to answer this Question. Otherwise, he will have to be dealt with, as the Standing Orders provide.

Next Question, Mr. Olago.

Question No.028

CONSTRUCTION OF FULLY-FLEDGED GOVERNMENT
CHEMIST COMPLEX IN KISUMU

Mr. Speaker: This hon. Member is away currently, on parliamentary business. However, it is expected that, perhaps, he will be here before we come to the end of Question Time. So, we will leave this matter in abeyance until later.

Next Question, Mr. Kaino!

Question No.037

MONEY OWED BY PYRETHRUM
BOARD OF KENYA

Mr. Kaino asked the Minister for Agriculture: -

- (a) how much money is owed to farmers by Pyrethrum Board of Kenya (PBK) for dried flowers delivered in Marakwet District; and,
- (b) what steps the Government has taken to pay the farmers for the produce and assist them to grow the crop profitably.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, I beg to reply.

The Pyrethrum Board of Kenya owes growers from Marakwet District Kshs2.8 million being payment for dried pyrethrum flowers delivered between April 2008 and March 2009. The Government has availed Kshs70 million in the current Supplementary Estimates to the Pyrethrum Board of Kenya to pay farmers' arrears. The Ministry and the PBK will roll out programme to regularize payments for the current flower deliveries by privatizing the dues.

Mr. Kaino: Mr. Speaker, Sir, while I appreciate what the Assistant Minister has said but I think the Ministry of Agriculture is not serious with pyrethrum. My Question has two parts, "a" and "b". In "a" I wanted to know how much money PBK owes farmers in Marakwet District. Secondly, since this is the only cash crop in Marakwet District, what measures has the Government taken to assist farmers to recover from the economic losses that they have incurred.

Mr. Mbiuki: Mr. Speaker, Sir, the Ministry has made a commitment to release Kshs2.8 million owed to the Marakwet farmers before June, 2009. At the same time, through the Supplementary Budget, we have requested for parliamentary approval for Kshs70 million so that we can sort out all the arrears. In addition to that, the Ministry has come up with serious measures so that we can address all the issues that have been raised by the hon. Member. The Ministry is in the process of increasing the pyrethrum flower production through various methods. First, we want to increase the production and availability of quality planting materials from the PBK's nurseries. Secondly, we want to outsource the propagation of planting material to supplement production from PBK nurseries. We are also in the process of clearing all outstanding growers' payments. We are also in the process of reducing the cost of operation through the restructuring and reorganization of the PBK operations thereby increasing the benefits to growers.

Mr. Litole: Mr. Speaker, Sir, I asked a similar Question last year. I want the Assistant Minister to assure this House that there will be constant payment to farmers.

Mr. Mbiuki: Mr. Speaker, Sir, I want to assure this House that immediately the Supplementary Budget is approved, we will clear all the arrears owed to the farmers. Secondly, in the new financial year, we plan to pay the farmers upfront Kshs150 per kilogramme for the pyrethrum delivered to the Board.

Mr. Mututho: Mr. Speaker, Sir, from a report laid on the Table of this House, this Ministry confirmed that indeed Kshs3.4 billion had been stolen from farmers. Could the Assistant Minister tell us what steps he has taken to recover the Kshs3.4 billion?

Mr. Mbiuki: Mr. Speaker, Sir, I want to acknowledge that approximately Kshs3.4 billion got lost from the Pyrethrum Board of Kenya and at the same time several former employees of the company and Board members were prosecuted. The Report of the Committee on Agriculture, Lands and Natural Resources on this issue is yet to be discussed in this House.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. I am surprised that the Assistant Minister is misleading this House. That report was exhaustively discussed and adopted by this House. He should be up to date with what happens in the House.

Mr. Mbiuki: Mr. Speaker, Sir, I would like to clarify that indeed the Kshs3.4 billion got lost but the Ministry is in the process of recovering the money from the said former employees and Board members and the due process of law is taking place.

Mr. Speaker: Last question, Mr. Kaino!

Mr. Kaino: Mr. Speaker, Sir, I want to know from the Assistant Minister why this has been a fertile place for looters. This parastatal has been a place where all looters have been going to collect money. What steps does the Government intend to take to make farmers benefit from their own sweat?

Mr. Mbiuki: Mr. Speaker, Sir, we have restructured the Pyrethrum Board of Kenya and we are in the process of recruiting the new Managing Director. We are also making an effort to ensure that from July this year, all farmers are paid for all the deliveries so that they can be motivated to go back to their farm and produce adequate pyrethrum.

Question No.056

ISSUANCE OF TITLE DEEDS TO YIKIVUMBU
LAND OWNERS

Mr. Kiilu asked the Minister for Lands:-

(a) why the 392 land owners of Yikivumbu adjudication section in Nguu Division, Nzaui District, whose land was surveyed in 2006, have not been issued with title deeds; and,

(b) when he will issue the title deeds.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I beg to reply.

Yikivumbu is not an adjudication section. In fact, it is Government land but we have taken steps to reserve the land for purposes of a squatter settlement scheme. Before the squatters can be given title deeds, the land must be planned, surveyed and registered. For now, it is Government land and until it is reserved as a settlement scheme, we may not be able to do what the hon. Member requires immediately.

Mr. Kiilu: Mr. Speaker, Sir, I am amazed by that answer because in 2006, the Minister, through his officers in the district, went round this piece of land and registered those squatters and gave them sheets of paper indicating the pieces of land that they own. Could the Minister confirm whether that land would be solely for 392 Yikivumbu families?

Mr. Orengo: Mr. Speaker, Sir, I think somebody was just being charitable when my predecessor went there in 2006/2007 and declared that the squatters who were on that land were going to be settled, but there is an entire and distinct legal process that requires to be undertaken. If it was Trust land it would have been much easier but since it is Government land the process is a little bit complicated. I can assure you that in the next financial year, this is one of the schemes where people would be settled. The people who would be settled have been identified and we know them by names.

Mr. Speaker: Last question, Mr. Kiilu!

Mr. Kiilu: Mr. Speaker, Sir, with that assurance from the Minister, I will take it that he will not introduce other people to that scheme and I want him to assure this House that he will do so.

Mr. Orengo: Mr. Speaker, Sir, I urge the hon. Member to continue coming to the Ministry of Lands. We have been working very well up to last week. Continue coming and ensure that no new names are introduced.

*Question No.058*CRITERIA FOR RECRUITMENT PER DISTRICT
INTO THE ARMED FORCES

Mr. M'Mithiaru asked the Minister of State for Defence:-

(a) to provide the per-district statistics of the just-concluded recruitment into the armed forces; and,

(b) what criterion is used to determine the number to be recruited from each district?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):
Mr. Speaker, Sir, I beg to reply.

(a) The Question by the hon. Member for Igembe North to the Ministry of State for Defence to avail or provide statistics per district for the just concluded recruitment exercise touches on national security. However, the House Committee on Defence and Foreign relations can provide these details because we discussed with them in a meeting we had last month. I think the hon. Member can get that information from there.

(b) The hon. Member wanted to know the criteria used to determine the number to be recruited for each district. The criteria used to determine the number recruited in the armed forces is based on---

Mr. Koech: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to avoid answering the question and refer the same to the Committee?

Mr. Speaker: Order! As I heard the Assistant Minister's response to part (a), he stated that the Committee that oversees this department is carrying out an inquiry into this matter and that the department has supplied information to the Committee. The standard practice and what is expected of a Committee inquiring into any matter is that the Committee prepares a report which is tabled in the House. The House then considers the report and either adopts or rejects it or directs as it may deem appropriate. That should give direction to the House. Therefore, I think the Minister is in order.

Mr. Baiya: On a point of order, Mr. Speaker, Sir. I have the written answer from the Assistant Minister. He did not say that the matter is with a Committee of the House but he said that he cannot answer the Question because it touches on national security. Therefore---

Mr. Speaker: Order! The Assistant Minister did not say that. He said that he has supplied the information to the relevant Departmental Committee. That is what I heard.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):
Mr. Speaker, Sir, I said that the issue touches on national security and that we discussed the matter with the Committee on Defence and Foreign Affairs and we are in the process of concluding the same. Let me continue to answer part (b) of the Question.

Mr. Speaker, Sir, the criteria used in recruiting members of the public to the armed forces is based on the armed forces policy and regulations and we have not changed that.

Mr. Speaker: What is that criteria? Supply that information to the House.

Maj-Gen. Nkaisserry: Mr. Speaker, Sir, the recruitment exercise for servicemen and servicewomen in all districts is normally carried out in all district headquarters countrywide. The district headquarters are usually determined by the Ministry of State for Provincial Administration and Internal Security. Recruitment is division-based for every district. That is, there are slots for every district and they are distributed among the divisions in that district. Igembe North District is composed of Lari, Mutuachi and Ntoleli and the hon. Member has the answers as per the division of his district.

Mr. Shakeel: Mr. Speaker, Sir, I would like to ask the Minister why the recruitment for Kisumu East District was postponed, and when does he propose to carry out the recruitment for that district?

Mr. M'Mithiaru: On a point of order, Mr. Speaker, Sir. I was not given a chance to respond immediately the Assistant Minister finished giving his answer.

Mr. Speaker: There is no rule that says that you must respond first.

Mr. Assistant Minister, proceed!

Maj-Gen. Nkaisserry: Mr. Speaker, Sir, as you realize, the question by hon. Shakeel is totally different.

(Mr. Shakeel stood up in his place)

Mr. Speaker: Order! Order, Mr. Shakeel! Proceed, Mr. M'Mithiaru!

Mr. M'Mithiaru: Mr. Speaker, Sir, I am surprised by the Assistant Minister's answer to this Question. One, the import of the Question was addressing the issue of fairness in the recruitment of officers in the armed forces. It is not news that issues of corruption and people giving out money so that they can be recruited have been rife all over the country, including last year.

(Applause)

Mr. Speaker, Sir, we know that in most Ministries, when they are recruiting, they indicate in the Press that they are going to recruit so many people in a district. But in that one, they did not indicate the number of people to be recruited. Even the recruiting officers who were at the venue did not tell the people: "We are going to recruit this number." They just went ahead with the exercise and picked a certain number.

So, Mr. Speaker, Sir, I am asking for the list of the recruits per districts so that we can be sure there was fairness. Secondly, we want to know whether the people who were picked at the venue are the ones who actually reported at the headquarters or whether others were added later.

Mr. Speaker, Sir, I was not mad when I asked this Question. He says he cannot answer it because it is a security matter. I have even taken the trouble to go to the Minister's office and I was not able to access his office! On this score, I will say that the Minister's office should be removed from the Department of Defense Headquarters to another venue where hon. Members can access him easily.

(Applause)

So, Mr. Speaker, Sir, I am not satisfied with the answer that the Assistant Minister has given, because it is not really a security issue.

Mr. Speaker, Sir, the other one is on the criteria. We do not know the guidelines and the requirements! I got this answer when I was already in the Chamber. I was not able to certify with the relevant Departmental Committee of Parliament on whether they are actually having an investigation or not. So, I am really at a loss. But my issue is: Could he give us the criteria? With that, we can actually know the fairness. What criteria did you use to recruit seven in Igembe North District and 12 in another district?

(Applause)

Maj-Gen. Nkaisserry: Thank you, Mr. Speaker, Sir. You know the hon. Member has just made a statement. We want specific questions so that we can give specific answers!

Mr. Speaker, Sir, I said the criteria is based on districts, and also divisions. I specifically said that! Standing Order 43(11) gives me the options. That is why I mentioned national security. Once we are through with the Departmental Committee on Defence and Foreign Relations, this hon. Member can get the answer from the Committee Members.

So, Mr. Speaker, Sir, I have been very specific and I have given the answers to the hon. Member.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that the hon. Members of the Departmental Committee on Defence and Foreign Relations have the answers to this Question. I would like to challenge the Assistant Minister that I am a Member of that Committee and at no time have we ever been told the number of recruits per district!

Thank you, Mr. Speaker, Sir.

(Applause)

Maj-Gen. Nkaisserry: Mr. Speaker, Sir, it is very unfortunate, because the hon. Member was not in the last meeting, when we met with the Departmental Committee on Defence and Foreign Relations!

(Applause)

(Mr. Mbadi stood up in his place)

Excuse me, Mr. Speaker, Sir! I said that we are discussing this issue with the Departmental Committee on Defence and Foreign Relations.

Mr. Keynan: On a point of order, Mr. Speaker, Sir. I am the Chairman of that Committee and I want to confirm to the House that hon. Mbadi was present in that meeting and, therefore, the Assistant Minister is misleading the House. Is it in order for the Assistant Minister to mislead the House when we know very well that hon. Mbadi participated in that meeting?

Maj-Gen. Nkaisserry: Mr. Speaker, Sir---

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

Mr. Speaker: The Assistant Minister is responding to a point of order. Please, respect him!

Maj-Gen. Nkaiserry: Mr. Speaker, Sir, I am very surprised by the Chairman of the Departmental Committee on Defence and Foreign Relations, whom we agreed that we will discuss this issue at length and in detail. He should have come up and said: “Yes, we are discussing this issue and, therefore, there is no point of just talking about his member!”

(Laughter)

Mr. Speaker: Order! Order, hon. Members! From what has transpired out of the responses, claims and counter claims, it is apparent that the Departmental Committee on Defence and Foreign Relations is carrying out some kind of an inquiry into this matter. That appears to be the correct position!

(Applause)

That being so, the House will have to await the Report of the Committee to interrogate this matter further, so that if the Report of the Committee falls short of providing answers to some of the issues being raised now, then we will deal with the matter at that stage. So, let us cross the bridge when we get to it. Let us not pre-empt the findings of the Committee on its inquiry!

Last question, Mr. M’Mithiaru!

Mr. M’Mithiaru: Thank you, Mr. Speaker, Sir. In view of that ruling, could the Assistant Minister just inform me how many were recruited in Igembe North District?

Maj-Gen. Nkaiserry: Mr. Speaker, Sir, in Igembe North District, we recruited seven. Three in Laare Division, two in Mutuati Division and two in Ndoleni Division. The total number was seven.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: That brings us to the end of that matter and, indeed, Question Time, except that the Question by the hon. Member for Kisumu West, Question No.28, is deferred until Thursday, this week, at 2.30 p.m.

Question No.028

CONSTRUCTION OF FULLY-FLEDGED GOVERNMENT
CHEMIST COMPLEX IN KISUMU

(Question deferred)

Mr. Speaker: We will now take Ministerial Statements, if there are any, before we come to request for Ministerial Statements.

Yes, Minister?

MINISTERIAL STATEMENT**MYSTERIOUS DISEASE IN BUNGOMA
DISTRICT**

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Speaker, Sir. Hon. Wamalwa asked for a Ministerial Statement concerning a strange mysterious disease in Bungoma. That is the one I want to address.

Mr. Speaker, Sir, the hon. Member wanted me to confirm to the House and the nation that the mysterious disease is not the dreaded Swine Flu that has hit Mexico and other parts of the world. I wish to confirm to this House that this was not a mysterious disease and further confirm that it was not the dreaded Swine Flu. I wish to state that there have been cases of diarrhoea, especially in Bungoma South District, since the last week of March, 2009. Some of these cases have been confirmed to be cholera while others have been diagnosed as dysentery. They have responded to treatment administered at the health facility and only one case succumbed to death.

With regard to people who died from the same family from the so-called mysterious outbreak, I wish to confirm the following, that five deaths occurred in Kabula Sub-location from different diseases. Three cases were from a family; the father, the mother and the daughter. The father was a 30 year old man admitted at Bungoma District Hospital on 24th April, 2009 due to injury. He developed meningitis and died on 29th April, 2009, while undergoing treatment.

The mother was a patient who was attending the hospital for renal failure and tuberculosis. She was re-admitted to Bungoma District Hospital on 24th April, 2009. She succumbed to her illness on 1st May, 2009, while undergoing treatment. The daughter, a two year old child, died on admission to Webuye District Hospital on 25th April, 2009 due to severe anemia. It is regrettable that they all died one after the other. The other two cases are a 92-year-old and a 73-year-old who succumbed to old age related illness.

I wish to confirm to this House that this was not a mysterious disease and the causes of death were due to the underlined diseases for which they were receiving treatment.

If not, what measures has the Government put in place to deal with the situation? My Ministry is implementing activities to prevent any further spread of cholera and dysentery in the district. This includes health education activities to improve general hygiene and sanitation, household water chlorination, enforcement of the Public Health Act, including banning of food hawking and prompt treatment of confirmed cases.

On the steps the Government has taken to ensure that Kenyans are protected from the Swine Flu menace, I wish to bring to the attention of the hon. Members the following measures:-

(i) my Ministry has established a Central Response Committee, which meets daily to support and report to the existing multi sectoral influenza expert task force;

(ii) we have enhanced surveillance for influenza at the 26 surveillance sites around the country and no human case of new influenza has been detected, so far, in Kenya;

(iii) sensitization of health workers in public and private health institutions on the disease identification and collection of appropriate samples for testing from suspected cases is ongoing;

(iv) health institutions and points of entry within high risk areas have been supplied with appropriate protective equipment and sampling kits;

(v) additional communication materials for public awareness have also been developed for distribution and the process is ongoing; and,

(vi) we have enhanced surveillance at the international ports of entry, namely: Jomo Kenyatta and Moi Airports. Health workers are screening all travellers originating from countries, which have been confirmed to have the flu. A nationwide influenza alert has been issued to all health workers with details about symptoms and actions to be taken in the event of any suspected Swine Flu.

The laboratory testing capacity at National Influenza Centre, Kenya Medical Research Institute (KEMRI) has been strengthened by provision of more testing kits. Adequate and preventive drugs have been stocked to treat any confirmed cases.

Mr. Speaker, Sir, my Ministry and the stakeholders who include the World Health Organization (WHO) and neighbouring Ministers of Health continue to be on high alert. We are consulting continuously.

Mr. Wamalwa: Mr. Speaker, Sir, I wish to thank the Minister for assuring the House and the nation that Swine Flu has not hit Kenya yet. In the circumstances, I would like her to confirm under whose authority some officers purporting to be from her Ministry and the Ministry of Livestock Development are killing pigs in Kitale Town. They killed 60 pigs in Mitume area. They are now moving to Tuwani area. There is an outcry from pig farmers. What is she doing about this, if there is no Swine Flu in Kenya?

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, I think some people are over-anxious and taking some actions which are not necessarily orders from my Ministry. I was informed that the same thing is going on in Thika. I would like to confirm to the nation that at this time, the Swine Flu is being passed from human to human. It has nothing to do with pigs! Therefore, please, spare the pigs. The Ministry in charge of veterinary services are part of the committee that meets daily to keep people updated.

Mr. Speaker, Sir, I would like to add that the WHO has not put any travel ban. That means they have found out that the outbreak is not as serious as it had been feared. However, we still have to take care not to do things that we should not do. Thirty countries have reported cases of Swine Flu worldwide. As per last night, 4,694 cases had been reported worldwide.

Mr. Mungatana: Mr. Speaker, Sir, could the Minister tell us whether she is issuing a directive that pigs must not be slaughtered now or is she pleading with her officers not to kill the pigs? We want an authoritative statement saying: "Do not kill the swines." She should not tell us: "Please". Please, what? Talk like a Minister!

(Laughter)

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, I am not the Minister responsible for the pigs. I am the Minister responsible for the health

of people in this country. I am telling the officers of health not to give such orders. We have no orders to kill the pigs yet. Should the need arise, we will inform the nation.

Mr. Wamalwa: Mr. Speaker, Sir, if the Minister has confirmed that there is no such order for the pigs to be killed, will the Government compensate those whose pigs have already been killed? Could she give us an undertaking?

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, this is hearsay. I do not even know if they have been killed or not.

Mr. Speaker: We must make progress now. Yes, Mr. Konchella.

POINTS OF ORDER

KILLINGS ALONG MIGORI/ TRANSMARA BORDER

Mr. Konchella: Mr. Speaker, Sir, I stand to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. My request for this Statement concerns the killing around the border of Migori and Trans Mara districts. Some bizarre killings have been reported in Ogwethi Market with bodies of victims mutilated and private parts chopped off. Eight people were massacred between the nights of 15th April and 3rd May.

Could the Minister issue a Statement regarding the following:-

(i) whether investigations have been carried out to ascertain the cause of the killings;

(ii) what action is being taken to restore order;

(iii) what assurance the Minister will give me concerning my personal security following threats by the Assistant Minister, Ministry of State for Provincial Administration and Internal Security, on the Floor of this House that I am under investigation; and,

(iv) when he will table in this House the final report on the investigation on the security of the two districts.

Mr. Speaker: Prof. Saitoti, when will you make that Ministerial Statement available?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I would like to seek the indulgence of the House to present the Ministerial Statement on Thursday.

Mr. Speaker: It is so ordered!

Mr. Letimalo!

Mr. Letimalo: On a point of order, Mr. Speaker, Sir. I rise on a point of order to seek two Ministerial Statements. The first one is directed to the Minister for Public Health and Sanitation.

OUTBREAK OF MYSTERIOUS DISEASE IN SAMBURU EAST DISTRICT

Mr. Speaker, Sir, there has been an outbreak of a mysterious disease in Waso Division of Samburu East District. The disease is suspected to be cholera because people

affected diarrhea and vomit. Two people have so far died and over 20 others are admitted to Archer's Post Mission Health Centre with similar symptoms. That was as at 9th May, 2009. Therefore, I am seeking the following clarifications:-

(a) whether the Minister could establish what the disease is and state how many more people have succumbed to it;

(b) what areas have been affected within the division and the rest of the district;

(c) why the Government has taken so long to mobilize medical personnel to reach the affected areas, considering the fact that up to now, no public health official has visited that area;

(d) what precautions the Ministry is taking to ensure that the disease does not spread to the rest of the district and the neighbouring districts.

Mr. Speaker: When will that Ministerial Statement be available, Madam Minister!

The Minister for Public Health and Sanitation (Mrs. Mugo): Maybe, Tuesday next week, Mr. Speaker, Sir.

Mr. Speaker: It is so ordered!

What is your second Ministerial Statement, Mr. Letimalo?

CLARIFICATION ON ALLEGED PRESENCE
OF OLF REBELS IN KENYA

Mr. Letimalo: Mr. Speaker, Sir, my second request for Ministerial Statement is directed to the Minister of State for Provincial Administration and Internal Security.

Members of the Oromo Liberation Front (OLF) numbering about 100 crossed into Kenya from Ethiopia, and have been staying around Kom, the common border of Isiolo/Samburu East/Laisamis districts. It is reported that the OLF rebels were transported by lorries at night, with the facilitation of some NGOs with interest in Marsabit and Isiolo districts. The rebels are reported to be armed with sophisticated firearms and, therefore, are causing a lot of fear to the residents of the three districts. I am, therefore, seeking the following clarifications from the Minister:-

(i) whether he could confirm or deny the presence of OLF rebels in Kenya;

(ii) whether he could confirm that the OLF rebels are being facilitated by NGOs operating in Kenya, and if not, state how they entered Kenya in the first place;

(iii) whether he could tell the House what the mission of the OLF rebels in Kenya is; and,

(iv) whether he could assure the residents of the three districts that their security and that of their property is guaranteed.

Mr. Speaker: Prof. Saitoti!

The Minister for State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, the Ministerial Statement will be brought to the House next week, because I appreciate that a number of very substantive issues have been raised.

Mr. Speaker: It is ordered that the Ministerial Statement comes on Tuesday, next week.

(Mr. K. Kilonzo stood up in his place)

Mr. Speaker: What is it, Mr. K. Kilonzo?

CLARIFICATION ON ALLEGED SALE OF CONTAMINATED
MAIZE TO KENYANS

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Prime Minister in view of the various public and contradictory statements issued by various Government agencies concerning the contaminated maize, more so, yesterday's statement from the Minister for Public Health and Sanitation – that, that poisonous maize could have found its way into the shops. More so, there are also leaders who have gone to the media, telling the public to be careful and to look out for that maize when they go to the shops. In view of those facts, I would want the Prime Minister to clarify the following:

(a) tell the House who gave instructions for the maize to be off-loaded, confirm whether, after it was off-loaded, it was destroyed and, if it was destroyed, where the Ministry of Public Health and Sanitation was during that exercise since the Minister does not seem to be aware of such destruction; and,

(b) under whose authority the maize was off-loaded from the ship, since it appears that various Government agencies appear to be unaware of what happened.

Mr. Speaker, Sir, in view of the fact that Kenyans all over the country are now in panic, we want that Ministerial Statement to be issued as soon as possible, so that Kenyans can know whether maize in our shops now is safe or unsafe for human consumption. This matter touches lives of Kenyans.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Fair enough! Is there any representation from the Office of the Prime Minister?

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, indeed, there is already a Question over the matter, but we can undertake to give an answer at the time the Prime Minister will be issuing a Statement next week on Wednesday.

Mr. Speaker: Wednesday, next week. It is so ordered!

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. I am alive to the fact that a Question similar to this request has been raised. However, the urgency of my request has been caused by the fact that the Government has said that the maize is contaminated, and that it is already circulating in the market. People are dying. We want to know: Are they dying because of this maize? Are Kenyans safe to continue buying maize from shops? So, you will agree with me that next week is too far. I would request the Government to take this matter seriously and issue the Ministerial Statement sought tomorrow.

Mr. Speaker: Mr. Otieno, great urgency has been brought out.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, if the Question is being addressed to the Prime Minister, the answer will be brought on Wednesday. However, if he wants to address it to any of the relevant Ministers, either Minister for Agriculture or Minister for Public Health and Sanitation – we will be able to give an answer as appropriate, in view of all the urgency.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. We want this matter to be clarified. Is it this Wednesday, in which case it will be tomorrow, or are we talking about Wednesday, next week? We want him to undertake that it will be this Wednesday, in which case it will be tomorrow, Mr. Otieno!

Mr. Speaker: Order! That appears valid, because there is Prime Minister's Time tomorrow.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I talked of Prime Minister's Time on Wednesday, next week.

Hon. Members: No! No!

Mr. Speaker: Mr. Dalmas Otieno, please, try and let all systems go and see if you can bring this Ministerial Statement tomorrow. In the event that you are unable to do so, we will hear the Prime Minister as to why he will be unable to do so tomorrow, and the House will deal with the matter then.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, since the answer to the Question that had been raised before is ready for tomorrow, we will see if we can merge it with this request and respond appropriately.

Mr. Speaker: Yes, indeed! Proceed that way.

Mr. Anyanga!

STATE OF AFFAIRS ON MIGINGO ISLAND

Mr. Anyanga: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for East African Community on the state of affairs and progress made on Migingo Island. Following a joint meeting between Presidents Mwai Kibaki of Kenya and Yoweri Museveni of Uganda in Arusha recently, a joint Statement was issued on the way forward. Agreements reached between the two countries are not fully respected.

Mr. Speaker, Sir, yesterday, President Yoweri Museveni uttered insulting words aimed at the Luo Community on Migingo Island and Kibera Slum. Is Museveni trying to undermine the ongoing survey exercise and intimidate the Luo fishermen?

Mr. Baiya: On a point of order, Mr. Speaker, Sir. Is it in order for a Member of Parliament to raise issues concerning a foreign Head of State without bringing a substantive Motion?

Mr. Speaker: It is out of order!

Mr. Anyanga: Mr. Speaker, Sir, could I go ahead and finish my request for a Ministerial Statement?

Mr. Speaker: You can proceed but leave out aspects which touch on a President of a friendly foreign country unless you do so by moving a substantive Motion.

Mr. Anyanga: Mr. Speaker, Sir, then let me withdraw my request for the Ministerial Statement.

*(Mr. Anyanga withdrew his request
for a Ministerial Statement)*

Ms. Odhiambo: On a point of order, Mr. Speaker, Sir. Could you kindly clarify whether Uganda still qualifies as a friendly country?

(Applause)

Mr. Speaker: Order, hon. Members! It is not for the Chair to determine and evaluate the degree of friendliness. That falls within the province of the Ministry of Foreign Affairs. I shall leave it at that for the moment.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of order, Mr. Speaker, Sir. Could you give us guidance as to whether it is proper for the hon. Member to refer to a Head of State of a neighbouring country as “Museveni” and not “President Museveni”?

Mr. Speaker: I think that matter has been dealt with. The hon. Member for Nyatike has opted to withdraw the request as at now. So, let the matter rest there. Let us not introduce any other issues that are not necessary at the moment.

PERFORMANCE OF NSE/CMA/CDSC

Mr. Nyammo: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the performance of the Nairobi Stock Exchange (NSE), the Capital Markets Authority (CMA), the Central Depository and Settlement Corporation (CDSC) and the supervisory role of the Treasury. I would like the Minister to particularly answer the following questions: Why was the content of forensic audit report compiled by Pricewaterhouse on the stocks and equity market not released to the public officially? Why did the CMA allow some of the stock brokerage firms such as Nyaga Stock Brokers, Discount Securities Limited, and Francis Thuo and Partners to continue trading while they were not complying with the rules and regulations of the NSE? How much money was the public that invested in shares defrauded by these stockbrokers, and investment and commercial banks in the first five years? What has the Ministry of Finance done to restore investor confidence in view of the very poor state of the NSE, the CMA and the CDSC? Could the Minister confirm to this House as to whether there are other stockbrokers who are on the verge of collapse? Could he also give us their details? What steps has the Ministry taken to ensure that no stock brokerage firm collapses and that the investing public in the country is not defrauded?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, the Ministerial Statement will be issued on Tuesday, next week.

Mr. Speaker: The Ministerial Statement will be issued on Tuesday, next week. That is so ordered!

ASSAULT ON MR. BENJAMIN WASHIALI IN MUMIAS TOWN

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. I had requested for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security with regard to an issue that occurred in Mumias Town on 31st March this year when Mr. Washiali was assaulted and his right hand fractured.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I seek your indulgence on this matter. I have looked at the Ministerial Statement that I was to issue in this House and found that it should be

polished. I was not in agreement with the way it was done. In that respect, I request to be allowed to issue it on Tuesday, next week.

Mr. Speaker: What do you have to say, Mr. Wamalwa?

Mr. Wamalwa: That is fine, Mr. Speaker, Sir.

Mr. Speaker: Many Ministerial Statements will be made in this House on Tuesday, next week. So, this one will be made on Wednesday, next week at 2.30 p.m.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, that is all right.

Mr. Speaker: That then brings us to the end of the hon. Members who have requested for Ministerial Statements.

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

Mr. Speaker: What is it, Mr. Konchella?

PERSONAL STATEMENT

MR. OJODE'S UNSUBSTANTIATED ALLEGATIONS AGAINST MR. KONCHELLA

Mr. Konchella: Mr. Speaker, Sir, I rise pursuant to Standing Order No.76 to make a Personal Statement. My Statement arises from the malicious utterance made by Mr. Ojode, the Assistant Minister of State for Provincial Administration and Internal Security on the Floor of this House on Thursday, 7th May, 2009 to the effect that I am under investigation for incitement.

Mr. Speaker, Sir, I categorically and emphatically state that I have never, throughout my political career, incited my community against another. In fact, I am known as a peacemaker in my constituency and in the country. Four communities, namely, the Kipsigis, the Kisii, the Luo and the Kuria with whom we share peace and development surround my constituency. These communities are represented in this House by Messrs Lankas and Isaack Ruto, Dr. Laboso, Prof. Ongeru, Mr. Obure and the former Member of Parliament, Mr. Onyancha. Others are Messrs Omingo, Dalmas Otieno, Kajwang, John Pesa, and Dr. Machage. The above hon. Members can attest to my record as a peacemaker.

It is true that there was tension and, indeed, fighting along the Migori/Transmara Border. This fighting has nothing to do with me as a Member of Parliament. Between May, 2008 and April, 2009, more than eight people were killed and several seriously injured. The bodies of the eight people were mutilated by removal of their tongues, livers and private parts. The killing of Mr. Siokilo ole Ntome on 15th April, 2009 at Ogwedhi Market in a bizarre manner and non-reaction by the Transmara District Security Committee (DSC) sparked the violence. Subsequently, revenge and counter-revenge by both communities led to the death of ten people on both sides of the border. Indeed, I condemn these acts of violence. My colleague, Mr. Pesa, visited the market and talked to both communities on Thursday, 23rd April, 2009.

On Friday, 24th April, 2009, I sought a briefing from the District Security Intelligence Committee as to the situation on the ground.

(Mr. Pesa stood up in his place)

Mr. Speaker: Order, Mr. Pesa! Personal Statements brought under Standing Order No.76 are not open to interruption!

Proceed, Mr. Konchella!

Mr. Konchella: Mr. Speaker, Sir, on Friday, 24th April 2009, I sought a briefing from the District Security Intelligence Committee (DSIC), Trans Mara District, regarding the situation on the ground. The DSIC assured me that the situation was under control. I, however, insisted that the Officer Commanding Police Division (OCPD), Trans Mara, the District Criminal Intelligence Officer (DCIO) with the District Commissioner (DC) accompany me for a pre-planned fundraising at Narono along the common border where the clashes were. The OCPD, the DCIO, the District Officer (DO), Keyan, and the officer in charge of Anti-Stock Theft Unit (ASTU), Masurura, accompanied me. At the *baraza*, I appealed to the public to maintain peace and co-exist peacefully among the various communities who live within the border and my community.

I want to set the record straight that the utterances of the Assistant Minister on the Floor of the House were baseless and intended to intimidate me from speaking for my constituents in Parliament. These utterances were intimidating and will set a bad precedent in this House. In fact, I read political malice that my political detractors, who are well known in the constituency, may have influenced the Assistant Minister. The Mara Conservancy is a contentious issue between the directors of the company and myself because that company is hell bent to fleece Trans Mara County Council. This is the group, which is in a smear campaign to malign my supporters and me. Recently, this group arrested the chairman and the chief warden of Trans Mara County Council and forcibly charged them with incitement at Naivasha Law Courts. This cartel boasts of having high and powerful political connections in the Government and the Judiciary.

Mr. Speaker, Sir, with this Statement, I put the record straight and deny having incited anybody.

Thank you.

Mr. Speaker: Order, hon. Members! Before we proceed to the next Order, I have the following Communications to make.

COMMUNICATIONS FROM THE CHAIR

CONSIDERATION OF PRESIDENT'S MEMORANDUM ON THE FISCAL MANAGEMENT BILL, 2008

Mr. Speaker: First, as you are aware, His Excellency the President submitted a memorandum on the Fiscal Management Bill, 2008, on 12th February 2009, indicating specific provisions of the Bill, which should be reconsidered by the National Assembly, including recommendations for amendments. The previous Standing Orders did not provide a timeframe in which the President's Memorandum should be considered. However, pursuant to the provisions of the new Standing Order No.125 (6), the aforesaid President's Memorandum should be dealt with by the House within 21 days from 21st April, 2009. This will have meant that the Memorandum should be considered not later than Wednesday, 13th May 2009. I directed the Clerk of the National Assembly to circulate the Memorandum to all hon. Members on 12th February 2009. Since this was

during the Second Session of the Tenth Parliament, I once again, direct the Clerk of the National Assembly to circulate this Memorandum. Exercising the Chair's discretionary powers under Standing Order No.1, I direct that the Memorandum be considered on Thursday, 14th May, 2009, at 2.30 p.m.

(Applause)

PROGRESS REPORT ON 2008/2009 SUPPLEMENTARY ESTIMATES:
DEFERMENT OF SUPPLEMENTARY APPROPRIATION BILL

Secondly, hon. Members, you will recall that last Thursday I directed the Budget Committee and the Departmental Committee on Finance, Planning and Trade to jointly inquire into the Supplementary Estimates for the Fiscal Year, 2008/2009 and report to the House on whether or not there are any inconsistencies in the Supplementary Estimates tabled and approved by the House on 29th April, 2009. I now call upon the Joint Chairs to the two Committees to update the House on the progress made and why there has been no compliance at this point.

Mr. Okemo: Mr. Speaker, Sir, indeed, the task that you assigned the two Committees was heavy. The implications were far reaching. They were of national importance and unprecedented because it had never happened before. So, the Committee has had several meetings. We have also heard the Minister, the Permanent Secretary and the Budgetary staff who have appeared before us. We have also heard testimonies from a number of outsiders like the MARS Group – I think they have a different name – but they have all appeared before us and we have taken evidence. We sat long hours everyday since that time including today until about 1.00 p.m. Unfortunately, we could not be able to get the report ready in time to be laid before the House. I am glad to announce that the report is ready now. I have it with me. If it is okay with you, we will lay it on the Table tomorrow morning. If the House Business Committee (HBC) can allocate time, we can debate it tomorrow afternoon.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. In view of your Communication and the progress report from the Chair, I am just reminded of what we did on 29th April, 2009 because we passed a Motion that basically allowed the Government to draw from the Consolidated Fund an amount that was for all intents and purposes erroneous. I am, therefore, asking you to guide us on whether it is not necessary for us to have a Motion before this House that will basically rescind that decision so that whereas we know that the Appropriation Bill might be capturing the right figure, it should not be founded on the wrong decision in the first place.

Mr. Speaker: Order! Order, Dr. Khalwale! I have heard you. I have listened very carefully and, indeed, the House has respected your submission up to that point. That is why they have given you the kind of audience that they have without any raised consultations. However, my assessment is that you want to pre-empt the report of the Committee.

(Applause)

Let us await that report and hear what recommendations they will make. It is possible that the Committee, perhaps, will carry in its report some of the matters that you are addressing now. So, let us leave it until the report is laid on the Table.

Having heard the progress report by the Chair on behalf of the two Committees, hon. Members, I am satisfied that the Committee has endeavored to do the utmost to ensure that they comply with the directions given by the Chair. I am informed that the Committee, in fact, worked through the weekend. For all intents and purposes, they did a 16-hour working day through the weekend.

I therefore, direct that the Committee tables its Report tomorrow morning. That is 13th of May 2009 at about 9.00 a.m. and that, the Report be placed on the Order Paper for 2.30 p.m. tomorrow.

Hon. Members, the Report will be tabled at or about 9.00 a.m. when it is expected that an appropriate Notice of Motion will be given for the adoption of the Report. The Report will then be on the Order Paper for 2.30 p.m.

Hon. Members, in view of this, I direct the Clerk of the National Assembly to ensure that all Members of Parliament get copies of the Report of the Joint Committee soon after it is tabled.

Consequently, therefore, hon. Members, Order. Nos. 8, 9 and 10 appearing on the Order Paper are deferred until the Report by the Joint Committee is disposed of.

Thank you.

Next Order!

MOTION

ADOPTION OF REPORT ON NOMINATION OF NATIONAL COHESION AND INTEGRATION COMMISSIONERS

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

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the nomination of Commissioners to the National Cohesion and Integration Commission laid on the Table of the House on 30th April, 2009.

Mr. Speaker, Sir, the Commission which we are hiring today, was established under Section 15(1) of the National Cohesion and Integration Act (2008). The membership of that Commission includes: -

- (i) a chairperson appointed by the President from amongst the Commissioners, who is to be approved by this House this afternoon and eight Commissioners;
- (ii) the Chairperson of the Kenya National Commission on Human Rights;
- (iii) the Chairperson of the National Commission on Gender and Development; and,
- (iv) the Chairperson of the Public Complaints Standing Order; *Ombudsman*.

Mr. Speaker, Sir, the objectives of setting up this Commission are stated in the Act, Section 25. The Commission is established to facilitate and promote equality of opportunity, good relations, harmony, peaceful coexistence between persons of different ethnic and racial communities in this country and further to promote elimination of all forms of discrimination on the basis of ethnicity or race.

Mr. Speaker, Sir, ethnicity is a problem that has bedeviled this country but which we have had denial from Independence to date. Ethnicity and problems of negative manifestation of ethnicity resulted in many yields in the country, especially those that led to the violence that we saw in the aftermath to the last General Elections.

Mr. Speaker, Sir, this issue has a historical genesis. At the time of Independence, those nationalists who fought for the independence of this country did not wish to address the problem of tribalism and ethnicity. This is because they felt that it was being used by the colonialists as a divisive mechanism to divide the people of this country. Thereafter, our intellectuals also failed to address this problem because they thought it was primitive and premedial. They did not think it had any place in a modern State.

Mr. Speaker, Sir, we all know that in this country and the rest of Africa, ethnicity and tribalism is the elephant in the room that has never been addressed. Indeed, I do not think the word "ethnicity" exists in our Constitution until we have had to settle this problem. If diagnosis is 50 per cent of the treatment, the very establishment of this Act and this Commission is a realisation of the problem we have as far as ethnicity is concerned.

Mr. Speaker, Sir, ethnicity is one of the most potent problems that face this country. Indeed, it is the most potent ingredient in the politics of this country like many other countries on this continent. It is not only a problem bedeviling Africa, because if you look at Europe, every nation essentially is an ethno-nation. Ethno-nationalism is responsible for almost all the wars that were fought in the continent of Europe including the last wars that were fought in the Baltics and the breakup of the Republic of Yugoslavia.

Mr. Speaker, Sir, therefore, this is a problem that requires full frontal attention and does not deserve to be pushed under the carpet. In the circumstances, it is timely that this House addresses this issue. The House should go ahead and set up the Ethnic Integration Act following the mediation process that took place at Serena Hotel.

[Mr. Speaker left the Chair]

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

The Commission represents the first institutional attempt to address the problem of ethnicity in the country.

Mr. Temporary Deputy Speaker, Sir, in terms of the process, these posts were advertised nationally in more than three dailies. Thereafter, the Committee on Administration of Justice and Legal Affairs received 109 applications and set up a sub-committee to handle the applications. Out of the 109 applicants, 30 were shortlisted for interviews and on 8th April, 2008, the Committee adopted the Report of the sub-committee that was set up to deal with this.

Mr. Temporary Deputy Speaker, Sir, on 16th April, 24 applicants were interviewed and on the 21st April, five others were interviewed. This led the Committee to propose the following names to the House for membership of the National Cohesion and Integration Commission. In accordance with the provisions of Paragraphs V and VI

of the First Schedule of the Act, the following are proposed for nomination to serve on that Commission: -

- (i) Dr. Mzalendo N. Kibunjia
- (ii) Ms. Milly Lwanga
- (iii) Ms. Fatuma M. Mohamed
- (iv) Dr. Ahmed Yassin
- (v) Mr. Joseph Kwaka
- (vi) Mr. Halakhe Dida Waqo
- (vii) Ms. R. Wanjiku Mbugua
- (viii) Ms. Alasa Osman Hirsi
- (ix) Mrs. Mary Onyango
- (x) Rev. Lawrence Bomett
- (xi) Ms. Amina A. Mwekaa
- (xii) Dr. Margaret Jessang Hutchinson
- (xiii) Ms. Alice Nderitu
- (xiv) Mr. Oliver Kisaka Simiyu
- (xv) Mrs. Jane Kiano, EBS

Mr. Temporary Deputy Speaker, Sir, I may add that out of these 15 the procedure is that the President will appoint eight to be Commissioners and one to be the chair. These will be added to the ones who are already serving either as Chair of the Kenya National Commission on Human Rights or Chair of the National Commission on Gender and Development.

It is heartening to note, and this was not by accident, that nine out of the 15 members are women. May I confirm that the Committee did not do any of these ladies a favour and they did, in fact, qualify on merit.

Mr. Temporary Deputy Speaker, Sir, having said that, we are happy that a Commission of this nature has a majority of those proposed by this House as women. While it has been a policy of this country for some time that a minimum of 30 per cent be of either gender on appointments by the Government, that has been more of lip service than reality. Therefore, we are very happy as a Committee to propose a Commission that has at least nine women out of the 15 members.

Mr. Temporary Deputy Speaker, Sir, without taking much of your time, I wish to thank the Departmental Committee members and members of staff from the Clerks Chamber for the support they gave the Committee on this matter.

In respect therefore, I wish to present to the House the Report of the Committee and names of the 15 qualified candidates for further consideration and subsequent adoption.

I beg to move and ask my good deputy chairperson to second.

(Applause)

Ms. Odhiambo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this Motion.

Mr. Temporary Deputy Speaker, Sir, in seconding the Motion I want to say that there is something that this Tenth Parliament is doing that we do not seem to recognize. That it is very positive on gender issues.

Mr. Temporary Deputy Speaker, Sir many a times we have called for recognition of gender issues. As my able Chairman has indicated in the past, whenever we have spoken about this, we have always had a situation where we have got token representation of women. This Committee has actually indicated the true spirit of equitable gender representation by showing in this case that we can have more women, but still ensure that no less than a third is men. I, therefore, want to congratulate the Tenth Parliament for the good work. It is not only in this Committee, but even in other Committees that have been appointed and commissioned, I have seen a positive gesture from this House. I want to thank, not only the Departmental Committee on Administration of Justice and Legal Affairs, but Members of this Tenth House for the good work that we have done.

In supporting and seconding this Motion, I would also want to note that the list that has been tabled before this House has representation of age in all its form in this country. We have the young, middle age and the old. This actually represents the face of Kenya. I want to thank the Committee for that good job. If you actually look at the representation, you will see that it is also diverse by ethnicity and thus reflects the face of Kenya. This is important because of the work that this Commission would do. Its work would basically to reconcile Kenyans. We have just come from a terrible situation. I know that many people have complained that not much has been done in terms of reconciling communities in Kenya. The main work of this Commission is to do just that.

With those few remarks, I beg to second.

(Question proposed)

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to support the Report. First of all, looking at the composition of the nominees, indeed, the Committee, which I am part of, did a wonderful job in ensuring that the issue that we have always heard about women leaders fighting for gender equity has been addressed. I think this was one thing that the Committee was very sensitive to. Out of 15 nominees, nine are women. They are women who have immense abilities and qualifications. They are women who come from all over Kenya. They are women who tell the tale of the many women who have suffered. In the event of any conflict on any continent, it is women and children who suffer the most. Therefore, on that score alone, the Committee did very well, apart from the regional balance and qualifications of the membership.

Mr. Temporary Deputy Speaker, Sir, the Commission we are putting in place has a very important duty. Looking at our history and background, we have come out of the post-election conflict. It is a year since we passed this law. Yet, after we passed the National Accord and Reconciliation Act, the only thing we were really fighting for and achieved was to end hostilities. This House passed the National Accord and Reconciliation Act. But beyond that, we, as a nation, have not done much towards healing. We have not done much towards cohesion and integration of the 42 tribes in Kenya. In 1992, we had a similar occurrence where people were killed and houses burnt in what was ethnic cleansing. In 1997, we had the same. In 2007, what we saw was actually a repeat of what had been there before, but what had never been addressed by this nation. With appointment of this Commission, they will embark on this very crucial

task of integrating Kenyan communities and promoting cohesion between communities. That is something that needs to be done and done immediately.

Mr. Temporary Deputy Speaker, Sir, we have had the problem of negative ethnicity in this nation. It is something that we need to work on. Talking about Tanzania, our neighbour here, Mwalimu Nyerere, the founding father of Tanzania, set a very firm foundation of one nation, one people. When you look at the founding father of Zambia, President Kenneth, also embraced the notion of one Zambia, one nation. But after our Independence, the issue of national cohesion is something we, as a nation, have not focused on. We have fallen into the traps of pulling into tribal cocoons and feeding our people when we get the chance to be in power. When one of ours is there, it is now our time to eat. These things have actually increased the gap between communities. It increased hostilities. It is time we started addressing them head on.

With those few remarks, I want to urge all Members to support and pass this Motion, so that this very important Commission can get to work.

The Assistant Minister for Trade (Mr. Omingo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion.

From the outset, I wish to support this Motion. The Departmental Committee on Administration of Justice and Legal Affairs has done a very good work. I happen to have served in this Committee and I know how professional it can be. As I support this Motion, I want also to impress upon Members of Parliament and Kenyans in general, to also take cognizance of the fact as we try to emphasize on gender equality and parity, let us not move too fast to the extent that sooner than later, we will have affirmative action for men. For a fact, it appears that is the way to go. But Ms. Odhiambo has also cautioned that the opposite gender must also be taken into account. The fact that we have women in this Commission demonstrates that women being mothers bear the serious pain of disintegration of society and are here to give us reconciliation. I think the more women in this forum the better. But of critical importance, we may not be able to reconcile our people unless we know what ails them. From the outset, we do know that part of the issues that Kenyans must come to terms with is the issue of disparities in terms of resources. It is critical that when this Commission comes into force, it needs to address the issues that affect the Kenyan population that push us not to look at each as brothers and sisters. It is important that as they go out there to reconcile this country, issues that are so prominent, including how we need to interrelate and inter-marry are addressed. I must support this Motion because of the number of women in this Commission. Ladies are serious lots and they can cut across tribes and nations. If they demonstrate that motherly love, this country will heal.

Mr. Temporary Deputy Speaker, Sir, it is true that this Commission has serious challenges. These challenges will, not only be addressed by this Commission alone, but all of us, as Kenyans. We need to embrace their recommendations. At the end of their term, this country needs to move forward as one nation. Kenya is a wonderful country. Wherever you go, everybody talks about Kenya. However, we use our hands to destroy our nation. We use our utterances to destroy our economy and wealth.

Mr. Temporary Deputy Speaker, Sir, we use our utterances to destroy our international relations. As I said, we all have collective responsibility in addressing matters of national cohesion. If, for example, they try to do a good job and tomorrow we go out there in the streets to shout hate speeches to the people who are supposed to be

brothers, we will have lost as a nation. Therefore, it is the responsibility of the Members of Parliament and the leadership of this country to address and manage the process of reconciliation. Let us do this passionately because that is our responsibility as leadership.

The people we lead speak about what we do. How do we relate within ourselves here? What do we tell each other when we are engaging, whether in private or public matters? We need to help our young people understand. Cohesion would have been a very easy thing to achieve if we followed the rules of an integrated society from the school level. Every time we want ascend to leadership, we use our communities to antagonize other people so as to ascend to leadership. However, when people sometimes make such mistakes, they take cover of their community. When things are upside down, we say that we are being finished as a community. However, when one was committing a crime, he committed it as an individual. It is high time we realized that a Kenyan is a Kenyan regardless of where they come from. The people who are in positions are the ones who get involved in actions that divide this country. For example, why would I be working in the Ministry of Trade and have every body aligned to me from top to about the third level from one community? This gives people ample time to feel hurt. That tension will never cease. As Kenyans, we should embrace and do what is perfectly right.

This job of reconciliation is just as easy as child play. However, when we get to positions of leadership, what we do and even those of us who wanted true change, when we got into positions, we forgot what we were fighting for, knowing for a fact, that it is us who rally our people to either fight or reconcile. Conveniently, one wants to be a hero in his own community by talking about our resources forgetting that those resources require to be taken to a market and to get to that market, one needs to use a road which passes through another community. This is a zero sum game. We need to grow to be nationalists. I like Nigerians. They may be having their own weaknesses but when a Nigerian is out of Nigeria, they will tell you about their country. They tell you how they do things in Nigeria. I would also love if Kenyans walked up straight with pride wherever they are and embraced their fellow brothers, sisters and cousins and hold each other's hand and bond.

As I said, the resource bank of this country is enormous. We could change ourselves into a first class country in less than 10 years if our policies, attitudes, pronouncements, behavior and how we walk can make this country a wonderful place to be in. Allow me to say that this must start with us, as the leadership. If we do not do it, no one will do it for us. I think it is critical that when this Committee comes into operation, we will give them all the support and embrace them. Let us look at Kenyans in a brotherly way. I said that we lack love in this country. People want to be selfish and bite more than they can chew. However, remember that God gave us wonderful resources, enough for all of us. That is the serious source of conflict. When that is balanced, we will live in peace.

With those few remarks, I beg to support.

Prof. Kamar: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support and congratulate the Committee for a job well done. Last week, I said that when we talk of one-third, we do not always refer to the one-third of women membership. We mean one-third of each gender; that is either men or women. I want to congratulate this Committee for doing what has never been done. They produced a list, in this House, that has more women than men, from the parent list. As I congratulate them, I would also like

to congratulate the House because it has been very sensitive to gender issues and we have passed a list that follows our rules.

Mr. Temporary Deputy Speaker, Sir, it is my hope that when the President looks at the list, he will continue to follow its style and give us balanced lists in the future. The Committee on National Cohesion and Integration attracted many women applicants. From the Report that came from the Committee, there were more women applicants more than men. Why was this? This is because the women's agenda has always been an agenda of peace; being mothers, sisters and wives. Women have always sold the message of peace more than men. So, it is only fair that when we have a committee like this one of National Cohesion, if we use women, we will do a lot.

We know that women have been involved in conflict resolution. If you look at the statistics of Non Governmental Organizations (NGOs) and Community Based Organizations (CBOs) that have been involved in peace building, you will find that women have done more than any other group in this country. Therefore, it is only honorable that women be honoured this time. I look forward to having two-thirds of women more than men because this is natural in them. It is something that we know they can do. They have the capacity and the ability.

You will realize when you look at the list, qualifications aside, we have women who are highly qualified, even in the original list. This tells us that our women are able, capable and we are expecting a lot from them. It is my belief that this Committee, even when we have two-thirds of them as we hope, being women, we will do a wonderful job.

My appeal to the House is that this Committee is one of the most important committees, especially now when we are healing as a nation. National cohesion is a by-product of the problems we had after the 2007 General Election. It is my prayer that this House will take this Committee very seriously and support it in all ways. This is a Committee that should have started its work much earlier than today. My appeal is that we ensure that the appointment of this Committee is done as soon as possible so that it can start its work. Areas that require intervention will be visited and handled. We know that we still have IDP camps and we still have other people who have not been settled. However, the presence of such a committee will create a lot of hope in the hearts of many who are very desperate. We know that our youths are not in a good situation and we need to build hope in them. Apart from everything else, we need to make them have a sense of belonging, love and unity amongst themselves. This Committee will have a broad spectrum of a gender that will cover some of these areas. I will not take long.

Mine is just to support and congratulate the Committee and the House for giving us a Committee that is this time very realistic on the representation of women.

I support.

Mr. Muthama: Bw. Naibu Spika wa Muda, asante sana kwa kunipa nafasiya kuchangia Hoja hii. Kwanza nataka kutoa shukrani nyingi sana kwa Kamati iliyofanya kazi kwa haki na usawa na ambayo ilizingatia maadili ya taifa. Walichagua watu bila kuzingatia misingi ya kikabila. Ningependa kusema kwamba uongozi wa nchi hii ni lazima utambuliwe. Mtu yeyote anayetumikia taifa hili kwa mapenzi na moyo wake wote inafaa atambuliwe. Shida tuliyo nayo na iliyoweka nchi hii katika matatizo makubwa ni kwamba hatuna shukrani kwa utumishi wa nchi. Mtu yeyote aliyetumikia taifa hili kutoka mwanzo mpaka leo, mchango wake hauonekani kama mchango wa taifa, bali unaonekana kama mchango wa kikabila.

Tukiangalia katika nchi nzima, watu wengine wanasema kwamba unapozungumza juu ya uongozi wa taifa hili basi usimuweke Mkikuyu ndani kwa sababu Wakikuyu walitoa Kenyatta na Kibaki kama rais. Hivi inamaanisha kwamba ni wakati wa wengine kuingia vile vile na kula. Mimi ningependa kusema kwamba uongozi wa nchi sio uongozi wa kikabila. Wakati Kenyatta alichukua uongozi, hakuchukua kwa mabavu bali alichaguliwa na wananchi vile tumeweka hawa katika mamlaka ili watutumikie. Bw. Kibaki alipoingia, hakupitia mlango wa nyuma bali alipewa kura na wananchi kama Mkenya ili kuongoza taifa hili. Hayo ndiyo maadili ambayo tungependa kuzingatia ili tumalize ukabila kabisa.

Bw. Naibu Spika wa Muda, Kamati hii ilipoketi chini, ilifanya kazi nzuri. Waliweka wanawake tisa kati ya wanachama 15. Wanawake ndio wanaoayaona matatizo na mateso ya nchi. Wanawake ndio wanaokimbia na watoto na wanajua hata shida ya kuzaa na pia wanaelewa shida za wananchi kwa jumla. Kwa kumalizia, ningependa kusema kwamba, tunapoanza masuala ya kuongoza nchi, tunataka tuweze kuweka utumishi wetu katika mashinani na tuwe watu wa kusema ukweli.

Mambo yamesemwa hapa hata yale ya mahindi. Mahindi ni jambo ambalo limezungumziwa na linaendelea na bado linazua taharuki kubwa hata katika bunge hili. Mimi ninaona kwamba swala hili litaendelea kuwa ngumu. Nataka kuwaomba wenzangu kwamba tunapolitaja jambo hili wasiseme kwamba “wanamaliza kabila letu.” Ningependa tujitoe mhanga na tupandishe ngazi yetu kwenda juu katika uongozi na mambo ya ukabila au kusema kwamba huyu ni ndugu yangu, tusahau kabisa. Kwa kweli, haingefaa kununua mahindi kutoka Africa Kusini kwa Kshs2,600 kwa gunia moja ya kilo 90. Wangenunua hapa katika nchi yetu kwa Kshs2,500 ili wakulima wetu wapate hela ya kujisaidia na kulipa madeni yao katika benki na kulipa karo ya watoto wao. Vile vile, wanabiashara wangepata pesa. Tunavyoona gharama ya kuleta hayo mahindi katika nchi hii ilikuwa ni Kshs1,200. Kwa hivyo, jumla ya gharama ni Kshs3,800. Hayo mahindi yalipofika Mombasa, *subsidy* ilikuwa ya Kshs1,750. Yanapouzwa hayo mahindi, yanauzwa kwa Kshs2,000. Hii inamaanisha kwamba Serikali inapoteza Kshs1,950. Sitaki kuzungumzia maneno ya mtu wala sitauliza ama kwamba yeye ni mkabila. Lile jambo ninaweza kusema ni kwamba nchi imepoteza pesa kiasi ya Kshs4 billioni. Tunapozungumza, utasikia wengine wakisema kwamba hii ni siasa. Walioko uongozini, waongoze bila ya kutumia lugha isiofaa.

Kwa hayo machache, ningependa kuunga mkono.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the Chairperson of the Departmental Committee on Administration of Justice and Legal Affairs. I want to thank the Committee that has worked very hard and the team that has given us these names. This is the first time that there is an institutional attempt at correcting the problem of negative ethnicity within this country. We cannot tire to remember all the good intentions that politicians have had in the past.

If you recall, all the political parties went out there during the campaigns preaching the unity of the nation and against tribalism. Many times, when we come to this House and while forming the Government, the political class has not been able to actuate public utterances and promises made to our people in terms of eliminating tribalism and negative ethnicity. This is because there has not been any clear instrument that the political class can utilize for purposes of making those utterances a reality.

Mr. Temporary Deputy Speaker, Sir, the formation of this Commission is a great step in this country towards making the dream of having a fair Kenya, a reality. Many of us, who were in the previous Parliament and now this one, are very happy because this is a historic moment because we are passing the first instrument that will directly address the question of negative ethnicity in this country. When we were passing the substantive law here, I said that advanced democracies such as the United Kingdom have been around for many years and yet to date, they still have a National Cohesion Commission. That commission looks into any challenges for the people who feel not properly treated or discriminated against. They may be Kenyans living in Britain. They may be Indians or Australians and might have imported their culture to Britain. They may feel discriminated when their jobs are lost or job opportunities denied because of their ethnicity or country of origin. Even such nations which have a long history have kept the National Cohesion Commission in their country.

I want to say that as we congratulate the Committee for its work, I would like the people who will sit in this Commission to be seized of the fact that they are not aligned to any political person, persons or parties in this country. Their loyalty is to the Republic of Kenya, and they are supposed to work for the people of Kenya. That is why we did not allow in the Act that the President or the Prime Minister, for that matter, to make the appointments. We wanted it to be clear that those people will work independently for the goodness and the unity of this nation.

Mr. Temporary Deputy Speaker, Sir, I want to make this point. They must not look behind and look at who is looking at them in the performance of their duties. They must be free and independent, so that they can help this country to move forward.

Mr. Temporary Deputy Speaker, Sir, when we were debating the main Act, and I will pray that the HANSARD will form part and parcel of their deliberation, so that they can understand the mind of the legislators when we were passing this law--- We said in this House that many Kenyans, because of their tribal affiliations, have failed to secure jobs in Ministries; they have failed to secure businesses in Ministries; they have failed to get appointments in boards of parastatals because they come from a certain ethnic community. They have been denied opportunities to buy property and settle in certain areas because they come from a certain ethnic community!

Mr. Temporary Deputy Speaker, Sir, we want this Commission, when it starts operating, to really look at the mind of Parliament; the collective will of the people of Kenya. We were saying that we do not want that to happen again. We were giving them power so that they can be able to do this thing without looking behind them. Without looking at “who appointed me!” That is because if you were appointed through a parliamentary process, no one will touch you without Parliament raising a finger to defend you. Parliament will come all out to defend you!

Mr. Temporary Deputy Speaker, Sir, I want to underline this other point that, really, when we are forming commissions, what we are trying to do is to chip at the powers of the Executive. What Parliament is doing and communicating is the following: It would have been very easy for us to simply pass a law that says: “Let the President appoint”, maybe, even in consultation with the Prime Ministers, some people to head this National Cohesion and Integration Commission and bring a Report to Parliament and stuff like that. The reason we say that it is Parliament that must do this is because we

know that the Executive is the biggest abuser and oppressor when it comes to the question of appointments and giving fair opportunities to ordinary Kenyans.

Mr. Temporary Deputy Speaker, Sir, I pray that this Commission, in particular, will not understand their work to be the work of looking at fairness in my village. For example, *ati* who has stolen which chicken; *ati* who has done what and what – those small little criminal things. Those are the things that have made us to be so critical of the Kenya Anti-Corruption Commission (KACC). That is because when we passed the law here to establish that Commission, we expected Ministers to be jailed. We expected Permanent Secretaries to be arrested. We expected managing directors to be put on notice and taken to court as they sit in their offices, if they are involved in any corruption. We expected chief procurement officers to be arrested after investigations and be put to answer! But, year after year, since the time we passed that law here, we have seen the Attorney-General and the Minister for Justice, National Cohesion and Constitutional Affairs coming here to tell us how many 1,000 cases they have arrested people who are charged with stealing chicken, corruptly accepting this or that or a police officer taking Kshs100 on the road from the *matatu*. We are not saying that those things should be condoned. But what we are saying is that those commissions must deal with the real crooks!

Mr. Temporary Deputy Speaker, Sir, I have always said that when the Bible says: “Judgment begins from the house”, it means it has to begin from those believers. When we say that those commissions must start working on bringing back national cohesion, we are not saying they should go there and arrest chiefs or a little clerk in the Government! What we are saying and what we expect them to do is, number one; they should tell us how many, of the members of staff in the Office of the President, belong to the ethnic community of the President? How many are holding sensitive positions and they belong to the ethnic community of the President? That is because they are independent people. They should tell us, in the office of the Vice-President and Ministry of Home Affairs, how many people who come from his own ethnic community work there? In the parastatals that are under his Ministry, how many people who come from his own ethnic community work there? Even in his own security. Is he, really, himself, exercising national cohesion? In the Office of the Prime Minister, how many people in his security detail are from his ethnic community? How many people from his ethnic community who are working in the parastatals under his watch? That should come down to Ministers. The ministers should tell us, since they were appointed into the Government, how many of them have been appointing their relatives, cousins and friends into positions of authority in total disregard to national cohesion? They should tell us, in the Ministries, the number of jobs which are being given in terms of work and business opportunities, how many Kenyans from all regions of this country are benefiting from those opportunities? Is it only the Minister’s friends, sons, daughters and cousins? How many are within this cocoon which has created a country of ten billionaires and millions of poverty-stricken people? This is a cocoon of families that have ruined this country! This is the report that we want them to Table here and start acting on the real issues that affect this country!

Mr. Temporary Deputy Speaker, Sir, they should not come here and start telling us how many people in the chief’s office that they have contacted and made sure that there is national cohesion there! They must attack where this Parliament intended! This

Parliament has no war with little chiefs and little clerks that we always prosecute in courts! This Parliament has a definite point it wants to make about national cohesion!

Mr. Temporary Deputy Speaker, Sir, look at the Ministries. You only have to look at the Minister to know who are the close people around those Ministries. It is a shame in this country! The people who come from small and minority communities like ourselves never get any opportunities! Why? Because we are not in that class; we are not the majority! That is what we need to address through this National Cohesion and Integration Commission! They should not come here with little things. We want to see those things happening in our time. If they are not going to do that, there is no point of us setting up this Commission!

Mr. Temporary Deputy Speaker, Sir, I want to say---

(Several hon. Members stood up in their places)

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

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, the kind of struggle that Martin Luther King led was different. It was not an ethnic struggle. His kind of struggle was racial discrimination. He said: "Black domination is as---"

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

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

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I am about to finish. Martin Luther King said: "Black domination is as dangerous as white domination." He was fighting for fairness. There is no big tribe that should dominate small tribes. Domination by a small tribe is as dangerous as domination by a big tribe. This is the message we want to send as Parliament on this National Cohesion and Integration Commission. We want them to start the actual work and Parliament will support them.

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

Mr. Baiya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I am a Member of the Committee that was involved in the nomination of this team. I want to confirm to this House that while going through this process, we were focused on getting Kenyans who are competent and capable of delivering. We only found out at the end of the exercise that we had nine women out of 15. It is not that the committee was out to push either of the gender, but it is out of its mandate. It is also true that the team has a combination of competent people that will allow it to venture into the issues regarding ethnic relations in this country.

I want to agree with the speakers who have spoken before me that it will be very imperative that this team, once appointed, will work without looking behind anybody's shoulder. They should work independently and exercise the diversity of competencies that they have. I am sure that the problems that are the basis of poor ethnic relations in this country are solvable problems. They are---

Mrs. Shabesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Judging by the mood of the House, is it in order for me to ask the Mover to reply?

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very historic Motion that will change the dynamics and shape of governance in this country. Is

it in order, even when the mood of the House is in one direction, to really hasten to deny intellectual input into this Motion?

The Temporary Deputy Speaker (Prof. Kaloki): Judging from the mood of this House and with concerns that most of you want to contribute to this very important Motion, we will proceed. We have time.

Proceed, Mr. Baiya.

Mr. Baiya: Thank you, very much, Mr. Temporary Deputy Speaker, Sir. The issues touching on ethnic and tribal relations in this country are shrouded in a lot of mystery. It is very important that in a forum like this, we are able to ventilate them. As a matter of historical fact, it is the case that the Kenyan people were always divided along ethnic lines. It is also true that they co-existed quite well. For instance, when the Kikuyus settled in Central Kenya, they assimilated the communities they found there. There were small communities, which they assimilated. They co-existed very well with the Maasais. We know very well that it is only with the onset of colonialism in this country which used the tool of divide and rule that the communities started developing negativity amongst each other. When it came to the struggle for independence around the 1950s, we know very well that with the outbreak of nationalism and the rise of the Mau Mau, it was imperative that the British colonialists aroused anti-Kikuyu sentiments among the various Kenyan people to contain the rise against nationalism.

This perpetration of tribalism and ethnicity has actually persisted even after Independence. We know very well that it is only around election time when the political class goes to their people to remind them of which communities and tribes they belong to.

During last election, this card was played to dangerous levels in this country. In September, 2007, a Bill to legislate against ethnic hatred was defeated in this Parliament because the politicians knew that they needed to play that card come December elections.

We are looking forward to a Commission that will independently and outside the political timing, help develop policies that will ensure that we come up with clear legislation to manage our ethnic relations. It is not just politicians who have used the ethnic card to split and divide Kenyans. We have also seen those who perceive themselves to be victims, perpetrating similar discrimination against those they perceive to be the culprits.

I have cases in mind where the argument for the so-called equality has degenerated to levels where human rights of some people have been seriously violated. They have been subjected to discrimination merely because they belong to this or that ethnic group. All these issues will require an unbiased team of commissioners to look at them and help this Government develop these policies.

Mr. Temporary Deputy Speaker, Sir, other countries have done it. We had an opportunity to visit a country like Britain where they have a Race Relations Team that, not only informs any legislation, but also government policy. It also helps members of the public in interpreting certain decisions of the government. In Britain where some people may demonstrate hostility to black people, there is a policy that guides against that hostility. They allow black people in Britain because of the economical advantage to their country. They only employ young and qualified people. These people are not so expensive to maintain by way of health and so on. In other words, they are exploiting these young people. They allow more productive labour from third world countries.

Mr. Temporary Deputy Speaker, Sir, it is for those reasons that we are supporting this Motion. We look forward to seeing this commission working.

Thank you.

Mr. Bahari: Thank you, Mr. Temporary Deputy Speaker, Sir. In order to allow other hon. Members to speak on the Motion, I intend to be very brief.

I want to join my colleagues in supporting this Motion, and want to point out a few issues. One, you would not expect to have national cohesion through a law. You cannot integrate a nation through a law. The laws can be there as a deterrent, in case somebody goes against certain norms, but it is only through ensuring that there is justice that you can give your neighbour comfort. It is only then that you and your neighbour can become cohesive. This is the fundamental thing.

Mr. Temporary Deputy Speaker, Sir, cohesion can be achieved by ensuring that there is equity in terms of distribution of resources across the country, and stopping favouring where you come from when you are in charge of distribution of resources, and ensuring that services are available to Kenyans, irrespective of which part of the country they live in. That way, we will have created cohesion.

You can enact laws but, as long as the fellows themselves feel that when So-and-So is in charge, their rights are taken away or they are treated unfairly, you cannot expect to create national cohesion. We must do away with all forms of discrimination. Those are the things that do not create cohesion.

Mr. Temporary Deputy Speaker, Sir, when Kenyans feel that they have access to services wherever they are, when they know that they are taken care of, irrespective of who are in top leadership positions, or in certain leadership positions--- When public officers serve Kenyans equally, people will enjoy comfort and feel more cohesive than we have been. So, we have experienced all the problems we have in this country, because we have thrown good virtues out of the window and allowed negative ethnicity to prevail in this country.

Another thing I really want to say is that through this process of nomination by Parliament, we have, in effect, devolved power from the Executive to institutions like Parliament. You can already see how cohesive we have become through this process. In this National Assembly, we have all the communities assembled. Kenyans now feel that they are properly represented, as opposed to having a few people in the Executive sitting somewhere and making appointments. We should continue in this spirit.

With those few remarks, I beg to support.

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since this matter has been exhausted, and given that people are saying the same things over and over again, would I be in order to move that the Mover be called upon to reply?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, that being a request, I think it would be fair for me to put it as a Question.

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

Mr. Abdikadir: Mr. Temporary Deputy Speaker, Sir, I would like to thank all the hon. Members who have contributed to this Motion. The House has spoken loud and

clear. Their contributions are clearly for the adoption of the Motion. For that, I thank them.

Mr. Temporary Deputy Speaker, Sir, it is also important to note that hon. Members of this House, who provide the political leadership in this country, agree that our politics, which is organized on ethnic lines, is really the key problem. I hope that we can, as the political leadership of this country, address the problem of political mobilization along ethnic lines.

With those remarks, I beg to move.

(Question put and agreed to)

EXTENSION OF MANDATE OF COMMITTEE ON ACTIVITIES
OF UNLAWFUL ORGANIZATIONS

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, this House extends the mandate of the Parliamentary Select Committee on the activities of Unlawful Organizations by three months to enable the Committee conclude its activities as per the terms of reference of its establishment.

On 23rd July, 2008, Parliament set up a Select Committee to look into the activities of unlawful groups and organizations in this country. The Committee has executed part of its mandate. The Committee set out to check on the membership, organization structures, why these groups are growing, establish whether there is involvement of politicians, and what impact these groups have had.

With those remarks, I beg to move.

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir: I thought the hon. Member should be moving the Motion on the Order Paper.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Chanzu! Mr. Kioni is moving the Motion on the Order Paper, and he is in order.

Mrs. Shabesh: Mr. Temporary Deputy Speaker, Sir, I would like to second the Motion on the extension of the term of the Select Committee. As a Member of this Committee, who has seen the real value that the investigation we are carrying out will bring to this country, and given that the national attention is right now focused on the activities of these groups, I feel that it is important for us to be able to complete our work. This work needs more time; this House has been busy, and we have not been able to visit all the areas that are affected by unlawful groupings.

As we continue with this work, we would also like to ensure that we bring back to this House a comprehensive report that can bring to an end the issue of young people joining unlawful groupings, and enable hon. Members understand the genesis of this problem. I am, therefore, seconding this Motion, because I know that the issue we are dealing with is one of concern to this nation, and is one that I believe, only Parliament can bring to an end.

With those remarks, I beg to second.

(Question proposed)

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I wish to support the Motion.

The formation of this Select Committee was found necessary because of the problems that this country has faced from the mushrooming gangs of young Kenyans, who have lost hope. As a Member of this Committee, I am aware that we have tried to stay within the time line given by this House, but the task given to the Committee is enormous.

We have traversed this country. We have been to Mount Elgon. We have been to Western Province and other areas, but it is clear that the problem is larger than we thought. As the Committee has been going on with its work, events have continued unfolding. An example is the Mathira killings, and what happened in Kirinyaga recently.

Mr. Temporary Deputy Speaker, Sir, as we were mourning the deaths of 29 young people who were brutally murdered in Kirinyaga and Mathira, we heard about the *Sungu sungu* in Kisii. They are emerging every day. So, this is a Committee that needs more time. It is not just time that we are seeking to be extended. In fact, we are asking that more resources be made available to the Committee to facilitate its very important work.

With those few remarks, I beg to support.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I also want to support this Motion, particularly with regard to what Mr. Wamalwa has said. However, I want to add another angle to it.

In reading the history of gangsters and gangsterism, a study of the *La Cosa Nostra* who were the Mafia of Italy, reveals that there is an interconnection between the actual operators and judicial officers, political class, some business people and the police. I am saying this because in that case study, it was found that those who were involved in illegal activities would buy protection from the police and judicial officers so that when their people are arrested, they could secure their freedom or receive very lenient sentences.

Mr. Speaker, Sir, those people had political connections so that they could make a telephone call to people with political influence so that they could get released whenever they were in a fix. It is good that the Chairman, Mr. Kioni and some hon. Members of the Committee are here. Kenyans would like to know the politicians, businessmen, judicial officers and police operators who have been compromised by these gangsters. I would like to know the protective measures we will take in future to make sure that this does not happen. We may not have these problems in Garsen or in the larger Coast Province, but what will we do so that we do not have this problem in those regions in future? We would like the Members of this Committee to do a thorough job. They should also look at the issues clearly because Kenyans are interested in knowing the truth. We would like them, as we extend their time today, to look at these inter-related structures so that they can name the people who are involved when they come here. We want names so that we can deal with that matter once and for all.

Mr. Temporary Deputy Speaker, Sir, I beg to support the extension of time for this Committee.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I rise to support the extension of the life of this Select Committee. It is embarrassing that Parliament is trying to do the work which security forces are supposed to do. It is increasingly becoming clear that the country is insecure and there is nothing good to talk about our security. I want to hasten

and say that people do not have security because of political interference. Our people have been incited into believing that all matters are political. Politicians have created monsters that they cannot control. They have lit a fire that is hard to extinguish.

I heard an hon. Member say over the weekend that *Mungiki* was created by politicians, and that it grew until it is too big to hold now. The Government should not condone such activities.

The Government has abdicated its role of providing security. It is not just the proscribed groups. Look at what is happening in Turkana. Look at what is happening in Migingo Island. What is the role of the Government in all these aspects? In my view, a group such as *Mungiki* cannot thrive as much as they are doing without the support of the Government. This means that there are some people in the Government who want to have a force within the country. The unfortunate thing is that these people are killing our people. It is unfortunate to have people who run parallel tax collection systems and threaten others. These people kill others because they know they will not be punished.

Mr. Temporary Deputy Speaker, Sir, I want to thank Mr. Kioni for thinking of doing the work which the Government has refused to do over the years. It beats logic, how innocent and helpless Kenyans can be “taxed” by gangs on a bus stage.

It is not a crime to own a *matatu* that plies between the City Centre and Dandora. However, those who own them are paying dearly. I also hasten to say that *Mungiki* is a police organization. How could they be thriving so much in the eyes of the police? If I were the Minister in charge of internal security, I would make sure that this comes to a stop. These gangs are operating with constant express authority from the Government; otherwise it should have stopped their activities.

Once the Committee finishes its investigations, it should bring its report before this House for debate. This is because we have had too many Commissions that give reports, but nobody cares to table them for the public to see.

There are some things, which are just as violent as what we are seeing from these proscribed groups in this country, for example, devil worship. All Kenyans know that there has been a Commission to look into this matter. Somebody is hiding that Report because when it was compiled, it was found that the very politicians who commissioned the Report are devil worshippers. So, you have somewhere, right in the middle of town, where very prominent personalities worship the devil and nobody can do anything about it. This is because the Government, which commissioned that investigation, has refused to release the report to the public. This is a big shame to our country.

I thank Parliament because I think we are doing the right thing. Let us work extra hard to open the devil’s Government. Let us put everything on the table because for the last 40 years, this Government has done very wrong things to our people. These things are hidden by the same Government. I do not mean the current administration, but the Government has its people. Ms. Karua complained here the other day that civil servants are doing very bad things. They have taken over the role of politicians. They are managing this country in a way that is so wrong and rotten that Parliament must keep doing the kind of thing this Committee is doing.

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

Mr. Muthama: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the extension for the Committee. I am a Member and we have realized that there is a lot that needs to be done. The country is very big and these groups are in almost

every corner of this country. The other day, we buried over 29 young people in Mathira. Sungu Sungu killed some people in Kisii and if you listen to what is happening, we need time to go to the bottom of this issue and establish the problem. We want to know without criticizing our young men and women in the force--- Kenyans are very good at criticizing for the sake of it so that they can win the support of the public but nobody cares when our sons and daughters in the force are killed by criminals.

The human rights groups have contributed to this problem in the country because they seem to the judges, prosecutors; even foreigners who have been associated with those human groups have taken this country as though they know every corner and its cultural set up. They have taken over the issue. When there is a problem, they behave as though they know what is happening. For us to have a united country; a country with citizens who obey the laws of the land, we need to establish the root cause of this problem. We have covered the ground and within the three months that we are asking for, we will present a report to this House for adoption.

Before I conclude, I want to say that it has been the practice to stand here and talk the whole day. This Parliament has had hon. Members since 1960 but there seems to be a problem; the implementation of what is discussed here and very viable suggestions. We seem to prepare documents, put them in drawers and leave them there. It must be understood that the issue we are dealing with touches on the lives of Kenyans. There is nothing that is important for human kind than life. Anybody who takes the life of another person commits the worst crime in this country because life is not something that you can give back. You are allowed to take only what you can give back. Those who are taking other people's lives are committing the biggest crime in this country. So, let us be serious! This report will come here and we want to see it implemented.

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

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also want to add a few comments in supporting the extension of the work of this Committee for three months. One of the biggest problems we have in this country, as a growing country, is the rate of population growth. We have heard from various documents and fora that over 70 per cent of the population is composed of the youth. With lack of employment and opportunities for these youths, it is very easy for them to get into these unlawful groups or organizations.

The role this Committee is playing is overdue. If you look at someone who comes from town, and this has happened, we have had people who have been retired early from various organizations like the police and the army on disciplinary grounds. They come from the city and they go and live in the villages. They have all the knowledge about what they can do to finish a whole village. So, I think the Government, in coming up with this report just like one of the previous speaker's has said, it is very important that once this report is complete, it is brought to this House so that we talk about it. It is very good that today, we are talking with cameras on so that every Kenyan can know what this Parliament is doing. Right now, we are talking like Kenya is supposed to be an agricultural country, yet we do not have facilities. We have heard that fertilizer is very expensive. The agricultural inputs are very expensive and even unemployed people cannot survive in the rural areas. That is why you are finding that there is a very high rate of rural-urban migration. At the end of the day, a majority of them come here and learn what they would not have learnt in the rural areas. Yesterday in Vihiga Constituency, we

buried a young person who hailed from Vihiga and had gone to live with other people in Kisumu looking for employment. The easiest way they could get access to money was by organizing these kind of groups to harass people and take money. The boy was buried after having been felled by seven bullets. So, it is a very critical thing and we must all support this.

I saw somewhere where taxation of a sector which I think would help this country--- We still have to confirm this but a sector like the hides and skins business where somebody was saying because of the very high tax on these items, they are not able to export them. So, they are rotting, yet the Government is doing nothing to ensure that if we cannot export those items, we have, either a market or industries to utilize them. So, there is a big role that the Government needs to play. I am happy that this Motion has come. I hope that within this time, Members of this Committee will work exhaustively to make sure that they bring up all these issues that afflict our country so that we can look for remedies. Of course, it also means involving everybody. I would like to advice the Chairman of this Committee not to act like the people I see writing opinion polls saying that they contacted 2,000 people and you never see them. They should try as much as possible to get to the root of the problem by getting to everybody who can give information, particularly on these issues.

With those few remarks, I beg to support.

Ms. Odhiambo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to support the Motion for extension. In doing so, I want to agree with hon. Members and the reasons they have given for supporting the extension. I would only want to add one point that since this Committee started its work; a lot of new information has come up. As a matter of fact, the Vice-President and Minister for Home Affairs indicated at one of the speeches I was given that Mungiki which is considered one of the unlawful organizations did not begin in Central Kenya but began elsewhere and were imported into Central Kenya. It will give the Committee an opportunity to further interrogate the Vice-President and Minister for Home Affairs over the knowledge he has over this matter.

With those few remarks, I beg to support.

Mr. Murgor: Thank you Mr. Temporary Deputy Speaker, Sir. I also concur with my colleagues in supporting the extension of the mandate of the Parliamentary Select Committee on the Activities of Unlawful Organizations.

In my view, I feel that the Government has lost the nerve of getting down into the root cause of these issues. I say so because for the Government to hear what her citizens are going through and yet give a deaf ear, really makes the whole system of governance really questionable. The Government does not seem to be concerned when a tragedy has befallen people somewhere. The Government just treats it as business as usual. The Government does not feel with the people when such events take place.

Mr. Temporary Deputy Speaker, Sir, I also feel that the Government has lost the nerve to correct the situation. This is because even when recommendations are made, the Government is slow in implementation or to even take action at all. This makes it to be perpetuated even more. This is because if action is not taken against the first situation, you can be sure that those who practice it will graduate to an advanced status.

I also feel that corruption has eaten this country so much that you find the police compromise, join the crime or fear. I remember many times when cattle rustlers strike a

village and the police are informed, the first thing they say is: "Those people have very sophisticated weapons. We do not have such weapons". This is not true. It is usually that the police fear and are compromised and, therefore, have no reason to defend the citizens and their properties when such a situation presents itself.

Mr. Temporary Deputy Speaker, Sir, you also find that the police have made these groups or militia to be financial agents. At the end of the preying, they share the loot. This is done either financially or materially. The police, therefore, gain financially out of such incidences. You also find that there is high level bribery in such situations.

I would also like to point out that politicians find usefulness of these groups at certain times. This is especially when they want to fight their rivals and opponents. They, therefore, finance them and give them ability to wipe out, cripple or disable their opponents. Eventually this graduates into such a large group such as the situation in some parts of the country.

Mr. Temporary Deputy Speaker, Sir, hopefully---

Mr. Kaino: On a point of order, Mr. Temporary Deputy Speaker, Sir. After hon. Members have contributed, it appears they are going to one direction. I feel the mood of the House is that the mover be called upon to reply.

(Applause)

(Question, that the mover be called upon to reply, put and agreed to)

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Members for their support. We undertake to have the Report by the third month from today. During that time, it will be possible for the Committee to have public hearings in Nairobi. We will also be able to visit parts of Mt. Elgon. We will also be able to engage the security agents further.

Mr. Temporary Deputy Speaker, Sir, we will also be able to talk to professionals who have been in this field and possibly be able to have a comparative study in countries that have gone through this kind of scenario before.

Thank you.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, that concludes the Business on the Order Paper. The House is, therefore, adjourned until tomorrow, Wednesday, 13th May 2009, at 9.00 a.m.

The House rose at 5.40 p.m.